DATE: February 22, 2017

TO: Interested Parties

FROM: Stefanie Nadeau, Director, MaineCare Services

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

This letter gives notice of an adopted rule: Chapter III, Section 18, Allowances for Home- and Community-Based Services for Adults with Brain Injury.

This rule is being adopted in order to comply with L.D. 1638, 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 adopting 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 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 immediate
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 remained in effect for ninety (90) days. The Department is now adopting “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 Office of MaineCare Services website at 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 call Maine Relay at 711.

A concise summary of the adopted rule is provided in the Notice of Agency Rulemaking Proposal, which can be found at http://www.maine.gov/sos/cec/rules/notices.html. This notice also provides information regarding the rulemaking process.
Notice of Agency Rule-making Adoption

AGENCY: Department of Health and Human Services, MaineCare Services

CHAPTER NUMBER AND TITLE: 10-144 C.M.R. Ch. 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:

This adopted rule includes rate increases to comply with P.L. 2015, ch. 477 (eff. April 15, 2016), consistent with changes adopted in emergency rulemaking. The adopted rule results in a 1% rate increase for the following services:

- 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.

HTTP://WWW.MAINE.GOV/DHHS/OMS/RULES/INDEX.SHTML for rules and related rulemaking documents.

EFFECTIVE DATE: February 27, 2017

AGENCY CONTACT PERSON: Rachel Posner, Comprehensive Health Planner

AGENCY NAME: Division of Policy

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Rachel.posner@maine.gov

TELEPHONE: (207)-624-6195 FAX: (207) 287-1864
TTY users call Maine relay 711
<table>
<thead>
<tr>
<th>PROC CODE</th>
<th>MODIFIER</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
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<td>Assistive Technology-Assessment</td>
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**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

Effective Retroactive To April 15, 2016