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STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES

June 18, 2019

Commissioner Jeanne M. Lambrew
Department of Health and Human Services
11 State House Station
Augusta, ME 04333-0011

Dear Commissioner Lambrew,

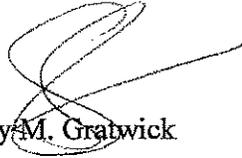
This session, the Health and Human Services Committee spent a considerable amount of time hearing and working bills that propose increases to reimbursement rates for various services under MaineCare and receiving briefings from the Department related to rate setting and the upper payment limit. In addition, the Committee considered bills establishing a process for regular review of MaineCare reimbursement rates with independent commissions to advise the Department of Health and Human Services. It is critical to the Committee that MaineCare reimbursement rates are adequate to ensure a robust provider network, are regularly reviewed, and comply with federal requirements including accurate upper payment limits. It is also essential that MaineCare members receive the services they need and that the system remains financially sustainable.

The bills establishing regular review processes were LD 1052, An Act To Require Regular and Transparent Review of MaineCare Reimbursement Rates and LD 1288, An Act To Establish a MaineCare Reimbursement Rate Review Process and the MaineCare Independent Rate Commission. The Committee voted Ought Not To Pass on LD 1288 and voted to carry over LD 1052 to the next session. LD 1052 establishes a schedule for reviewing MaineCare rates on a three year rotation along with a MaineCare Reimbursement Rate Review Advisory Committee made up of stakeholders and providers to make recommendations to the Department. In addition, LD 1838, Resolve, Requiring the Department of Health and Human Services To Examine Options for Upper Payment Limit Adjustments for MaineCare Services, if finally enacted, will direct the Department to examine options and methodologies to increase the federally approved upper payment limits for services provided under MaineCare.

It is our understanding that the Department is working on establishing a regular review process for MaineCare rates. We request that, no later than January 15, 2020, you provide us with a report that informs the Committee of the Department's plans for making the rates system a more rational and transparent process as well as any recommendations for legislation. We also request that the Department review the methodologies for increasing the upper payment limits in order to

maximize the receipt of federal funds. We look forward to hearing from you and we thank you for your attention to this important issue.

Sincerely,



Sen. Geoffrey M. Gratwick
Senate Chair



Rep. Patricia Hymanson
House Chair

cc: Health and Human Services Committee members
Molly Bogart, Director of Government Relations, DHHS
Michelle Probert, Director of the Office of MaineCare Services, DHHS
Senator Heather Sanborn, Sponsor of LD 1052
Representative Richard Farnsworth, Sponsor of LD 1288



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1052

S.P. 312

In Senate, February 28, 2019

An Act To Require Regular and Transparent Review of MaineCare Reimbursement Rates

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 SANBORN, H. of Cumberland.
Cosponsored by Representative FARNSWORTH of Portland and
Senators: CLAXTON of Androscoggin, MOORE of Washington, TIMBERLAKE of
Androscoggin, Representatives: BICKFORD of Auburn, CRAVEN of Lewiston, GATTINE of
Westbrook, GRIFFIN of Levant, MADIGAN of Waterville.

- 1 D. Acceptable industry productivity standards;
- 2 E. Participation and survey of current provider costs;
- 3 F. Consideration of service access and cost in rural areas;
- 4 G. Consideration of needs and costs for specific population groups; and
- 5 H. Input from the advisory committee.

6 The department shall work with the advisory committee and the providers of the service
7 being reviewed to determine responses and strategies to the review findings.

8 4. Annual report. The department shall provide an annual report, no later than
9 December 1st of each year, beginning in 2020, that includes the results of the review of
10 each service reviewed pursuant to subsection 2 in the most recent year, including the
11 analysis under subsection 3 and any actions taken in response to the review, and any
12 changes to rates reviewed by the department pursuant to this chapter, to the joint standing
13 committees of the Legislature having jurisdiction over health and human services matters
14 and appropriations and financial affairs. The department shall also submit the report to
15 the Governor together with recommendations for rate increases for consideration for
16 inclusion in the biennial budget.

17 §3122. Advisory committee

18 The MaineCare Reimbursement Rates Review Advisory Committee, referred to in
19 this chapter as "the advisory committee," is established as provided in Title 5, section
20 12004-I, subsection 36-F to make recommendations to the department regarding review
21 of MaineCare reimbursement rates pursuant to section 3121.

22 1. Membership. The advisory committee has the following 21 voting members and
23 one ex officio, nonvoting member:

24 A. Six members appointed by the President of the Senate:

25 (1) A representative of providers of community behavioral health services
26 recommended by a statewide association of providers of behavioral health care
27 services;

28 (2) A representative of hospitals providing services to MaineCare members
29 recommended by a statewide association representing hospitals;

30 (3) A representative of providers of nonemergency medical transportation
31 services to MaineCare members;

32 (4) A representative of a rural health clinic;

33 (5) A representative of home health care providers recommended by a statewide
34 association representing home health care providers; and

35 (6) A representative of providers of durable medical equipment recommended by
36 a statewide association of durable medical equipment providers;

37 B. Six members appointed by the leader of the largest minority party in the Senate:

- 1 (1) A representative of primary care physicians serving MaineCare members
2 recommended by a statewide association representing physicians;
- 3 (2) A representative of dentists serving MaineCare members recommended by a
4 statewide association representing dentists;
- 5 (3) A representative of federally qualified health centers recommended by a
6 statewide association of federally qualified health centers;
- 7 (4) A representative of nonmedical home and community-based services;
- 8 (5) A representative of providers serving MaineCare members with intellectual
9 disabilities or autism recommended by a statewide association of providers of
10 services to individuals with intellectual disabilities or autism; and
- 11 (6) A MaineCare member living with a chronic behavioral health condition or a
12 family member or guardian of a MaineCare member living with a chronic
13 behavioral health condition;

14 C. Five members appointed by the Speaker of the House of Representatives:

- 15 (1) A representative of providers of substance use disorder services
16 recommended by a statewide association representing behavioral health services;
- 17 (2) A representative of psychiatric physicians recommended by a statewide
18 association representing psychiatric physicians;
- 19 (3) A representative of ambulatory surgical centers;
- 20 (4) A representative of hospice providers recommended by the Maine Hospice
21 Council established in section 8611; and
- 22 (5) A representative of long-term care facilities recommended by a statewide
23 association representing nursing facilities or assisted living facilities;

24 D. Four members appointed by the leader of the largest minority party in the House
25 of Representatives:

- 26 (1) A family member of a child with disabilities receiving MaineCare services;
- 27 (2) A representative of pharmacists serving MaineCare members recommended
28 by a statewide association representing pharmacists;
- 29 (3) A representative of nurses recommended by a statewide association
30 representing nurses; and
- 31 (4) A representative of physical therapists or occupational therapists
32 recommended by a statewide association representing physical therapists or
33 occupational therapists; and

34 E. The commissioner or the commissioner's designee, who is an ex officio,
35 nonvoting member of the advisory committee and shall attend meetings.

36 **2. Terms of office.** Each appointed member of the advisory committee serves a 4-
37 year term and may be reappointed. A member is no longer qualified to serve if that
38 member no longer meets the qualifications of appointment.

1 having jurisdiction over health and human services matters and appropriations and
2 financial affairs. The advisory committee is staffed by the Department of Health and
3 Human Services.