DATE: November 15, 2016

TO: Interested Parties

FROM: Stefanie Nadeau, Director, MaineCare Services

SUBJECT: Proposed Rule: Chapter 101, MaineCare Benefits Manual, Chapter III, Section 18 Allowances for Home and Community Based Services for Adults with Brain Injury

PUBLIC HEARING: December 12, 2016    COMMENT DEADLINE: December 22, 2016

This letter gives notice of a proposed rule: Chapter 101, MaineCare Benefits Manual, Chapter III, Section 18 Allowances for Home and Community Based Services for Adults with Brain Injury.

The Department is proposing an increase to the rates in Chapter III, Section 18 in accordance with L.D. 1638. Effective April 15, 2016, the Legislature enacted P.L. 2016, ch. 477 (An Act To Increase Payments to MaineCare Providers That Are Subject to Maine’s Service Provider Tax) providing additional appropriations to certain MaineCare providers who are subject to the service provider tax and who have experienced an increase in the tax from 5% to 6% since January 1, 2016. The Department filed these rate increases via emergency rulemaking, effective retroactive to April 15, 2016. To prevent lapse of the emergency rule changes, which are effective for ninety (90) days, the Department is now proposing these changes.

Chapter III, Section 18 lists the procedure codes, descriptions and reimbursement rates for covered services provided to members under its companion rule, Chapter II, Section 18, Home and Community Based Services for Adults with Brain Injury. The following services will have a 1% increase as a result of this rulemaking:

- T2019 U9, Employment Specialist Services (Habilitation, supported employment waiver), from $7.42 to $7.49 per ¼ hour.
- T2016 U9, Home Support (Residential Habilitation) Level II, from $298.35 to $301.39 per diem.
- T2016 U9 TG, Home Support (Residential Habilitation) Level III – Increased Neurobehavioral, from $485.00 to $489.61 per diem.
- T2017 U9, Home Support (Residential Habilitation) Level I, from $6.27 to $6.33 per ¼ hour.
- 97535 U9 Self Care/Home Management Reintegration-Individual, from $14.39 to $14.52 per ¼ hour.
- 97535 U9 HQ Self Care/Home Management Reintegration-Group, from $9.59 to $9.68 per ¼ hour.
The increased rates became effective retroactive to April 15, 2016 as a result of the emergency rulemaking, pursuant to 22 M.R.S. § 42(8). These changes increased the reimbursement for providers, ensuring members’ continued access to medically necessary covered services. This rulemaking will not have an adverse impact on either MaineCare providers or members.

The Legislature enacted the new law as an emergency measure with an immediate effective date of April 15, 2016. As recognized by the Legislature within P.L. 2016, ch. 477, MaineCare providers have insufficient reserves to withstand cost increases. Effective January 1, 2016, however, certain MaineCare providers were subject to an increase (from 5 to 6%) in the service provider tax, thus increasing their cost of providing services. The providers needed additional funding appropriated by the Legislature as soon as possible in order to continue providing MaineCare services. Given that the law provides benefits to the regulated community, and the time sensitive nature of the law, the Department determined that these changes to Section 18 were to be made on an emergency basis. The emergency rule changes remain in effect for ninety (90) days. The Department is now engaging in “regular” routine technical rulemaking to permanently adopt these Section 18 rule changes.

The Department anticipates that this rulemaking will cost approximately $21,636 in SFY 2016, which includes $8,077 in state dollars and $13,559 in federal dollars, and $129,813 in SFY 2017, which includes $46,798 in state dollars and $83,016 in federal dollars.

Rules and related rulemaking documents may be reviewed at, or printed from, the MaineCare website at [http://www.maine.gov/dhhs/oms/rules/index.shtml](http://www.maine.gov/dhhs/oms/rules/index.shtml) or for a fee, interested parties may request a paper copy of rules by calling (207) 624-4050 or Maine Relay number 711.
Notice of Agency Proposed Rule-making

AGENCY: Department of Health and Human Services, MaineCare Services

CHAPTER NUMBER AND TITLE: 10-144 C.M.R., Chapter 101, MaineCare Benefits Manual, Chapter III, Section 18, Allowances for Home and Community Based Services for Adults with Brain Injury

ADOPTED RULE NUMBER:

CONCISE SUMMARY: The Department is proposing a 1% increase to certain rates in Chapter III, Section 18 in accordance with P.L. 2016, ch. 477 (An Act to Increase Payments to MaineCare Providers That Are Subject to Maine’s Service Provider Tax), which provides additional appropriations to certain MaineCare providers who are subject to the service provider tax and who have experienced a recent increase in the tax from 5% to 6%. The Legislature enacted this law as an emergency measure, effective April 15, 2016, recognizing that providers affected by the tax increase had insufficient reserves to withstand this cost increase and that immediate funding was necessary to enable providers to continue providing MaineCare services. The Department adopted changes to this rule on an emergency basis with the increased rates effective retroactive to April 15, 2016.


STATUTORY AUTHORITY: 22 M.R.S. §§ 42, 3173, L.D. 1638

PUBLIC HEARING:

Date: December 12, 2016
Time: 11:00 AM
Location: 19 Union Street, Conference Room 110, Augusta Maine

The Department requests that any interested party requiring special arrangements to attend the hearing contact the agency person listed below before December 2, 2016.

Deadline for Comments: Comments must be received by 11:59 PM on December 22, 2016.

AGENCY CONTACT PERSON: Rachel Posner, Comprehensive Health Planner II
Rachel.Posner@maine.gov

AGENCY NAME: MaineCare Services

ADDRESS:
242 State St.
11 State House Station
Augusta, Maine 04333-0011

TELEPHONE:
207-624-6951 FAX: (207) 287-1864
TTY: 711 (Deaf or Hard of Hearing)
rachel.posner@maine.gov

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

CONTACT PERSON FOR SMALL BUSINESS INFORMATION (if different): N/A
### SECTION 18
Allowances for Home and Community Based Services For Adults With Brain Injury

<table>
<thead>
<tr>
<th>PROC CODE</th>
<th>MODIFIER</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>MAXIMUM ALLOWANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>97755</td>
<td>U9</td>
<td>Assistive Technology-Assessment</td>
<td>¼ hour</td>
<td>$ 14.44</td>
</tr>
<tr>
<td>T2035</td>
<td>U9</td>
<td>Assistive Technology-Transmission (Utility Services)</td>
<td>Month</td>
<td>$ 50.00 per month</td>
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<tr>
<td>A9279</td>
<td>U9</td>
<td>Assistive Technology-(Monitoring feature/device, stand alone or integrated, any type, includes all accessories, components and electronics, not otherwise classified)</td>
<td>Per device</td>
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<tr>
<td>T1016</td>
<td>U9</td>
<td>Care Coordination (Case Management)</td>
<td>¼ hour</td>
<td>$ 17.00</td>
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<tr>
<td>T2015</td>
<td>U9</td>
<td>Career Planning (Habilitation, prevocational)</td>
<td>per hour</td>
<td>$ 28.00</td>
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<tr>
<td>97537</td>
<td>U9</td>
<td>Community/Work Reintegration-Individual</td>
<td>¼ hour</td>
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<td>97537</td>
<td>U9 HQ</td>
<td>Community/Work Reintegration-group</td>
<td>¼ hour</td>
<td>$ 9.37</td>
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<td>T2019</td>
<td>U9</td>
<td>Employment Specialist Services (Habilitation, supported employment waiver)</td>
<td>¼ hour</td>
<td>$ 7,427.49*</td>
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<td>T2016</td>
<td>U9</td>
<td>Home Support (Residential Habilitation)Level II</td>
<td>Per Diem</td>
<td>$298.25 301.39*</td>
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<td>T2016</td>
<td>U9 TG</td>
<td>Home Support (Residential Habilitation)Level III- Increased Neurobehavioral</td>
<td>Per Diem</td>
<td>$485.00 489.61*</td>
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<td>T2017</td>
<td>U9</td>
<td>Home Support (Residential Habilitation)Level I</td>
<td>¼ hour</td>
<td>$ 6,276.33*</td>
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<tr>
<td>T2017</td>
<td>U9 QC</td>
<td>Home Support (Residential Habilitation)-Remote Support-Monitor Only</td>
<td>¼ hour</td>
<td>$ 4,621.63*</td>
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<tr>
<td>T2017</td>
<td>U9 GT</td>
<td>Home Support (Residential Habilitation)-Remote Support-Interactive Support</td>
<td>¼ hour</td>
<td>$ 6,276.33*</td>
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<td>97535</td>
<td>U9</td>
<td>Self Care/Home Management Reintegration-Individual</td>
<td>¼ hour</td>
<td>$14,391.45*</td>
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<td>97535</td>
<td>U9 HQ</td>
<td>Self Care/Home Management Reintegration-Group</td>
<td>¼ hour</td>
<td>$ 9,599.68*</td>
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<td>S5102</td>
<td>U9</td>
<td>Work Ordered Day Club House (Adult Day Care)</td>
<td>Per Diem</td>
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<td>H2023</td>
<td>U9</td>
<td>Work Support (Supported Employment)-Individual</td>
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<td>$ 6.91</td>
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</table>

**MODIFIERS DESCRIPTIONS**
- **U9** Indicates Section 18 Services
- **GT** Remote Support-Interactive Support
- **QC** Remote Support-Monitor Only
- **HQ** Group Setting
- **TG** Complex/high tech level of care

*The effective date of this rate change is retroactive to 4/15/16.*