DATE: January 25, 2018

TO: Interested Parties

FROM: Stefanie Nadeau, Director, MaineCare Services

SUBJECT: Adopted Rule: 10-144 C.M.R. Chapter 101, MaineCare Benefits Manual, Chapter III, Section 12, Allowances for Consumer-Directed Attendant Services

This letter gives notice of an adopted rule: 10-144 C.M.R. Chapter 101, MaineCare Benefits Manual, Chapter III, Section 12, Allowances for Consumer-Directed Attendant Services.

This rule is being adopted to comply with Public Law 2017, ch. 284, Parts MMMMMM-1 and ZZZZZZ-9, An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019. This adopted rule effectuates increases in reimbursement rates for personal care services provided under the provisions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 12, Allowances for Consumer-Directed Attendant Services.

On November 14, 2017, the Department adopted an emergency rule to effectuate the increased Section 12 reimbursement rates with a retroactive effective date of July 1, 2017. This rulemaking makes permanent the emergency rule changes.

The Department determined that a retroactive rate increase to the beginning of the state fiscal year was appropriate, since the appropriation was intended for the entire fiscal year. The retroactive application of this rule comports with 22 M.R.S. § 42(8) which authorizes the Department to adopt rules with a retroactive application for a period not to exceed eight calendar quarters and there is no adverse financial impact on any MaineCare member or provider. The increased rate will sunset on June 30, 2018, as the rate increases were funded by a single year appropriation. P.L. 2018, ch. 284, Part ZZZZZZ-9. On July 1, 2018, rates will revert back to the June 30, 2017 rate.

The Department is seeking, and anticipates receiving, approval from the federal Centers for Medicare and Medicaid Services (“CMS”) for these changes. Pending approval, the increased reimbursement rates will be effective retroactive to July 1, 2017. In addition, in September 2015, July 2016, and August 2017, the Department proposed separate reimbursement rate changes to CMS; those rates are pending approval. As such, there are different effective dates for various rates, as set forth more specifically in Ch. III.

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, Office of MaineCare Services

CHAPTER NUMBER AND TITLE: 10-144 C.M.R. ch. 101, MaineCare Benefits Manual, Chapter III, Section 12, Allowances for Consumer-Directed Attendant Services

ADOPTED RULE NUMBER:


This rule change is consistent with P.L. 2017, ch. 284, Parts MMMMMM-1 and ZZZZZZ-9, which requires the Department to amend its rules to increase reimbursement rates for the home-based and community-based personal care services referenced in the February 1, 2016 report “Rate Review for Personal Care and Related Services: Final Rate Models” prepared for the Department by Burns & Associates, Inc., which includes Section 12 services. Part MMMMMM-1 directs the Department that the increase in rates of reimbursement must be applied in equal proportion to all home-based and community-based personal care and related services referenced in the Burns & Associates, Inc. report using the funding provided for that purpose in Chapter 284.

On November 14, 2017, the Department adopted an emergency rule to effectuate the increased Section 12 reimbursement rates with a retroactive effective date of July 1, 2017. This rulemaking makes permanent the emergency rule changes.

The Department determined that a retroactive rate increase to the beginning of the state fiscal year was appropriate, since the appropriation is intended for the entire fiscal year. The retroactive application to this rule comports with 22 M.R.S. §42(8) which authorizes the Department to adopt rules with a retroactive application for a period not to exceed eight calendar quarters and there is no adverse financial impact on any MaineCare member or provider. The increased rate will sunset on June 30, 2018, as the rate increases were funded by a single year appropriation. P.L. 2017, ch. 284, Part ZZZZZZ-9. On July 1, 2018, rates will revert by to the June 30, 2017 rates.

The Department is seeking, and anticipates receiving, approval from the federal Centers for Medicare and Medicaid Services (“CMS”) for these changes. Pending approval, the increased reimbursement rates will be effective retroactive to July 1, 2017. In addition, in September of 2015, July 2016, and August of 2017, the Department proposed separate reimbursement rate changes to CMS, those rates are pending approval. As such, there are different effective dates for various rates, as set forth more specifically in Chapter III.


EFFECTIVE DATE: January 30, 2018

AGENCY CONTACT PERSON: Heidi Bechard, Comprehensive Health Planner
AGENCY NAME: Division of Policy
ADDRESS: 242 State Street, 11 State House Station
          Augusta, Maine 04333-0011
EMAIL: heidi.bechard@maine.gov
TELEPHONE: (207)-624-4074 FAX: (207) 287-1864
          TTY users call Maine relay 711
The Department is seeking and anticipates receiving CMS approval for this Section. There are three separate proposed rate changes pending before CMS: one submitted in September 2015, one submitted in July 2016, and one submitted in August 2017; thus there are three retroactive effective dates applicable for these rates. Pending CMS approval, the following rates will be effective.

<table>
<thead>
<tr>
<th>PROCEDURE CODE</th>
<th>DESCRIPTION</th>
<th>UNITS</th>
<th>AMOUNT Effective 10/1/15</th>
<th>AMOUNT Effective 7/29/16</th>
<th>AMOUNT Effective 2/22/17 to 6/30/17</th>
<th>AMOUNT Effective After 7/1/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>S5125 U2</td>
<td>Attendant Care Services</td>
<td>15 minutes</td>
<td>$2.93</td>
<td>$3.33</td>
<td>$3.33</td>
<td>$3.66</td>
</tr>
<tr>
<td>S5125 U2 UN</td>
<td>Attendant Care Services 2 person</td>
<td>15 minutes</td>
<td>N/A</td>
<td>N/A</td>
<td>$1.83</td>
<td>$2.01</td>
</tr>
<tr>
<td>S5125 U2 UP</td>
<td>Attendant Care Services 3 person</td>
<td>15 minutes</td>
<td>N/A</td>
<td>N/A</td>
<td>$1.33</td>
<td>$1.47</td>
</tr>
<tr>
<td>H2014</td>
<td>Skills Training Service</td>
<td>15 minutes</td>
<td>$14.03</td>
<td>$14.03</td>
<td>$14.03</td>
<td>$14.03</td>
</tr>
<tr>
<td>G9001</td>
<td>Care Coordination Service – Initial Visit</td>
<td>15 minutes</td>
<td>$17.00</td>
<td>$17.00</td>
<td>$17.00</td>
<td>$17.00</td>
</tr>
<tr>
<td>G9002</td>
<td>Care Coordination Service – Ongoing</td>
<td>15 minutes</td>
<td>$17.00</td>
<td>$17.00</td>
<td>$17.00</td>
<td>$17.00</td>
</tr>
</tbody>
</table>