

MAINE STATE LEGISLATURE

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RECEIVED
DEC 12 2014
DAFS Comm. Office

To: Committee on Appropriations & Financial Affairs
From: Melissa L. Gott, State Budget Officer *MLG*
Date: December 10, 2014
Subject: Federal Mandates

The State Budget Officer is required by 5 M.R.S.A., Section 1670, to submit a list of any new laws, regulations, or other actions that may require the State to comply with any new federal mandate in the current biennium or the next biennium.

Attached please find the report of federal mandates as submitted from the various State departments and agencies.

If you should have any questions regarding this report, please do not hesitate to contact the Budget Office at (207) 624-7810.

Thank you.

MLG/kb

cc: Maureen Dawson, Acting Director, OFPR
✓ Richard Rosen, Acting Commissioner, DAFS

FEDERAL MANDATES

| DEPARTMENT OR AGENCY | PROGRAM NAME & ACCOUNT # | FED CITE | DESCRIPTION OF THE PURPOSE OF THE MANDATE | IMPLEMENT- STATION DATE (DD-MM-YY) | FUND (SEE KEY) | AMOUNT | STATE FISCAL YEAR |
|----------------------------|--------------------------------|---|---|---|----------------------|------------------------------------|-------------------------|
| Education | Special Services Z08102 | IDEA, 20 USC and 30 CFR | The Office of Special Education Programs (OSEP) has changed accountability and reporting for special education expenditures to a system of looking at educational outcomes for students with disability rather than reporting on services provided. | Began 11/2014; ongoing | 13 | \$100,000 estimate for 1 FTE | 2015 and beyond |
| Education | ESEA Title 1 Z08113 | ESEA of 1965 section 1111(b)(8)(C) | Educator Equity – Requires states to adopt plans to ensure that low-income and minority children are not taught disproportionately by inexperienced, unqualified or out-of-field teachers | 6/1/2015 | 13 | Undetermined | 2015- 2016 |

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 049, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 069, 070, 071, 075, 076, 077, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 091, 098, 099, 100

BOB:dsa/examiner/mandate.xls

FEDERAL MANDATES

| DEPARTMENT OR AGENCY | PROGRAM NAME & ACCOUNT # | FED CITE | DESCRIPTION OF THE PURPOSE OF THE MANDATE | IMPLEMENT- STATION DATE (DD-MM-YY) | FUND (SEE KEY) | AMOUNT | STATE FISCAL YEAR |
|----------------------|--------------------------|--|---|------------------------------------|----------------|--------------|-------------------|
| DHHS/OMS | MaineCare Admin, 012901 | ACA PL 111-148/PL 111-152, Sections 6401, 6402, 6501, 6502 | <p>ACA-Provider Screening and Enhanced Program Integrity Provisions. The ACA included numerous provisions in Medicaid to reduce fraud and abuse. These include –but are not limited to:</p> <ul style="list-style-type: none"> - Required screening of providers and suppliers according to their level of risk of fraud, waste and abuse. (eff. 9/23/10) (In progress) - Required disclosure by providers and suppliers enrolling or reenrolling regarding affiliations with others that have uncollected debt, have had payments suspended, been excluded from a federal health care program, or had billing privileges revoked. (In progress) - Requires NPI on enrollment applications (eff. 1/1/11) (In progress) - Termination of provider participation in Medicaid if provider had been terminated under Medicare or another state's Medicaid program (eff. 1/1/11) (In progress) - Exclusion from participation of providers with ownership, control or management affiliations with entities that fail to repay overpayments or are excluded, suspended or terminated from Medicaid. (eff. 1/1/11) (REPEALED 12/15/10 Medicare and Medicaid Extenders Act) - Requires all ordering and referring providers to enroll. (In progress) | Apr-16 | 010-013 | \$204,864.00 | 13 |
| | | | | | | \$3,216,461 | 14 |
| | | | | | | \$4,345,041 | 15 |
| | | | | | | \$1,912,138 | 16 |
| DHHS/OMS | MaineCare Admin, 012901 | ACA PL 111-148/PL 111-152 Section 6504 | Transformed Medicaid Statistical Information System (T-MSIS). statutory requirement for states to submit claims data, enrollee encounter data, and supporting information. Section 6504 of the Affordable Care Act strengthened this provision by requiring states to include data elements the Secretary determines necessary for program integrity, program oversight, and administration. | Jan-15 | 010-013 | \$72,100 | 13 |
| | | | | | | \$866,372 | 14 |
| | | | | | | \$26,382 | 15 |
| DHHS/OMS | MaineCare Admin, 012901 | ACA PL 111-148/PL 111-152 Section 2702 | Hospital Acquired Conditions. Prohibits federal payment for Health Acquired Conditions. Directs the Secretary to define HAC, consistent with the definition of hospital acquired conditions in Medicare, but considering differences between the two programs and not limiting it to conditions acquired in hospitals. | TBD | | TBD | |

| | | | | | | | |
|-------------------------------|--|---|---|------------------------------------|----------------|--------------------------|--|
| DHHS/OMS | MaineCare Admin, 012901 | 29 CFR Part 552 | Application of Fair Labor Standards to Domestic Service. brings important minimum wage and overtime protection to the many workers who, by their service, enable individuals with disabilities and the elderly to continue to live independently in their homes and participate in their communities. | Jan-15 | | \$0 | |
| DHHS/OMS | MaineCare Admin, 012901 | 45 CFR 162.1002 | ICD-10. A method of coding the patient's state of health and institutional procedures. State Medicaid programs are required to implment HIPPA compliant ICD-10 codes. | Oct-15 | 010-013 | TBD | |
| DHHS/OMS | MaineCare Admin, 012901 | ACA PL 111-148/PD 111-152, Section 1104 | Counsel for Affordable Quality HealthCare Inc. (CAHQ); Committee on Operating Rules for Information Exchange (CORE) Phase III. Adoption of operating rules for eligibility for a health plan and health care claim status transaction, with the goal of: enhancing interoperability between providers and payers, streamlining eligility, benefits, and claims data transactions and reducing the amount of time and resources providers spend ona dministrative functions. | Jan-15 | 010-013 | \$28,150 | 14 |
| | | | | | | \$120,305 | 15 |
| DHHS/OMS | MaineCare Admin, 012901 | 42 CFR 441.301(c)(4)(5) and 441.710(a)(1)(2) | Home and Community Based Settings. The final Home and Community-Based Services regulations set forth new requirements for several Medicaid authorities under which states may provide home and community-based long-term services and supports. The regulations enhance the quality of HCBS and provide additional protections to individuals that receive services under these Medicaid authorities. | Varies based on policy | | \$0 | |
| DHHS - Maine CDC Maine CDC | Maine Cancer Registry | CDC's NPCR has 5 year standards for state cancer registries | IT support /funding must be maintained to increase electronic reporting by physicians and pathology laboratories. Specifically, IT Systems analyst, additional server costs. | 1/7/2012 | 013 | \$20,000 | 2012/13 - yr 1 2013/14 - yr 2 2014/15 - yr 3 2015/16 - yr 4 2016/17 - yr 5 |
| | Maine Cancer Regi | ACA | Readiness to receive cancer reports for Meaningful Use - Stage 2. | 1/1/2014 | | | |
| Maine CDC | Drinking Water Program 013-10A-2420-03 | 40 CFR Parts 141, 142 | Revised Total Coliform Rule - US EPA has revised the Total Coliform Rule to address distribution system contamination- Implementation must be completed by April 2016. | 4/1/2016 | 13 | Not yet determi | 2016 |
| DHHS/MECDC | Maine Immunization Program | 42 U.S.C. 1396s | In section 1396a(a)(62) of this title, each State shall establish a pediatric vaccine distribution program (which may be administered by the State department of health), consistent with the requirements of of this section, under which- | Annually, January through December | 010, 013, 014, | \$2,839,541 (Operations) | No |

Operations: 013
2608 03
2530IMM.F2013,
013 2533 03
2533VAC.F2013,
013 2596 03
2596VFC, 013
2597 03
2597AFIX, 013
2598 013
2598FLU

Vaccine
Purchases: 014
Z121 01, 014
2531 03, 010
2933 01, 014
Z048 01

A) each vaccine-eligible child, in receiving an immunization with a qualified pediatric vaccine for the registered program provider on or after October 1, 1994, is entitled to receive the immunization without charge for the cost of such vaccine; and

B) (i) each program-registered provider who administers such a pediatric vaccine to a vaccine-eligible child on or after such date is entitled to receive such vaccine under the program without charge either for the vaccine or its delivery to the provider, and (ii) no vaccine is distributed under the program to a provider unless the provider is a program -registered provider.

\$27,625,806
(Vaccine
Purchases)

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| DHHS - Maine CDC |
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| DHHS - Maine CDC |

014-10A-6906

Intelligence Reform

To establish minimum national standards for state and local vital statistics offices for national security purposes.

Title 29-A §1411. Prohibition against participation in the federal REAL ID Act of 2005

The State may not participate in the federal REAL ID Act of 2005, enacted as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109-13. The Secretary of State may not amend the procedures for applying for a driver's license or nondriver identification card under this chapter in a manner designed to conform to the federal REAL ID Act of 2005.

Not known.

014/010 Not known.

11/12

12/13

13/14

14/15

7/1/2013

014/010 Not known.

12/13