DATE: May 7, 2013

TO: Interested Parties

FROM: Stefanie Nadeau, Director, MaineCare Services


This letter gives notice of a proposed rule: MaineCare Benefits Manual, Section 29, Chapter III, Allowances for Support Services for Adults with Intellectual Disabilities or Autistic Disorder.

The Department of Health and Human Services (DHHS) is proposing to amend Chapter III, Section 29 of the MaineCare Benefits Manual, by removing the procedure code for Transportation Services. This change is necessary to comply with the concurrent operation of a new 1915(b) Non-Emergency Transportation Waiver. These proposed changes to Section 29 will be effective only upon implementation of the 1915(b) Non-Emergency Transportation Waiver. Going forward, members who receive services under the Section 29 waiver will be provided non-emergency transportation through Section 113 of the MaineCare Benefits Manual. Under risk-based contractual agreements, the Department will contract with Broker(s) to establish, manage, authorize, coordinate and reimburse the provision of non-emergency transportation services for eligible MaineCare members. The Broker(s) will be responsible for establishing a network of non-emergency transportation drivers to deliver non-emergency transportation services to eligible members who live in their assigned region.

A concise summary of the proposed rule is provided in the Notice of Agency Rule-making Proposal, which can be found at http://www.maine.gov/sos/cec/rules/notices.html. This notice also provides information regarding the rule-making process. Please address all comments to the agency contact person identified in the Notice of Agency Rule-making Proposal.
Notice of Agency Rule-making Proposal

AGENCY: Department of Health and Human Services, Office of MaineCare Services

CHAPTER NUMBER AND TITLE: MaineCare Benefits Manual, Section 29, Chapter III, Allowances for Support Services for Adults with Intellectual Disabilities or Autistic Disorder.

PROPOSED RULE NUMBER:

CONCISE SUMMARY: The Department of Health and Human Services (DHHS) is proposing to amend Chapter III, Section 29 of the MaineCare Benefits Manual, by removing the procedure code for Transportation Services. This change is necessary to comply with the concurrent operation of a new 1915(b) Non-Emergency Transportation Waiver. These proposed changes to Section 29 will be effective only upon implementation of the 1915(b) Non-Emergency Transportation Waiver. Going forward, members who receive services under the Section 29 waiver will be provided non-emergency transportation through Section 113 of the MaineCare Benefits Manual. Under risk-based contractual agreements, the Department will contract with Broker(s) to establish, manage, authorize, coordinate and reimburse the provision of non-emergency transportation services for eligible MaineCare members. The Broker(s) will be responsible for establishing a network of non-emergency transportation drivers to deliver non-emergency transportation services to eligible members who live in their assigned region.


DATE AND PLACE OF PUBLIC HEARING:
Date: June 3, 2013
Time: 8:00 am
Location: Department of Health and Human Services
19 Union Street
Conference room #110
Augusta, Maine 04330

The Department requests that any interested party requiring special arrangements to attend the hearing contact the agency person listed above before May 20, 2013.

DEADLINE FOR COMMENTS: Comments must be received by midnight, Thursday, June 13, 2013.

AGENCY CONTACT PERSON: Ginger Roberts-Scott, Comprehensive Health Planner II
AGENCY NAME: MaineCare Services
ADDRESS: 242 State St.
11 State House Station
Augusta, Maine 04333-0011

TELEPHONE: 207-287-9365 FAX: (207) 287-9369
TTY: 711 (Deaf or Hard of Hearing)

IMPACT ON MUNICIPALITIES OR COUNTIES (if any): The Department does not anticipate that this rulemaking will have any impact on municipalities or counties.

CONTACT PERSON FOR SMALL BUSINESS INFORMATION (if different): N/A

STATUTORY AUTHORITY FOR THIS RULE: 22 M.R.S.A §§42, 3173

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: kevin.wells@maine.gov
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GENERAL PROVISIONS

1000 PURPOSE

The purpose of these regulations is to describe the reimbursement methodology for Home and Community Based Services waiver providers whose services are reimbursed in accordance with Chapters II and III, Section 29, Community Support Benefits for members with Intellectual Disabilities and Autistic Disorders of the MaineCare Benefits Manual. All services reimbursed in this section are considered fee for service.

1100 DEFINITIONS

Fee for service - is a method of paying providers for covered services rendered to members. Under this fee-for-service system, the provider is paid for each discrete service described in Appendix I to a member.

Per Diem - A day is defined as beginning at midnight and ending twenty-four (24) hours later.

Week – A week is equal to seven consecutive days starting with the same day of the week as the provider’s payroll records, usually Sunday through Saturday.

Year- Services are authorized based on the state fiscal year, July 1 through June 30.

1200 AUTHORITY

The authority of the Department to accept and administer any funds that may be available from private, local, State or Federal sources for services under this Chapter is established in 22 M.R.S.A.§ 3173. The authority of the Department to adopt rules to implement this Chapter is established under 22 M.R.S.A.§ § 42(l), and 3173.

1300 COVERED SERVICES – Covered Services are defined in Chapter II, Section 29 of the MaineCare Benefits Manual.

1400 REIMBURSEMENT METHODS

Services covered under this section will be reimbursed on a fee for service basis using one of these methods as follows:

A. Standard Unit rate – A Standard unit rate is the rate paid per unit of time (an hour, a specified portion of an hour, or a day) for a specific service. Services in the standard rate include:

1. Community Support Services;

2. Employment Specialist Services;
1400 REIMBURSEMENT METHODS (Cont)

3. Work Support;

4. Home Accessibility Adaptations;

5. Transportation Services;

6. Respite, ¼ hour and per diem.

B. Prior Approved Price – DHHS will determine the amount of reimbursement for Home Accessibility Adaptations after reviewing a minimum of two written itemized bids from different vendors submitted by the provider, prior to providing services. The written itemized bids must contain cost of labor and materials, including subcontractor amounts. DHHS will issue an authorization for the approved amount based on the written bids to the provider.

C. Respite - Reimbursement for Respite is a quarter (1/4) hour billing code. After 33-quarter hour units of consecutive Respite Services, the provider must bill using the per diem billing code. The quarter hour (1/4) Respite amount billed any single day cannot exceed the Respite per diem rate of one hundred ($100.00) dollars.

1500 REQUIREMENTS FOR PARTICIPATION IN MAINECARE PROGRAM

Providers must comply with all requirements as outlined in Chapter 1, General Administrative Policies and Procedures and Chapter II, Section 29 of the MaineCare Benefits manual.

1600 RESPONSIBILITIES OF THE PROVIDER

Providers are responsible for maintaining adequate financial and statistical records and making them available when requested for inspection by an authorized representative of the DHHS, Maine Attorney General’s Office or the Federal government. Providers shall maintain accurate financial records for these services separate from other financial records.

1700 RECORD KEEPING AND RETENTION OF FINANCIAL RECORDS

Upon request, providers have ten (10) business days to produce fiscal records to DHHS. Complete documentation shall mean clear written evidence of all transactions of the provider and affiliated entities, including but not limited to daily census data, invoices, payroll records, copies of governmental filings, staff schedules, time cards, member service charge schedule and amounts reimbursement by service, or any other record which is necessary to provide DHHS with the highest degree of confidence in the reliability of the costs of providing services. For purposes of this definition, affiliated entities shall extend to management and other entities for which any reimbursement is claimed, whether or not they fall within the definition of related parties.
1700 RECORD KEEPING AND RETENTION OF FINANCIAL RECORDS (Cont)

The provider shall maintain all such records for at least five (5) years from the date of reimbursement.

1800 BILLING PROCEDURES

Providers will submit claims to MaineCare and be reimbursed at the applicable rate for the service in accordance with MaineCare billing instructions for the CMS 1500 claim form.

When billing for Employment Specialist Services and Work Support Services that are provided in groups of more than one MaineCare member by one direct support staff, the total hours the direct support staff is providing these services should be divided proportionately among the number of members the services is being provided to. Based on the total hours of service provided, the total units of service for the total hours should be divided proportionately between each member in the group. The total amount of units billed for all members should not exceed the total hours of service provided by the direct support staff. For example, if a direct support worker is providing Work Support services to three (3) members at the same time for total of two (2) hours of service provided per day. Based on the proportional time spent with each member, two (2) units would be billed for member A, three (3) units would be billed for member B, and three (3) units would be billed for member C for a total of eight (8) units for two (2) hours of direct services.

1900 AUDIT OF SERVICES PROVIDED

The Department shall monitor provider’s claims for reimbursement by randomly reviewing the claim for services and verifying hours actually provided by collecting documentation from providers. Documentation will be requested from providers that correspond to dates of service on claims submitted for reimbursement as follows:

A. Payroll Records – Documentation showing the number of hours paid to an employee that covers the period of time for which the Direct Care hours are being requested.

B. Staffing Schedules per facility – Documentation showing the hours and the name of the direct care staff scheduled to work at the facility.

C. Member Records - Documentation that supports the service delivery of services that a member received.

2000 RECOVERY OF PAYMENTS

The Department may recover any amounts due the Department based on Chapter I of the MaineCare Benefits Manual.
### APPENDIX I

<table>
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<tr>
<th>PROCEDURE CODE</th>
<th>SERVICE</th>
<th>MAXIMUM ALLOWANCE</th>
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Effective upon implementation of the 1915(b) Non-Emergency Transportation Waiver and associated amendments to Section 113 of the MaineCare Benefits Manual.