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Resolve, To Preserve Access to Assisted Living Services for Maine's Elderly and Disabled Citizens

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Freese's Assisted Living Program, Stearns Assisted Living, Merry Gardens Estates, Wardwell Assisted Living Services, Mayflower Place, The Inn at Augusta City Hall and Iris Park Apartments, in their provision of assisted living services through tax credit projects to the residents of this State who are elderly or who have disabilities, have not received a MaineCare rate adjustment since 2004 to accommodate the rising cost of personnel and benefits, food, utilities and insurance; and

Whereas, 5 of the 7 tax credit assisted living projects finished the last fiscal year in deficit, placing at risk their ability to continue to provide services; and

Whereas, some residents of the 7 tax credit assisted living projects require time away from the projects for hospitalization or rehabilitation and personal reasons, which, without a reimbursement mechanism for service-hold days in the Department of Health and Human Services' rules for MaineCare reimbursement, places a financial burden on the tax credit assisted living projects; and

Whereas, the current state of fiscal health of the 7 tax credit assisted living projects places the projects at risk of instability and potential closure, which would displace their residents and cause an increase in need for scarce residential care services or more expensive nursing facility care; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1 MaineCare reimbursement. Resolved: That the Department of Health and Human Services shall amend the rules of reimbursement under the MaineCare program for providers of tax credit assisted living services to increase the reimbursement rate by 3% beginning October 1, 2008 for the following tax credit assisted living projects: Freese's Assisted Living Program, Stearns Assisted Living, Merry Gardens Estates, Wardwell Assisted Living Services, Mayflower Place, The Inn at Augusta City Hall and Iris Park Apartments. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further

Sec. 2 MaineCare service-hold days. Resolved: That the Department of Health and Human Services shall amend the rules of reimbursement under the MaineCare program for providers of tax credit assisted living services to establish and reimburse for service-hold days beginning October 1, 2008 for the following tax credit assisted living projects: Freese's Assisted Living Program, Stearns Assisted Living, Merry Gardens Estates, Wardwell Assisted Living Services, Mayflower Place, The Inn at Augusta City Hall and Iris Park Apartments. Service-hold reimbursement must be modeled on MaineCare bed-hold reimbursement for private nonmedical institutions under Chapter 101, the MaineCare Benefits Manual, Section 97.05-4. Service-hold reimbursement must be available during the time period that a resident is

away for hospitalization or rehabilitation and for personal reasons such as therapeutic visits with family or friends. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This resolve directs the Department of Health and Human Services to amend the rules of reimbursement under the MaineCare program for 7 tax credit assisted living projects to provide a 3% rate increase and to reimburse for service-hold days, beginning October 1, 2008. The rules are designated routine technical rules. The 7 tax credit assisted living projects are Freese's Assisted Living Program, Stearns Assisted Living, Merry Gardens Estates, Wardwell Assisted Living Services, Mayflower Place, The Inn at Augusta City Hall and Iris Park Apartments.