DATE: November 6, 2018

TO: Interested Parties

FROM: Stefanie Nadeau, Director, MaineCare Services

SUBJECT: Proposed Rule: Chapter 101, MaineCare Benefits Manual, Chapter III, Section 23, Developmental and Behavioral Clinic Services

PUBLIC HEARING: Tuesday, December 4, 2018, 9:00AM, Room 300, Burton Cross Building, 111 Sewall Street, Augusta, ME 04330

COMMENT DEADLINE: Comments must be received by 11:59 PM on December 14, 2018.

This letter gives notice of a proposed rule: MaineCare Benefits Manual, Section 2, Developmental and Behavioral Clinic Services, Chapter III.

The Department of Health and Human Services proposes this rule pursuant to P.L. 2017, ch. 460, An Act Making Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government. Part D-1 requires the Department increase the rates of reimbursement for Section 23, Development and Behavioral Clinic Services, to ensure a net increase in funding from fiscal year 2008-2009 to fiscal year 2018-2019 of two (2) % as long as no rates for a service is lower than the rate reimbursed as of January 1, 2018.

This rulemaking requires that the increase in reimbursement rates must be applied to wages and benefits for employees who provide direct services as required by Part D-2 of P.L. 2017, ch. 460. In compliance with the law, providers must ensure that increase in reimbursement rates effective August 1, 2018, is applied in full to wages and benefits to employees who provide direct services. Providers must document compliance with this requirement in their financial records and provide such documentation to the Department upon request.

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 or for a fee, interested parties may request a paper copy of rules by calling (207) 624-4050 or Maine Relay number 711.

A concise summary of the proposed 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. Please address all comments to the agency contact person identified in the Notice of Agency Rulemaking Proposal.
Notice of Agency Rule-making Proposal

AGENCY: Department of Health and Human Services, MaineCare Services, Division of Policy

CHAPTER NUMBER AND TITLE: 10-144 C.M.R., Chapter 101, MaineCare Benefits Manual, Chapter III, Section 23, Developmental and Behavioral Clinic Services,

PROPOSED RULE NUMBER:

CONCISE SUMMARY: The Department of Health and Human Services proposes this rule pursuant to P.L. 2017, ch. 460, An Act Making Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government. Part D-1 requires the Department increase the rates of reimbursement for Section 23, Development and Behavioral Clinic Services, to ensure a net increase in funding from fiscal year 2008-2009 to fiscal year 2018-2019 of two (2) % as long as no rates for a service is lower than the rate reimbursed as of January 1, 2018. This rulemaking requires that the increase in reimbursement rates must be applied to wages and benefits for employees who provide direct services as required by Part D-2 of P.L. 2017, ch. 460. In compliance with the law, providers must ensure that increase in reimbursement rates effective August 1, 2018, is applied in full to wages and benefits to employees who provide direct services. Providers must document compliance with this requirement in their financial records and provide such documentation to the Department upon request.


PUBLIC HEARING:

Date and Time: Tuesday, December 4, 2018 at 9: 00AM
Location: Room 300, Burton Cross Building, 111 Sewall Street, Augusta, ME 04330

The Department requests that any interested party requiring special arrangements to attend the hearing contact the agency person listed below before November 23, 2018.

DEADLINE FOR COMMENTS: Comments must be received by 11:59 PM on December 14, 2018.

AGENCY CONTACT PERSON: Thomas M. Leet, Comprehensive Health Planner II  
Thomas.Leet@maine.gov

AGENCY NAME: MaineCare Services

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

TELEPHONE: 207-624-4068 FAX: (207) 287-1864
TTY: 711 (Deaf or Hard of Hearing)

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
The Department is seeking and anticipates receiving approval from CMS for this rate change. Pending CMS approval, the rate increase will be effective retroactive to August 1, 2018.

**ALLOWANCES FOR DEVELOPMENTAL AND BEHAVIORAL EVALUATION CLINIC SERVICES**

<table>
<thead>
<tr>
<th>PROC. CODE</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>RATE EFFECTIVE PRIOR TO 8/1/18</th>
<th>RATE EFFECTIVE 8/1/18 – 6/30/19</th>
<th>RATE EFFECTIVE 7/1/19</th>
<th>MAXIMUM ALLOWANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1026*</td>
<td>Developmental and Behavioral Evaluation</td>
<td>Per hour</td>
<td>$76.89</td>
<td>$78.57**</td>
<td>$78.43***</td>
<td>14 Units**</td>
</tr>
<tr>
<td>T1026 HK*</td>
<td>Child Abuse Evaluation</td>
<td>Per hour</td>
<td>$95.00</td>
<td>$97.07***</td>
<td>96.90***</td>
<td>11 Units**</td>
</tr>
</tbody>
</table>

* These procedure codes and limits will become effective when the new payment system, MIHMS, is implemented. Providers will be notified within 30 days of implementation.

** Developmental and Behavioral Evaluation is limited to a maximum of fourteen (14) units per evaluation, and Child Abuse Evaluation is limited to a maximum of Eleven (11) units per evaluation, and both are limited to two (2) evaluations in a twelve (12) month period.

*** Providers must ensure that the increase in reimbursement rates effective August 1, 2018, is applied in full to wages and benefits for employees who provide direct services. Providers must document compliance with this requirement in their financial records and provide such documentation to the Department upon request.

The procedure codes below will be in effect until MIHMS goes live. These codes will no longer be in effect when the new payment system MIMHS is implemented.

Z3016- Developmental and Behavioral Evaluation, 7/1/10-7/31/10 $765.00 per evaluation
Z3015- Child Abuse Evaluation 7/1/10-7/31/10 $1,327.50 per evaluation