



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1147

H.P. 825

House of Representatives, March 22, 2021

**Resolve, To Enhance Access to Medication Management for
Individuals with Serious and Persistent Mental Illness**

(EMERGENCY)

Received by the Clerk of the House on March 18, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MADIGAN of Waterville.
Cosponsored by Representatives: BRENNAN of Portland, MEYER of Eliot, STOVER of Boothbay, WARREN of Hallowell, Senator: CLAXTON of Androscoggin.

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

3 **Whereas,** this legislation needs to take effect before the expiration of the 90-day
4 period because MaineCare reimbursement rates for providing medication management
5 services are stagnant and are insufficient to enable some providers to continue to provide
6 services; and

7 **Whereas,** the parameters and requirements for medication management must be
8 reformed immediately in order to reflect the increased complexity of the demand and to
9 sustain the availability and effectiveness of these services by providing resources and
10 adjusting criteria; and

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

15 **Sec. 1. Department of Health and Human Services to increase MaineCare**
16 **reimbursement for adults with serious mental illness. Resolved:** That the
17 Department of Health and Human Services shall amend its rule Chapter 101: MaineCare
18 Benefits Manual, Chapters II and III, Section 65, Behavioral Health Services, to increase
19 reimbursement rates for medication management services by 25% and to respond to the
20 increased demand and complexity of the need for medication management services and
21 make the following changes:

22 1. Provide for new rates consistent with the 25% rate increase and for subsequent
23 adjustments to ensure that adequate resources continue to be available;

24 2. With stakeholder input, develop a per member, per month reimbursement rate
25 method that covers the cost for all services provided; and

26 3. With stakeholder input, create 3 levels of care and reimbursement to meet the
27 diverse needs of those receiving these services:

28 A. Level 3: An enhanced rate for any client involved in a progressive treatment plan,
29 or recently released from inpatient psychiatric treatment, or forensic services at a state-
30 run hospital;

31 B. Level 2: A standard rate for care that accounts for regular monitoring and updating
32 as needed to achieve stabilization; and

33 C. Level 1: A lower maintenance rate for those that have achieved a very stable,
34 consistent response and adherence to their regimen.

35 Rules adopted pursuant to this section are routine technical rules as defined in the
36 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

37 **Sec. 2. Appropriations and allocations. Resolved:** That the following
38 appropriations and allocations are made.

39 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**
40 **Medical Care – Payments to Providers 0147**

1 Initiative: Provides funding for an increase to certain rates under Department of Health
2 and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapters II and III,
3 Section 65, Behavioral Health Services, by 25%.

4	GENERAL FUND	2021-22	2022-23
5	All Other	\$1,500,000	\$1,500,000
6			
7	GENERAL FUND TOTAL	<u>\$1,500,000</u>	<u>\$1,500,000</u>

8			
9	FEDERAL EXPENDITURES FUND	2021-22	2022-23
10	All Other	\$2,700,000	\$2,700,000
11			
12	FEDERAL EXPENDITURES FUND TOTAL	<u>\$2,700,000</u>	<u>\$2,700,000</u>

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

15 **SUMMARY**

16 This resolve provides for a 25% rate increase for the medication management services
17 provided under Department of Health and Human Services rule Chapter 101: MaineCare
18 Benefits Manual, Chapters II and III, Section 65, Behavioral Health Services, and requires
19 the department to amend its rules governing medication management services to respond
20 to the increased demand and complexity of the need.

21 The resolve also includes an appropriations and allocations section to reflect the cost
22 of these changes.