



Department of Health and Human Services  
MaineCare Services  
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TTY Users: Dial 711 (Maine Relay)

**DATE:** October 5, 2016  
**TO:** Interested Parties  
**FROM:** Stefanie Nadeau, Director, MaineCare Services  
**SUBJECT:** Emergency Rule: Chapter 101, MaineCare Benefits Manual, Chapter III, Section 20 Allowances for Home and Community-Based Services for Adults with Brain Injury

This letter gives notice of an emergency adopted rule: Chapter 101, MaineCare Benefits Manual, Chapter III, Section 20 Allowances for Home and Community-Based Services for Adults with Other Related Conditions.

The Department is adopting via emergency rulemaking an increase to the rates in Chapter III, Section 20 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 that are subject to the service provider tax and that have experienced an increase in the tax from 5% to 6% since January 1, 2016.

Chapter III, Section 20 lists the procedure codes, descriptions and reimbursement rates for covered services provided to members under its companion rule, Chapter II, Section 20 Home and Community-Based Services for Adults with Other Related Conditions.

The following services will be increased as a result of this rulemaking:

- T2021 U8, Community Support (Day Habilitation) from \$5.28 to \$5.33 per quarter hour.
- T2016 U8, Home Support (Residential Habilitation) from \$285.19 to \$287.91 per diem.
- T2017 U8, Home Support (Residential Habilitation) from \$6.33 to \$6.39 per quarter hour.
- T2017 U8 QC Home Support (Residential Habilitation)-Remote Support-Monitor Only from \$1.62 to \$1.63 per quarter hour.
- T2017 U8 GT Home Support (Residential Habilitation)-Remote Support-Interactive Support from \$6.33 to \$6.39 per quarter hour.
- T1019 U8 Personal Care from \$3.75 to \$3.78 per quarter hour.
- T2019 U8 Employment Specialist Services (Habilitation-Supported Employment) from \$7.42 to \$7.49 per quarter hour.

The increased rates will be effective retroactive to April 15, 2016, pursuant to 22 M.R.S. § 42(8). These changes increase the reimbursement for providers, ensure that members have access to medically necessary covered services, and otherwise have no adverse impact on either MaineCare providers or members. In addition, the Department makes the following findings in support of emergency rulemaking pursuant to 5 M.R.S. § 8054. 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 finds that these changes to Section 20 should be made on an emergency basis. These emergency rule changes shall be effective

for ninety (90) days. The Department shall engage in “regular” routine technical rulemaking to permanently adopt these Section 20 rule changes.

The Department anticipates that this rulemaking will cost approximately \$3,931 in SFY 2016, which includes \$1,467 in state dollars and \$2,464 in federal dollars, and \$23,587 in SFY 2017, which includes \$8,503 in state dollars and \$15,084 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> 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 Emergency Agency Rule-making Adoption

**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 20, Allowances for Home and Community-Based Services for Adults with Other Related Conditions

**ADOPTED RULE NUMBER:**

**CONCISE SUMMARY:** The Department is adopting via emergency rulemaking a 1% increase to certain rates in Chapter III, Section 20 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 that are subject to the service provider tax and that 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. As set forth in the Basis Statement, the Department adopts changes to this rule on an emergency basis with the increased rates effective retroactive to April 15, 2016.

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

**EFFECTIVE DATE:** October 5, 2016

**AGENCY CONTACT PERSON:** Andrew Hardy, Comprehensive Health Planner

**AGENCY NAME:** Division of Policy

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10-144 Chapter 101  
 MAINECARE BENEFITS MANUAL  
 CHAPTER III

SECTION 20

Allowances for Home and Community-Based Services for Adults with Other Related Conditions  
 EMERGENCY RULE

Effective 7/1/2013  
 Last Updated 10/5/2016

PROC CODE	MODIFIER	DESCRIPTION	UNIT	MAXIMUM ALLOWANCE
T1016	U8	Care Coordination (Case Management)	¼ hour	17.00
T2021	U8	Community Support (Day Habilitation)	¼ hour	5.33*
T2016	U8	Home Support (Residential Habilitation)	Per Diem	287.91*
T2017	U8	Home Support (Residential Habilitation)	¼ hour	6.39*
T2017	U8 QC	Home Support (Residential Habilitation)-Remote Support-Monitor Only	¼ hour	1.63*
T2017	U8 GT	Home Support (Residential Habilitation)-Remote Support-Interactive Support	¼ hour	6.39*
T1019	U8	Personal Care	¼ hour	3.78*
H2023	U8	Work Support (Supported Employment)	¼ hour	6.91
T2019	U8	Employment Specialist Services (Habilitation-Supported Employment)	¼ hour	7.49*
97755	U8	Assistive Technology-Assessment	¼ hour	16.04
T2035	U8	Assistive Technology-Transmission (Utility Services)	Month	Per invoice
A9279	U8	Assistive Technology-(Monitoring feature/device, stand alone or integrated, any type, includes all accessories, components and electronics, not otherwise classified)		Per device
V5274	U8	Communication Aids		Per invoice
G9007	U8 GN	Consultation -Speech	¼ hour	5.40
G9007	U8 GO	Consultation -Occupational Therapy	¼ hour	5.40
G9007	U8 GP	Consultation -Physical Therapy	¼ hour	5.40
H0031	U8	Consultation -Psychological (Psychologist, Psychological Examiner)	¼ hour	19.80
G9007	U8 HI	Consultation –Behavioral (LCSW,LCPC)	¼ hour	13.50
S5165	U8	Home Accessibility Adaptations (Home Modifications)		Per invoice
S5165	U8 CG	Home Accessibility Adaptations (Home Modifications)-Repairs		Per invoice
T2029	U8	Specialized Medical Equipment		Per invoice
S8990	U8 GO	Maintenance-Occupational Therapy	¼ hour	9.54
S8990	U8 GN	Maintenance-Speech Therapy	¼ hour	12.48
S8990	U8 GP	Maintenance-Physical Therapy	¼ hour	9.72

10-144 Chapter 101  
 MAINECARE BENEFITS MANUAL  
 CHAPTER III

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SECTION 20 Allowances for Home and Community-Based Services for Adults with Other Related Conditions Effective 7/1/2013  
 EMERGENCY RULE Last Updated 10/5/2016

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92507	U8	Non-Traditional Communication-Assessment (Treatment of speech, language, voice, communication, and or auditory processing disorder; individual)	¼ hour	9.00
G9007	U8	Non-Traditional Communication-Consultation	¼ hour	9.00

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

Table for Modifiers

- GT-Remote Support -Interactive Support
- QC-Remote Support-Monitor Only
- GN-Speech Therapy Services
- GO-Occupational Therapy Services
- GP-Physical therapy Services
- HI-Behavioral Services
- CG-Repairs
- U8-All Section 20 services