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HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 833, L.D. 1189, Bill, “An Act Regarding Implementation of Cost-of-living Increases for Nursing Facilities”

Amend the bill by striking out the title and substituting the following:

'Resolve, Regarding Implementation of Cost-of-living Increases for Nursing Facilities'

Amend the bill by striking out everything after the emergency preamble and before the emergency clause and inserting the following:

'Sec. 1. Cost-of-living adjustment rules for fiscal year ending 2012. Resolved: That the Department of Health and Human Services shall amend its rules regarding the cost-of-living adjustment required pursuant to the Maine Revised Statutes, Title 22, section 1708, subsection 3, paragraph E as provided in this section. The rules must contain an annual inflation adjustment that, with regard to the cost-of-living adjustment for a nursing facility for its fiscal year ending in 2012, if the nursing facility would receive a downward adjustment in its otherwise applicable cost-of-living adjustment effective October 1, 2011 as a result of a finding by the department that it did not provide a wage increase to frontline employees as required by rule. The rules must provide for full payment if the nursing facility demonstrates to the satisfaction of the department by its first fiscal year ending after July 1, 2013 that the facility granted an equivalent wage increase since the previous cost-of-living adjustment. This section applies only to the extent approved by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. Notwithstanding any provision of law to the contrary, the rules may be adopted on an emergency basis. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

SUMMARY

This amendment replaces the bill. It directs the Department of Health and Human Services to adopt rules regarding the cost-of-living adjustment payable to a nursing

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1 facility for the fiscal year that ends in 2012 that allow full payment of the cost-of-living
2 adjustment if the required wage increases to frontline employees are granted over a
3 longer period of time than allowed by current rule. The amendment authorizes the
4 Department of Health and Human Services to adopt the rules on an emergency basis. The
5 amendment designates the rules as routine technical rules.