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Date: (Filing No. S-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
SENATE
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 512, L.D. 1466, Bill, “An Act To Address Severe and Ongoing Shortfalls in the Funding of Direct Care Workers in Long-term Care Settings and To Establish the Commission To Study Long-term Care Workforce Issues”

Amend the bill in section 1 by striking out all of subsection 2 (page 1, lines 33 to 35 in L.D.) and inserting the following:

2. Rate increases for fiscal year 2018-19 and thereafter. For the state fiscal year ending June 30, 2019 and each year thereafter, the MaineCare payment rates for personal care and related services under each of the provisions under this section calculated under subsection 1 must be increased by an inflation adjustment cost-of-living percentage change in reimbursement in accordance with the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index medical care services index.'

Amend the bill in section 2 by striking out all of subsection 2 (page 2, lines 8 to 11 in L.D.) and inserting the following:

2. Rate increases for fiscal year 2018-19 and thereafter until completion of rate study. For the state fiscal year ending June 30, 2019 and each year thereafter until the completion of the rate study under subsection 3, the MaineCare payment rates attributable to wages and salaries for personal care and related services under each of the provisions under this section calculated under subsection 1 must be increased by an inflation adjustment cost-of-living percentage change in reimbursement in accordance with the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index medical care services index.

3. Rate study. Cost-of-living increases as described in subsection 2 must continue on an annual basis until the Department of Health and Human Services has completed a rate study conducted by a 3rd party, including participation of providers, for adult family care services, adult day services or homemaker services and the rates in the rate study have been implemented.'

COMMITTEE AMENDMENT

1 Amend the bill in section 3 by striking out all of subsection 2 (page 2, lines 30 to 41
2 in L.D.) and inserting the following:

3 **'2. Rate increases for fiscal year 2018-19 and thereafter until completion of rate**
4 **study.** For the state fiscal year ending June 30, 2019 and each year thereafter until the
5 completion of the rate study under subsection 3, an additional extraordinary circumstance
6 supplemental allowance must be made as required by section 34 of the Principles of
7 Reimbursement for Nursing Facilities equal to the amount of an inflation adjustment cost-
8 of-living percentage change in reimbursement in accordance with the United States
9 Department of Labor, Bureau of Labor Statistics, Consumer Price Index medical care
10 services index of the portion of each facility's prospective and final prospective rate that
11 is attributable to wages and wage-related benefits in both the direct care cost component
12 and the routine care cost component. This supplemental allowance must be provided as
13 part of each facility's prospective rate, notwithstanding any otherwise applicable caps or
14 limits on reimbursement. This supplemental allowance must also be allowed and paid at
15 final audit to the full extent that the facility has reported increased costs for wages and
16 wage-related benefits, notwithstanding any otherwise applicable caps or limits on
17 reimbursement, including without limitation the amount of the supplemental allowance
18 added to prospective payment rates.

19 **3. Rate study.** Cost-of-living increases as described in subsection 2 must continue
20 on an annual basis until the Department of Health and Human Services has completed a
21 rate study conducted by a 3rd party, including participation of providers, for nursing
22 facilities and the rates in the rate study have been implemented.'

23 Amend the bill in section 4 by striking out all of subsection 2 (page 3, lines 17 to 29
24 in L.D.) and inserting the following:

25 **'2. Rate increase for fiscal year 2018-19 and thereafter until completion of rate**
26 **study.** For the state fiscal year ending June 30, 2019 and each year thereafter until the
27 completion of the rate study under subsection 3, additional reimbursement by a
28 supplemental payment in the amount of an inflation adjustment cost-of-living percentage
29 change in reimbursement in accordance with the United States Department of Labor,
30 Bureau of Labor Statistics, Consumer Price Index medical care services index over the
31 payment rate calculated under subsection 1 of the portion of the facility's per diem rate
32 that is attributable to wages, wage-related benefits and workers' compensation must be
33 added to the per diem rate until the department adjusts the direct care pricer, the routine
34 limit and the personal care services limit, as applicable, to incorporate this increase going
35 forward. This increase must be provided as part of each facility's per diem rate
36 notwithstanding any otherwise applicable caps or limits on reimbursement. This
37 supplemental payment must also be allowed and paid at final audit to the full extent that
38 the facility has reported increased costs for wages, wage-related benefits and workers'
39 compensation, notwithstanding any otherwise applicable caps or limits on
40 reimbursement, including without limitation the amount of the supplemental payment
41 added to prospective payment rates.

42 **3. Rate study.** Cost-of-living increases as described in subsection 2 must continue
43 on an annual basis until the Department of Health and Human Services has completed a
44 rate study conducted by a 3rd party, including participation of providers, for residential
45 care facilities and the rates in the rate study have been implemented.'

1 Amend the bill in section 5 in subsection 9 in the first line (page 5, line 30 in L.D.) by
 2 striking out the following: "October 15" and inserting the following: 'December 2'

3 Amend the bill by inserting after section 5 the following:

4 '**Sec. 6. Appropriations and allocations.** The following appropriations and
 5 allocations are made.

6 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

7 **Developmental Services - Community 0122**

8 Initiative: Provides appropriations for an increase to rates for certain services.

9	GENERAL FUND	2017-18	2018-19
10	All Other	\$66,990	\$96,465
11			
12	GENERAL FUND TOTAL	<u>\$66,990</u>	<u>\$96,465</u>

13 **Long Term Care - Office of Aging and Disability Services 0420**

14 Initiative: Provides appropriations for an increase to rates for certain services.

15	GENERAL FUND	2017-18	2018-19
16	All Other	\$929,673	\$1,421,378
17			
18	GENERAL FUND TOTAL	<u>\$929,673</u>	<u>\$1,421,378</u>

19 **Medical Care - Payments to Providers 0147**

20 Initiative: Provides appropriations and allocations for an increase to rates for certain
 21 services.

22	GENERAL FUND	2017-18	2018-19
23	All Other	\$6,405,351	\$9,585,335
24			
25	GENERAL FUND TOTAL	<u>\$6,405,351</u>	<u>\$9,585,335</u>

26	FEDERAL EXPENDITURES FUND	2017-18	2018-19
27	All Other	\$20,085,327	\$35,811,906
28			
29	FEDERAL EXPENDITURES FUND TOTAL	<u>\$20,085,327</u>	<u>\$35,811,906</u>

1	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
2	All Other	\$773,294	\$1,214,774
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$773,294</u>	<u>\$1,214,774</u>

5 **Nursing Facilities 0148**

6 Initiative: Provides appropriations and allocations for an increase to rates for certain
7 services.

8	GENERAL FUND	2017-18	2018-19
9	All Other	\$18,901,499	\$24,563,125
10			
11	GENERAL FUND TOTAL	<u>\$18,901,499</u>	<u>\$24,563,125</u>

12	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
13	All Other	\$1,661,427	\$2,609,923
14			
15	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$1,661,427</u>	<u>\$2,609,923</u>

16 **PNMI Room and Board Z009**

17 Initiative: Provides appropriations for an increase to rates for certain services.

18	GENERAL FUND	2017-18	2018-19
19	All Other	\$1,031,058	\$1,619,699
20			
21	GENERAL FUND TOTAL	<u>\$1,031,058</u>	<u>\$1,619,699</u>

22 **HEALTH AND HUMAN SERVICES,**
23 **DEPARTMENT OF (FORMERLY DHS)**
24 **DEPARTMENT TOTALS**

25		2017-18	2018-19
26	GENERAL FUND	\$27,334,571	\$37,286,002
27	FEDERAL EXPENDITURES FUND	\$20,085,327	\$35,811,906
28	OTHER SPECIAL REVENUE FUNDS	\$2,434,721	\$3,824,697
29			
30	DEPARTMENT TOTAL - ALL FUNDS	<u>\$49,854,619</u>	<u>\$76,922,605</u>
31			

32 **SUMMARY**

33 This amendment, which is the majority report of the committee, makes the following
34 changes to the bill.

