



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

DATE: November 15, 2016

TO: Interested Parties

FROM: Stefanie Nadeau, Director, MaineCare Services

SUBJECT: Emergency 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 emergency 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 adopting via emergency rulemaking 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 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 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.
- T2017 U9 QC, Home Support (Residential Habilitation)-Remote Support-Monitor Only, from \$1.62 to \$1.63 per ¼ hour.
- T2017 U9 GT, Home Support (Residential Habilitation)-Remote Support-Interactive Support, 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 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 18 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 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> 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 Emergency 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 18, Allowances for Home and Community Based Services for Adults with Brain Injury

ADOPTED RULE NUMBER:

CONCISE SUMMARY: The Department is adopting via emergency rulemaking 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 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: November 15, 2016

AGENCY CONTACT PERSON: Andrew Hardy, Comprehensive Health Planner
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10-144 Chapter 101
 MAINECARE BENEFITS MANUAL
 CHAPTER III

SECTION 18

Allowances for Home and Community Based Services For Adults
 With Brain Injury
 EMERGENCY RULE

Effective 11/1/14
 Last Updated 11/1516

PROC CODE	MODIFIER	DESCRIPTION	UNIT	MAXIMUM ALLOWANCE
97755	U9	Assistive Technology-Assessment	¼ hour	\$ 14.44
T2035	U9	Assistive Technology-Transmission (Utility Services)	Month	\$ 50.00 per month
A9279	U9	Assistive Technology-(Monitoring feature/device, stand alone or integrated, any type, includes all accessories, components and electronics, not otherwise classified)		Per device
T1016	U9	Care Coordination (Case Management)	¼ hour	\$ 17.00
T2015	U9	Career Planning (Habilitation, prevocational)	per hour	\$ 28.00
97537	U9	Community/Work Reintegration-Individual	¼ hour	\$ 14.05
97537	U9 HQ	Community/Work Reintegration-group	¼ hour	\$ 9.37
T2019	U9	Employment Specialist Services (Habilitation, supported employment waiver)	¼ hour	\$ 7.49*
T2016	U9	Home Support (Residential Habilitation)Level II	Per Diem	\$ 301.39*
T2016	U9 TG	Home Support (Residential Habilitation)Level III- Increased Neurobehavioral	Per Diem	\$ 489.61*
T2017	U9	Home Support (Residential Habilitation)Level I	¼ hour	\$ 6.33*
T2017	U9 QC	Home Support (Residential Habilitation)-Remote Support-Monitor Only	¼ hour	\$ 1.63*
T2017	U9 GT	Home Support (Residential Habilitation)-Remote Support-Interactive Support	¼ hour	\$ 6.33*
97535	U9	Self Care/Home Management Reintegration-Individual	¼ hour	\$14.52*
97535	U9 HQ	Self Care/Home Management Reintegration-Group	¼ hour	\$ 9.68*
S5102	U9	Work Ordered Day Club House (Adult Day Care)	Per Diem	\$ 65.00
H2023	U9	Work Support (Supported Employment)-Individual	¼ hour	\$ 6.91

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.