



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 949

S.P. 301

In Senate, March 9, 2021

**Resolve, To Restore the MaineCare Nursing Facility COVID-19
Temporary Rate Increase**

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.
Cosponsored by Senator: MOORE of Washington, Representatives: MADIGAN of Waterville,
STOVER of Boothbay.

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,** temporary reimbursement increases to nursing facilities were in effect from
4 March 1, 2020 to May 31, 2020 in response to the effects of COVID-19 on nursing
5 facilities; and

6 **Whereas,** rate increases to nursing facilities have ended although COVID-19
7 community transmission rates have continued to increase significantly; and

8 **Whereas,** nursing facilities provide care for the most vulnerable and elderly Maine
9 residents and need to be supported in that endeavor; and

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

14 **Sec. 1. Department of Health and Human Services to increase nursing**
15 **facility rates of reimbursement. Resolved:** That the Department of Health and
16 Human Services shall amend its rules to increase reimbursement rates in rule Chapter 101:
17 MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for
18 Nursing Facilities, to rates that are no less than the rates that were in effect on May 31,
19 2020. The department shall implement the same accountability and transparency
20 requirements, requirements regarding the appropriate use of funds, bonus payments for job
21 performance and cost settlement requirements that applied to the use of temporary rate
22 increases that were in effect from March 1, 2020 to May 31, 2020. The increased rates
23 must remain in effect at least until the state of emergency due to coronavirus disease 2019,
24 also known as COVID-19, has ended as declared by the Governor.

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

27 **SUMMARY**

28 This resolve requires the Department of Health and Human Services to amend its rule
29 Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67, Principles of
30 Reimbursement for Nursing Facilities, to increase reimbursement rates to rates that are no
31 less than the rates that were in effect on May 31, 2020. The increased rates must remain in
32 effect at least until the end of the state of emergency due to COVID-19 as declared by the
33 Governor. Temporary rate increases to nursing facility funding with federal funding were
34 in effect from March 1, 2020 to May 31, 2020.