

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-TWO

—  
H.P. 1020 - L.D. 1386

**Resolve, To Improve Access to Bariatric Care**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this resolve requires the Department of Health and Human Services to develop a plan to provide bariatric care beds in the State and in developing the plan, the department must begin identifying providers who are interested in developing bariatric care beds before the 90-day period expires; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Department of Health and Human Services to develop a plan for specialized bariatric care beds. Resolved:** That the Department of Health and Human Services, referred to in this resolve as "the department," shall develop a plan to establish 4 bariatric care beds a year for 4 years in the State to serve individuals who are eligible for long-term care and need bariatric care. In developing the plan, the department shall do the following.

1. No later than August 31, 2022, the department shall convene an informal work group with the long-term care ombudsman program established pursuant to the Maine Revised Statutes, Title 22, section 5106, subsection 11-C and representatives of a statewide organization representing nursing facilities to determine providers who are interested in developing bariatric care beds in their facilities.

2. No later than December 31, 2022, the department shall amend the department's rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities, with rate changes that build upon the resource utilization group system designed to capture the clinical intensity needs of residents occupying bariatric care beds. The rules must include appropriate weight or body mass index requirements, an enhanced rate of reimbursement to nursing facilities for residents occupying bariatric care beds and up to 30 bed hold days a year for bariatric care residents experiencing hospitalization. The rules must also include direct billing to the department

by providers of durable medical equipment, transportation and behavioral health services and decrease the amount of time for processing prior authorization requests. Rules adopted pursuant to this subsection are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

3. No later than March 30, 2023, the department shall issue a request for proposals to award contracts to provide the first 4 bariatric care beds.

4. No later than June 30, 2023, the department shall award contracts under the request for proposals to establish the first 4 bariatric care beds. Providers who are awarded contracts must offer bariatric care beds to appropriate residents no later than September 1, 2023 and receive an enhanced rate of reimbursement pursuant to rules adopted pursuant to subsection 2.

The department shall submit a report on progress, including any necessary legislation to establish the bariatric care beds and any required funding, to the Joint Standing Committee on Health and Human Services no later than December 1, 2022.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.