

Notice of MaineCare Reimbursement Methodology Change

AGENCY: Department of Health and Human Services, Office of MaineCare Services

SERVICES INCLUDED: Chapter 101, MaineCare Benefits Manual, Section 67, Nursing Facility Services

NATURE OF PROPOSED CHANGES: The Department plans to submit a State Plan Amendment in the near future identifying the following:

Establishment of a one-time payment adjustment for fiscal year 2024 and an ongoing annual payment adjustment beginning fiscal year 2024. These payment adjustments are established to ensure access to nursing facilities that provide comprehensive care to MaineCare veterans to meet their unique needs. In order to receive payment, a nursing facility must meet the following criteria:

1. The facility provides critical access to veteran-focused care, including specialized training and care of war-related injuries and conditions, such as Post Traumatic Stress Disorder (PTSD) and service-connected disabilities;
2. The nursing facility is subject to Department of Veterans Affairs (VA) regulations, oversight, and reporting requirements;
3. The nursing facility board of directors is appointed by the governor; and
4. The nursing facility participates in the Maine Public Employees Retirement System.

Principle. A nursing facility that qualifies under this section will be reimbursed annually for services provided to residents covered under Title XIX of the United States Social Security Act based on audited cost reports.

Rate Setting. These payment adjustments will be calculated using the uniform cost reports filed by the facilities in November of each year, using the following methodology:

1. The difference between the MaineCare payments and actual allowed MaineCare costs as reported on the most recent and filed cost reports for all eligible nursing facility services delivered by eligible nursing facilities as defined above;
2.
 - a. For fiscal year 2024, the total of the one-time and ongoing payment adjustments across all eligible facilities shall not exceed the lesser of \$11,054,322 (equal to \$8,612,122 for the one-time payment and \$2,442,200 for the ongoing payment), or the difference as calculated under Step 1; and
 - b. Beginning fiscal year 2025 and ongoing each year thereafter the payment adjustment across all eligible facilities shall not exceed the lesser of \$2,442,200, or the difference as calculated under Step 1.
3. Each facility's annual payment adjustment shall be proportionate to its overall share of the amount calculated under Step 1 and limited to the aggregate amount across all facilities available under Step 2; and
4. For each facility, if the amount calculated under Step 1 is greater than or equal to zero, the facility is not eligible for the temporary adjustment.

Audit. These payments are subject to the year-end uniform desk review audit and will be adjusted not to exceed the actual allowable costs of providing services to eligible residents.

REASON FOR PROPOSED CHANGES: All changes are pursuant to Maine P.L. 2023 Ch. 258, *An Act Making Unified Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2023, June 30, 2024 and June 30, 2025* and Maine Resolve Ch. 117, *Resolve, to Provide Additional Funding to the Maine Veterans' Homes.*

ESTIMATE OF ANY EXPECTED INCREASE OR DECREASE IN ANNUAL AGGREGATE EXPENDITURES: The Department anticipates that this change will cost \$11,054,322 in federal fiscal year 2024 which includes \$7,025,433 in federal funds and \$4,028,889 in state funds, and will cost \$2,442,200 in federal fiscal year 2025 which includes \$1,515,629 in federal funds and \$926,571 in state funds.

ACCESS TO PROPOSED CHANGES AND COMMENTS TO PROPOSED CHANGES: The public may review the proposed methodology changes and written comments at any Maine DHHS office in every Maine county. To find out where the Maine DHHS offices are located, call 1-800-452-1926. The Department will hold a hearing for the proposed rulemaking and will be publishing a notice which includes information on the hearing date and location.

CONTACT INFORMATION

FOR RECEIPT OF COMMENTS:

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See <http://www.maine.gov/dhhs/oms/rules/index.shtml> for rules and related rulemaking documents.