**TABLE OF CONTENTS**

PAGE

**INTRODUCTION** 1

 45.01 **Definitions** 2

 45.01-1 Accountable Communities (AC) 2

 45.01-2 Acute Care Critical Access Hospital 2

 45.01-3 Acute Care Non-Critical Access Hospital 2

45.01-4 Acute Care Hospitals Converting from Acute Care Critical Access Hospital

 Reimbursement to Acute Care Non-Critical Access Hospital Reimbursement 2

 45.01-5 Ambulatory Payment Classification 2

 45.01-6 As-Filed Medicare Cost Report……………………………………………………….2

 45.01-7 Diagnosis-Related Group (DRG) 2

 45.01-8 Discharge 3

 45.01-9 Distinct Rehabilitation Unit 3

 45.01-10 Distinct Psychiatric Unit 3

 45.01-11 Distinct Substance Use Disorder Unit 3

 45.01-12 Final Cost Settlement Report 3

 45.01-13 From Date 3

 45.01-14 Institution for Mental Disease 3

 45.01-15 Interim Cost Settlement Report 4

 45.01-16 Low Income Utilization Rate 4

 45.01-17 MaineCare Supplemental Data Form 4

 45.01-18 MaineCare Paid Claims History…. 4

 45.01-19 MaineCare Utilization Rate (MUR) 5

 45.01-20 Medicare Final Cost Report 5

 45.01-21 Medicare Severity Diagnosis- Related Group 5

 45.01-22 Non-rural Hospital 5

 45.01-23 Non-State Government Owned Hospital 5

 45.01-24 Payment Year 5

 45.01-25 Private Psychiatric Hospital 5

 45.01-26 Provider-Based Department (PBD) 6

 45.01-27 Prospective Interim Payment (PIP) 6

 45.01-28 Provider’s Fiscal Year 6

 45.01-29 Rehabilitation Hospital 6

 45.01-30 Rural Hospital 6

 45.01-31 State Fiscal Year 6

 45.01-32 State Owned Psychiatric Hospital 6

**TABLE OF CONTENTS** (cont.)

45.01-33 Transfer 6

45.02 **General Provisions** 7

45.02-1 Inflation 7

45.02-2 Third Party Liability (TPL) 7

45.02-3 Interim and Final Cost Settlements 7

45.02-4 Crossover Payments 8

45.02-5 Reporting and Payment Requirements 8

45.02-6 Data for PIP Calculation 11

45.02-7 PIP Payment Floor 12

45.02-8 Days Awaiting Nursing Facility (NF) Placement 12

45.02-9 Claims Billing 12

45.02-10 Readmission Penalty 12

45.03 **Acute Care Non-Critical Access Hospitals** 14

45.03-1 Department’s Total Obligation to the Hospital 14

45.03-2 Interim and Final Cost Settlement 19

45.03-3 Final Cost Settlement 20

45.04 **Acute Care Critical Access Hospitals (CAH)** 21

45.04-1 Department’s Total Obligation to the Hospital 21

45.04-2 Prospective Interim Payment 23

45.04-3 Interim PIP Adjustment 24

45.04-4 Interim Cost Settlement 24

45.04-5 Final Cost Settlement 24

45.06 **REHABILITATION HOSPITALS** 24

45.06-1 Department’s Total Obligation to the Hospital 24

45.06-2 Interim Cost Settlement 27

45.06-3 Final Cost Settlement 28

45.07 **VALUE-BASED PURCHASING SUPPLEMENTAL SUB-POOL** 29

45.08 **SUPPLEMENTAL POOL FOR NON-CRITICAL ACCESS HOSPITALS AND REHABILITATION**

**HOSPITALS** 31

45.08-1 Inpatient Pool 31

45.08-2 Outpatient Pool 31

**TABLE OF CONTENTS** (cont.)

45.09 **SUPPLEMENTAL PAYMENTS FOR ACUTE CARE HOSPITALS CONVERTING FROM ACUTE CARE CRITICAL ACCESS HOSPITAL REIMBURSEMENT TO ACUTE CARE NON-CRITICAL ACCESS HOSPITAL REIMBURSEMENT**  32

45.10 **PRIVATE** **Psychiatric Hospitals** 32

45.10-1 Department’s Total Obligation to the Hospital 32

45.10-2 Prospective Interim Payment 33

45.10-3 Interim Cost Settlement 33

45.10-4 Final Cost Settlement 33

45.11 **STATE OWNED PSYCHIATRIC HOSPITALS** 34

45.11-1 Total Obligation to the Hospital 34

45.11-2 Estimated Claims Payments 35

45.11-3 Final Cost Settlement 35

45.12 **Out-of-State Hospitals** 35

45.13 **CLINICAL LABORATORY AND IMAGING SERVICES** 36

45.14 **PROVIDER PREVENTABLE CONDITIONS** 36

45.15 **Disproportionate Share (DSH) PAYMENTS** 36

45.15-1 General Eligibility Requirements for DSH Payments 36

45.15-2 Additional Eligibility Requirements for Acute Care Hospitals 37

45.15-3 Disproportionate Share Payments 37

**APPENDIX A:** DRG-BASED PAYMENT METHODOLOGY 40

**APPENDIX B**: NON-EMERGENT USE OF THE EMERGENCY DEPARTMENT 42

**INTRODUCTION**

**REIMBURSEMENT FOR SERVICES PROVIDED FROM JULY 1, 2024 THROUGH AUGUST 8, 2024, COMPLIES WITH 22 M.R.S. SEC. 42(8).**

MaineCare recognizes seven different types of hospitals for the purpose of reimbursement, all of which are detailed below. MaineCare uses a different payment methodology for each type of facility. MaineCare reimburses hospitals in the following ways:

1) \***Acute Care Non-Critical Access Hospitals** will be reimbursed using a Diagnosis Related Group (DRG) based methodology for inpatient services effective July 1, 2012, using Ambulatory Patient Classification system payments for outpatient services. There are three subsets of Acute Care Non-Critical Access Hospitals: rural hospitals, non-rural hospitals, and Acute Care Hospitals converting from Acute Care Critical Access Hospital reimbursement to Acute Care Non-Critical Access Hospital reimbursement;

2) \* **Non State Government Owned Hospitals** will be reimbursed as Acute Care Non-Critical Access Hospitals, using a Diagnosis Related Group (DRG) based methodology for inpatient services and the Ambulatory Patient Classification system payments for outpatient services;

3) **Acute Care Critical Access Hospitals** will be reimbursed at a percentage of cost basis for inpatient and outpatient services;

4) **State Owned Psychiatric Hospitals** will be reimbursed on a cost basis for inpatient and outpatient services;

5) **Private Psychiatric Hospitals** will be reimbursed at a percentage of charge basis for inpatient services and at a percentage of cost basis for outpatient services; and

6) \***Rehabilitation Hospitals** will be reimbursed using Diagnosis Related Group (DRG) based methodology for inpatient services and Ambulatory Patient Classification system payments for outpatient services effective July 1, 2024.

45.01 **Definitions**

45.01-1 **Accountable Communities (AC)** is a MaineCare initiative established through a contract between the Department and an Accountable Community Lead Entity that establishes a financial relationship between the Department and the AC Lead Entity to both provide a financial incentive and hold the AC accountable for the provision of efficient, coordinated, and high-quality care. AC Lead Entities that achieve savings relative to a benchmark Total Cost of Care (TCOC) amount are eligible to receive a portion of these savings dependent on and proportional to their performance on a number of quality measures.

45.01-2 **Acute Care Critical Access Hospital** is a hospital licensed by the Department of Health and Human Services (DHHS or “the Department”) as a critical access hospital that is being reimbursed as a critical access hospital by Medicare.

45.01-3 **Acute Care Non-Critical Access Hospital** is a hospital licensed by the Department as an acute care hospital that is not being reimbursed as a critical access hospital by Medicare. There are three subsets of Acute Care Non-Critical Access Hospitals: rural hospitals, non-rural hospitals, and Acute Care Hospitals converting from Acute Care Critical Access Hospital reimbursement to Acute Care Non-Critical Access Hospital reimbursement.

45.01-4 \***Acute Care Hospitals Converting from Acute Care Critical Access Hospital Reimbursement to Acute Care Non-Critical Access Hospital Reimbursement** means a hospital that was, as of January 1, 2024, reimbursed for inpatient and outpatient services by Medicare as a Non-Critical Access Hospital and was reimbursed by MaineCare like a Critical Access Hospital, and effective July 1, 2024 will be reimbursed by MaineCare as an Acute Care Non-Critical Access Hospital.

45.01-5 \***Ambulatory Payment Classifications (APC)** means the classification of hospital-based outpatient services for use in determining facility reimbursement as defined in the Medicare Outpatient Prospective Payment System (OPPS). Codes CMS defines as “primary” may include ancillary services (e.g. drugs, supplies) in the APC rate amount.

45.01-6 **As-Filed Medicare Cost Report** means the cost report that the hospital files with the Medicare fiscal intermediary and with MaineCare, utilizing the CMS Medicare Cost Report form. In order for an As-Filed Medicare Cost Report to be accepted by MaineCare, hospitals must complete all information in the sections relevant to Title XIX, whether or not required by CMS.

45.01-7 **Diagnosis-Related Group** (DRG) means the classification of medical diagnoses for use in determining reimbursement as defined in the Medicare DRG system or as otherwise specified by the Department.

45.01 **Definitions** (cont.)

45.01-8 \***Discharge** occurs when the hospital formally releases a member from hospital care, or when a member dies in the hospital. Acute Care Non-Critical Access Hospitals, Non-State Government Owned Hospitals and Rehabilitation Hospitals are subject to readmission penalties as set forth in section 45.02-10 of this rule.

45.01-9 **Distinct Rehabilitation Unit** is a unit within an acute care non-critical access hospital that specializes in the delivery of inpatient rehabilitation services. The unit must be reimbursed as a distinct rehabilitation unit as a sub provider on the Medicare cost report.

45.01-10 **Distinct Psychiatric Unit** is a unit within an acute care non-critical access hospital or within an acute care critical access hospital that specializes in the delivery of inpatient psychiatric services. The unit must be reimbursed as a distinct psychiatric unit as a sub provider on the Medicare cost report, or must be comprised of beds reserved for use for involuntary commitments under the terms of a contract with the Department. The claim must also be distinguishable as representing a discharge from a distinct psychiatric unit in the MaineCare claims processing system.

45.01-11 **Distinct Substance Use Disorder Unit** is a unitthat combines the medical management of withdrawal with a structured inpatient rehabilitation program. Services include coordinated group education and psychotherapy, and individual psychotherapy and family counseling as needed. Licensed Alcohol and Drug Abuse Counselors (LADCs) assist medical staff in developing an interdisciplinary plan of care. Evidence-based best practices such as motivational interviewing are used by staff who are trained in substance use disorder treatment. The claim must also be distinguishable as representing a discharge from a distinct substance use disorder unit in the MaineCare claims processing system. This label is not a Medicare designation.

45.01-12 **Final Cost Settlement Report** is the report issued by the DHHS Office of Audit that contains the final settlement calculation and settlement amount due to or due from the hospital. This Report utilizes the hospital cost data from the Medicare Final Cost Report.

45.01-13 **From Date** is the earliest date the hospital provides care to the member during an inpatient stay including up to one (1) day preceding, a member’s admission to a distinct unit, or three (3) days preceding, a member’s admission to a medical unit. This date is indicated on the UB-04 Claim Form in Field Locator 6 under statement covers period.

45.01-14 **Institution for Mental Disease** (IMD) means an institution primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases. This includes medical attention, nursing care, and related services.

45.01 **Definitions** (cont.)

45.01-15 **Interim Cost Settlement Report** is the report issued by the DHHS Office of Audit that contains the settlement calculation and amount due to or due from the hospital. This report utilizes the hospital cost data from the As-Filed Medicare Cost Report.

45.01-16 **Low Income Utilization Rate** for a hospital means the sum of:

1) the fraction (expressed as a percentage)

1. the numerator of which is the sum (for a period) of (i) the total revenues paid the hospital for patient services under a State Plan, and (ii) the amount of the cash subsidies for patient services received directly from State and local governments, and

b) the denominator of which is the total amount of revenues of the hospital for patient services (including the amount of such cash subsidies) in the period; and

2) the fraction (expressed as a percentage)

a) the numerator of which is the total amount of the hospital's charges for inpatient hospital services which are attributable to charity care in a period, less the portion of any cash subsidies described in clause a) (ii) of subparagraph 1) above in the period reasonably attributable to inpatient hospital services, this numerator shall not include contractual allowances and discounts (other than for indigent patients not eligible for MaineCare), and

b) the denominator of which is the total amount of the hospital's charges for inpatient hospital services in the hospital in the period.

45.01-17 **MaineCare Supplemental Data Form**, also known as the As-Filed MaineCare Report, is a form submitted by hospitals on a template provided by the department which contains information supplemental to the Medicare Cost Report necessary for computing the Prospective Interim Payment, including, but not limited to, data pertaining to hospital-based physicians, lab and radiology claims and third-party payments.

45.01-18 **MaineCare Paid Claims History** is a summary of all claims billed by the hospital to MaineCare for MaineCare eligible members that have been processed and accepted for payment by MaineCare.

45.01 **Definitions** (cont.)

45.01-19 **MaineCare Utilization Rate (MUR)** means, for a hospital, a fraction (expressed as a percentage), the numerator of which is the hospital’s number of inpatient days attributable to patients who (for such days) were eligible for MaineCare and the denominator of which is the total number of the hospital’s inpatient days in that period.

 In this paragraph, the term “inpatient days” includes each day in which an individual (including a newborn) is an inpatient in the hospital, whether or not the individual is in a specialized ward and whether or not the individual remains in the hospital for lack of suitable placement elsewhere. The period used to determine the MUR is the Payment Year, as defined below.

45.01-20 **Medicare Final Cost Report** means the Report issued by the Medicare fiscal intermediary and issued to the hospital and to MaineCare.

45.01-21 **Medicare Severity** **Diagnosis-Related Group** (MS-DRG) means the classification of medical diagnoses which adds patient’s severity of illness and risk of mortality for use in determining reimbursement as defined in the Medicare DRG system or as otherwise specified by the Department.

45.01-22 **Non-rural Hospital** is a acute care non-critical access hospital that does not meet the definition of a “Rural Hospital” as defined in this regulation.

45.01-23 \***Non-State Government Owned Hospital** isan Acute Care Non-Critical Access Hospital licensed by the Department that is neither privately owned nor operated by the State of Maine.

45.01-24 **Payment Year,** for purposes of Disproportionate Share (DSH) eligibility calculations, means a year commencing on or after October 1 However, if a hospital has a fiscal year that commences between September 20 and September 30, then its fiscal year shall be deemed to be a fiscal year commencing October 1 of the same calendar year. For example, if a hospital’s fiscal year ends September 25, its fiscal year shall be deemed to be a fiscal year commencing October 1 of that calendar year.

45.01-25 **Private Psychiatric Hospital** is a hospital that is primarily engaged in providing psychiatric services for the diagnosis, treatment, and care of persons with mental illness and is privately owned. The facility must be licensed as a psychiatric hospital by the Department of Health and Human Services. A psychiatric hospital may also be known as an institution for mental disease.

45.01 **Definitions** (cont.)

45.01-26 \***Provider-Based Department (PBD)** is a “Department of a Provider” as defined by Medicare in 42 C.F.R. Sec. 413.65, and as reported on the hospital’s Medicare cost report. Rural Health Clinics, as described in MBM Chapter II, Section 103: Rural Health Clinic Services, are not PBDs.

45.01-27 **Prospective Interim Payment (PIP)** is the prospective periodic payment made to hospitals. State owned hospitals receive quarterly prospective interim payments. All other hospitals that receive PIP payments will receive them on a weekly basis. These payments may represent only a portion of the amount due the hospital; other lump sum payments made to hospitals throughout the year are not Prospective Interim Payment unless designated.

45.01-28 **Provider’s Fiscal Year** is the twelve (12) month period used by a hospital as an accounting period.

45.01-29 **Rehabilitation Hospital** is a hospital that provides an intensive rehabilitation program and is recognized as an Inpatient Rehabilitation Facility by Medicare.

45.01-30 **Rural Hospital** is a acute care non-critical access hospital that meets one of the following criteria:

1. Is a “Sole Community Hospital” as designated by Medicare, and as reported on the hospital’s Medicare cost report; or
2. Is a “Medicare-Dependent Hospital” as designated by Medicare, and as reported on the hospital’s Medicare cost report; or
3. Is a participating hospital on the Medicare “Rural Community Hospital Demonstration”, as reported in the hospital’s Medicare cost report.

45.01-31 **State Fiscal Year** is the twelve (12) month period used by the State of Maine as an accounting period which begins July 1 and ends June 30 (e. g., SFY 2001 begins July 1, 2000, and ends June 30, 2001).

45.01-32 **State Owned Psychiatric Hospital** is a hospital that is primarily engaged in providing psychiatric services for the diagnosis, treatment, and care of persons with mental illness and is owned and operated by the State of Maine. The facility must be licensed as a psychiatric hospital by the Department of Health and Human Services. A psychiatric hospital may also be known as an institution for mental disease.

45.01-33 **Transfer** means a member is moved from one hospital to the care of another hospital. MaineCare will not reimburse for more than two discharges for each episode of care for a member transferring between multiple hospitals.

45.02 **General Provisions**

45.02-1 **Inflation**

\*Annual inflation adjustments will be applied to components of inpatient DRG reimbursement. For Distinct Psychiatric Units, and Distinct Substance Use Disorder Units this includes the per diem base rate. For other Acute Care Non-Critical Access Hospitals this includes the Maine Base Rate, GME add-on rate, and DRG outlier threshold. During rebasing years, inflationary increases will not be applied to DRG reimbursement components, as inflation components are considered during rebasing. For purposes of determining inflation, unless otherwise specified, the economic trend factor from the most recent edition of the “Healthcare Cost Review” from IHS Markit is used.

45.02-2 **Third Party Liability (TPL)**

When a member is admitted to a hospital, it is the hospital’s responsibility to identify all coverage available and perform all procedural requirements **of that identified coverage** to assure proper reimbursement. The Department will remove claims data from the MaineCare paid claims history when the TPL reimbursement for that claim

is equal to or exceeds MaineCare reimbursement. Please see Chapter I Section 1.07 of the *MaineCare Benefits Manual* for detailed definitions applicable to Third Party Liability. Providers must adhere to the procedures outlined in that Section. Any MaineCare claims data submitted by a hospital may only be withdrawn within one hundred twenty (120) days of the date of the remittance statement.

45.02-3 **Interim and Final Cost Settlements**

At interim and final settlements, the hospital will reimburse the Department for any overpayments within thirty (30) days of receipt of the settlement report, or the Department will reimburse the amount of any underpayment to the hospital. Each Interim and Final Cost Settlement Report must be treated separately for purposes of remitting checks for overpayment and underpayment. If no payment is received within thirty (30) days, the Department may offset prospective interim payments, if permitted by federal and state law. Any caps imposed on Prospective Interim Payments (PIPs) are not applicable to the determination of settlement amounts.

The final settlement will not be performed until the Department receives the Medicare Final Cost Report. If the Medicare Final Cost Report has been received by the Department prior to the issuance of the Interim Cost Settlement Report, the Department will issue only a Final Cost Settlement Report.

45.02 **General Provisions** (cont.)

Pursuant to PL 2007, P & S Law, Chapter 19, when carrying out final and interim settlements of payments, the Department shall pay all final settlements for hospital fiscal years 2003 and earlier prior to paying interim settlements for services for hospital fiscal years 2005 and later. This does not limit the Department’s authority to:

1. Make ongoing MaineCare payments for services being rendered during the current fiscal year; or

2. Provide partial settlements for hospital fiscal years 2004 and later to certain hospitals in need of such relief in order to relieve financial hardship. Financial hardship is determined by the Department and includes consideration of such factors as a high settlement amount due as a percent of total patient revenue, significant negative operating margins and/or negative cash flow as reflected on audited financial statements.

The provider must submit a written request for a hardship waiver to the DHHS Commissioner sixty (60) days from the due date for the hospital’s MaineCare cost report. All supporting documentation must be submitted with the request. The Department will not make a determination of financial hardship until resources are available to issue interim or final hospital audit settlements. The Department may request additional information to support the provider’s claim of financial hardship before making a determination.

45.02-4 **Crossover Payments**

MaineCare does not reimburse for Medicare crossover payments, except to the extent required by CMS (See 42 U.S.C. 1396a(a)(10)(E)(i) and 42 U.S.C. 1396d(p)(3)).

45.02-5 **Reporting and Payment Requirements**

All Maine hospitals are required to submit an As-Filed Medicare Cost Report, MaineCare Supplemental Data Form and additional documents as described below, within five (5) months of the end of the provider’s fiscal year, as defined above, to the State of Maine Department of Health and Human Services, Office of Audit, 11 State House Station, Augusta, ME, 04333. Non-Maine (out-of-state) hospitals are not required to submit any cost reports.

##### A. As-Filed Medicare Cost Report and MaineCare Supplemental Data Forms

Maine hospitals are required to utilize the Medicare Cost Report forms including both Title XVIII and Title XIX work sheets for their As-Filed Medicare Cost Reports. Title XIX worksheets must include all MaineCare charge data available at the time of filing. The MaineCare Supplemental Data Form must also be

45.02 **General Provisions** (cont.)

provided on a template provided by the Department. All sections relevant to Title XIX must be completed, whether or not required by CMS.

##### B. Required Certifications and Signatures

All documents must bear original signatures. The administrator of the hospital must certify the As-Filed Medicare Cost Report by signing it. If someone other than facility staff prepares the return, the preparer must also sign the report.

The hospital shall also submit a copy of the MaineCare Supplemental Data Form electronically.

##### C. As-Filed Medicare Cost Report and MaineCare Supplemental Data Form

#####  Time Period

The As-Filed Medicare Cost Report and the MaineCare Supplemental Data Form shall cover the twelve (12) month period of each provider's fiscal year unless:

1. A change in licensing category has become effective during a provider’s fiscal year, (e.g., a hospital becomes designated as a critical access hospital) in which case the hospital must file two (2) versions of As-Filed Medicare Cost Report and the MaineCare Supplemental Data Form, one (1) for the part of the fiscal year under one licensing category and another for the part of the fiscal year under the second licensing category; or

2. Advance authorization to submit an As-Filed Medicare Cost Report and a MaineCare Supplemental Data Form for a lesser period has been granted in writing by the Director of the Office of Audit.

D. **Documentation Required to Be Filed with the As-Filed Medicare Cost Report**

The Department requires that the following supporting documentation be submitted with the As-Filed Medicare Cost Report:

[Note: Cents are omitted in the preparation of all schedules except when inclusion is required to properly reflect per diem costs or rates.]

45.02 **General Provisions** (cont.)

* + - * 1. Audited financial statements;
				2. Worksheet reconciling financial statement revenue to the Worksheet C charges on the As-Filed Medicare Cost Report;
				3. MaineCare Supplemental Data Form;
				4. UB Mapping – mapping revenue codes to appropriate cost center; and
				5. 1500 Mapping – mapping of 1500 claims to clinic/cost centers by service area, specialty, or physician.

E. **Payment Requirements in the Event of an Overpayment to the Hospital**

If a hospital determines from the As-Filed Medicare Cost Report that the hospital owes monies to the Department of Health and Human Services, a check equal to one hundred percent (100%) of the amount owed to the Department must accompany the As-Filed Medicare Cost Report.

If the Department does not receive a check with the As-Filed Medicare Cost Report, the Department may elect to suspend prospective payments, pursuant to State regulations and statutes.

F. \***Upper Payment Limits (UPL)**

Reimbursement is subject to applicable CMS Upper Payment Limits (UPL). Non-State Government Owned Hospitals are subject to a separate UPL.

If the Department determines MaineCare payments to a hospital exceed the UPL, the Department shall limit payments accordingly to ensure compliance with the applicable UPL, after providing written prior notice to the hospital.

G. **Consequences of Failing to File Complete and Adequate As-Filed Medicare Cost Report and MaineCare Supplemental Data Form**

The Department has determined that failing to file an adequate, complete As-Filed Medicare Cost Report and MaineCare Supplemental Data Form, as determined by the Department, in a timely manner as required above is grounds for the Department to impose sanctions pursuant to the *MaineCare Benefits Manual* Chapter I, Section I.

The Office of Audit may reject any reports that do not comply with these regulations. In such cases, the Department shall deem the report incomplete until re-filed and in compliance.

45.02 **General Provisions** (cont.)

H. **Extensions**

 Hospitals must file all requests for extension of time to file an As-Filed Medicare Cost Report and/or MaineCare Supplemental Data Form in writing, and the Office of Audit must receive the request no less than fifteen (15) days prior to the due date. The hospital must clearly explain the reason for the request and specify the date by which the Office of Audit will receive the report.

 The Office of Audit will not grant automatic extensions. The Director of the Office of Audit has the sole discretion to determine whether the request is for good cause based on the merits of each request. A "good cause" is one that supplies a substantial basis for the delay or an intervening action beyond the provider’s control. Ignorance of the rule, inconvenience, or a Cost Report preparer engaged in other work will not be considered “good cause.”

45.02-6 **Data for PIP Calculation**

To calculate the PIP for a given state fiscal year the Department will use the most recent As-Filed Medicare Cost Report, and the MaineCare Supplemental data form filed by the hospital, to the extent these reports contain complete information, including but not limited to, the Title XIX section of the Medicare Cost Report and the MaineCare paid claims history to the extent that it is available. If they are not complete, the Department will use the most recent Cost Settlement Report. The Department will also review any additional data submitted by the deadline regarding significant differences in costs that occurred after the year of the cost report. The Department’s estimates of PIP will also reflect operational and/or policy revisions expected to result in substantive changes to services provided by hospitals.

The deadline for receipt of data related to the calculation of prospective interim payments, including estimated discharges, will be May 31 of the calendar year in which the state calculates the PIP.

\*A Hospital approved by the Department for conversion to an Acute Care Critical Access Hospital must submit cost report data to determine the hospital’s PIP estimate prior to the effective date of the facility’s new status as an Acute Care Critical Access Hospital. The hospital must complete a Critical Access Hospital Cost Report, as published by the Division of Audit, for the fiscal year determined by the Department. This template (available at [https://www.maine.gov/dhhs/about/financial-management/audit/mainecare-cost-report](https://www.maine.gov/dhhs/about/financial-management/audit/mainecare-cost-report%20) ) must be submitted to: State of Maine Department of Health and Human Services, Office of MaineCare Services, Attn: Rate Setting, 11 State House Station, Augusta, ME, 04333.

45.02 **General Provisions** (cont.)

45.02-7 **PIP Payment Floor**

If CMS approves, the Department establishes a floor for PIP payments so that the total payment to all hospitals receiving a PIP is not less than seventy percent (70%) of the calculated amount of the total PIP for the state fiscal year.

45.02-8 \***Days Awaiting Nursing Facility (NF) Placement**

Effective July 1, 2024, in-state Acute Care Non-Critical Access Hospitals may bill for each day that a MaineCare eligible member is in the care of the hospital while awaiting placement in a NF. The Department will reimburse at seventy-five percent (75%) of the statewide average per diem rate per MaineCare member day for NF services. The statewide average rate will be computed based on the simple average NF rate per MaineCare member day for the applicable state fiscal year. The reimbursement fund for days awaiting placement pursuant to this section is capped at a maximum annual sum of $1,500,000 of combined state General Fund funds and federal funds for each State fiscal year. The Department will reimburse quarterly by order of claim date. In the event the cap is expected to be exceeded in any quarter, reimbursement for claims in that quarter will be paid out proportionately, and a notification of total funds expended for that year will be sent out to providers.

45.02-9 \***Claims Billing**

Hospitals must submit claims using required billing forms, as described in the Department’s billing instructions.

The Department has provided additional Hospital Billing Guidance to supplement this rule; this guidance is updated regularly and is available at [https://mainecare.maine.gov/Billing%20Instructions/Forms/Publication](https://mainecare.maine.gov/Billing%20Instructions/Forms/Publication.aspx).aspx.

45.02-10 \***Readmission Penalty**

Effective August 9, 2024, clinically related readmissions for the member to the same hospital within thirty (30) days of an inpatient Discharge are not eligible for reimbursement. Examples of clinically related readmissions include, but are not limited to:

1. The readmission DRG is in the same DRG classification as the initial admission DRG;

45.02 **General Provisions** (cont.)

1. The readmission is related to the same condition(s) treated or care provided in the initial admission; and
2. The readmission is a result of complications from the initial admission.

The following scenarios do not constitute readmissions:

1. Admissions to Rehabilitation Hospitals;
2. Admission following discharge from inpatient maintenance chemotherapy treatment;
3. Admission following discharge from obstetric or newborn related services;
4. Admission following Discharge from or transfer to a Distinct Rehabilitation Unit, Psychiatric Unit, or Substance Use Disorder Unit within the same hospital;
5. Admission following patient self-directed Discharge (discharged against medical advice);
6. Claims for which the member exclusively received Days Awaiting Nursing Facility (NF) Placement services (see Section 45.02-8);
7. Claims for which MaineCare is not the primary payer;
8. Linked admissions (leave of absence); and
9. Any inpatient service billed as outpatient.

Following claim redetermination, providers may submit a claims adjustment request to the Department as outlined in MBM Ch. I, Section 1: General Administrative Policies and Procedures.

Specific service codes and additional billing instructions can be found in the Hospital Billing Guidance.

45.03 **Acute Care Non-Critical Access Hospitals**

45.03-1 **\*Department’s Total Obligation to the Hospital**

1. **\*Inpatient Services** (not including distinct psychiatric or, if CMS approves, substance use disorder unit discharges)

Effective for reimbursement for inpatient claims with a From Date on or after July 1, 2024, the Department will pay using DRG-based discharge rates, which include estimated capital costs, as described in Appendix A: DRG-Based Payment Methodology.

1. **Distinct Psychiatric Units and Distinct Substance Use Disorder Units**

Effective July 1, 2023, the Department will pay distinct psychiatric unit and distinct substance use disorder (SUD) units as outlined below. This reimbursement methodology shall apply for members whose From Date is on or after July 1, 2023. The methodology shall be as follows:

1. **Payment Rate for Distinct Psychiatric Units and Distinct Substance Use**

 **Disorder Units**

* 1. The Department has adopted the Medicare MS-DRG and Length of Stay factors as specified in the distinct psychiatric unit and distinct SUD unit reimbursement schedule which is posted on the Department’s [website](https://mainecare.maine.gov/Provider%20Fee%20Schedules/Forms/Publication.aspx?RootFolder=%2FProvider%20Fee%20Schedules%2FRate%20Setting%2FSection%20045%20%2D%20Hospital%20Services&FolderCTID=0x012000264D1FBA0C2BB247BF40A2C571600E81&View=%7B69CEE1D4%2DA5CC%2D4DAE%2D93B6%2D72A66DE366E0%7D). Per diem base rates were calculated to result in total reimbursement equal to one hundred percent (100%) of the costs of such discharges in the aggregate across all hospitals with distinct psychiatric units and distinct SUD units, utilizing 2022 data, when adjusted for MS-DRG relative weights and Length of Stay factor. The Medicare Length of Stay factor is a cumulative factor that takes into account how many days the patient stays in the distinct unit.
	2. The Department will calculate reimbursement for covered inpatient stays in these distinct units using the following formula:

 Per diem base rate (determined by whether the MS-DRG is a psychiatric or SUD MS-DRG) multiplied by the applicable MS-DRG relative weight multiplied by the applicable Length of Stay factor

45.03 **Acute Care Non-Critical Access Hospitals** (cont.)

 c. Per diem base rates for psychiatric MS-DRGs differ for adults aged nineteen (19) and older and youth aged eighteen (18) and younger, reflecting the significant difference in average costs observed in hospitals’ 2021 and 2022 cost report data for these populations. The per diem base rate for SUD MS-DRGs will remain consistent regardless of member’s age.

 d. Per diem base rates will be updated annually based on the inflation provision in this rule and are posted on the MaineCare Provider Fee Schedule, in accordance with 22 MRSA Section 3173-J.

e. DRG and outlier methodology as described in Appendix A does not apply to claims from these distinct units.

1. **Supplemental Payment for Certain Distinct Psychiatric Units**

Hospitals that have distinct psychiatric units, are located in zip codes that CMS designates as “super rural,” meaning they are in the bottom quartile of nonmetropolitan zip codes by population density, and also have a designation by the Health Resources and Services Administration (HRSA) as a High Needs Geographic Health Professional Shortage Area (HPSA) for mental health are eligible to receive a yearly supplemental payment in the amount of eight hundred and seventy-five thousand dollars $875,000. This supplemental payment will be distributed in equal payments in May and November. This supplemental payment is not subject to cost settlement. The supplemental payment will expire on June 30, 2025.

1. **\*Cost Settlement**

Claims paid under this methodology do not include graduate medical education costs, and will not be subject to cost settlement, with the exception of capital costs incurred prior to September 1, 2024.

4. **Billing Practices**

Providers billing for distinct psychiatric units or distinct SUD units should ensure billing practices align with requirements outlined in the MaineCare UB-04 Billing Instructions Guide located on the [HealthPAS](https://mainecare.maine.gov/default.aspx) website.

45.03 **Acute Care Non-Critical Access Hospitals** (cont.)

C. **Outpatient Services, Including Laboratory and Imaging**

1. **\*APC Payment**

 Effective July 1, 2024, the Department will reimburse Acute Care Non-Critical Access Hospitals for covered outpatient services, including ancillary services such as laboratory and imaging services, but not hospital-based physician services, at one hundred and nine percent (109%) of the adjusted Medicare APC rates, where the APC is applicable, unless otherwise specified in this rule. This percentage is determined by using utilization and cost data from hospital fiscal year 2022 As-Filed Medicare Cost Reports and is calculated to maximize reimbursement under the UPL with a small margin of error.

 APC payments are made when the member receives services in an emergency room, clinic, or other outpatient setting, or if the outpatient is transferred to another hospital or facility that is not affiliated with the initial hospital where the patient received the outpatient services.

 If the outpatient is admitted from a hospital’s clinic or emergency department, to the same hospital as an inpatient, the hospital shall be paid only a DRG-based discharge rate and will not receive an APC payment.

 An outlier payment adjustment is made to the rate when an unusually high level of resources has been used for a case. Effective July 1, 2024, calculations for outlier payments will follow Medicare rules and be paid at one hundred and nine percent (109%) of the Medicare payment.

1. **Payment Window Rule**

 This rule institutes billing and payment procedures for outpatient services provided on either the date of a member’s inpatient hospital admission or during the three (3) calendar days immediately preceding the date of a member’s inpatient hospital admission. Hospitals (or an entity that is wholly owned or wholly operated by the hospital) must include on the claim for a member’s inpatient stay, the diagnoses, procedures, and charges for all outpatient diagnostic services and admission-related outpatient non-diagnostic services that are furnished to the member during the three (3) days immediately preceding the date of inpatient hospital admission.

45.03 **Acute Care Non-Critical Access Hospitals** (cont.)

Distinct rehabilitation, psychiatric, and substance use disorder units of a hospital are subject to only a one (1)-day payment window (the one (1) calendar day immediately preceding the date of inpatient hospital admission.) An entity is wholly owned by the hospital if the hospital is the sole owner of the entity. An entity is wholly operated by a hospital if the hospital has exclusive responsibility for conducting and overseeing the entity’s routine operations, regardless of whether the hospital also has policymaking authority over the entity.

The technical component of all outpatient diagnostic and clinically related non-diagnostic services that are provided by the hospital, or by an entity wholly owned or wholly operated by the hospital, are to be billed with the claim for inpatient services when the outpatient services are provided in the three (3) calendar days (or one (1) calendar day if applicable) preceding an inpatient admission.

All non-clinically related, non-diagnostic services provided before admission are not to be included on the inpatient claim. These outpatient services should be identified with the appropriate condition code. All non-diagnostic services, clinically related or not, provided on the date of inpatient admission are always deemed to be related to the admission and are to be included on the inpatient claim.

MaineCare will reimburse the technical portion of the outpatient services on the inpatient claim.

For physician services provided during the payment window and billed on the CMS 1500, the entity must append the appropriate modifier to all claim lines identified as connected to the inpatient stay. MaineCare will reimburse the professional component with payment rates that include a professional and technical split and at the facility rate for services that do not have a professional and technical split.

It is the responsibility of the admitting hospital to notify wholly-owned or wholly-operated entities of an inpatient admission which may impact the entities eligibility for payment.

The payment window rule does not apply to outpatient services included in the rural health clinic or federally qualified health center all-inclusive rate, nor does it apply to ambulance and maintenance renal dialysis services.

45.03 **Acute Care Non-Critical Access Hospitals** (cont.)

1. **Fee Schedule Payments**

A limited number of Current Procedural Terminology (CPT) codes do not have associated Medicare APC rates, as listed in [Addendum B](https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/HospitalOutpatientPPS/Addendum-A-and-Addendum-B-Updates.html). MaineCare covers certain services listed in Addendum B and pays for these services based on rates listed on the MaineCare Provider Fee Schedule.

1. **Payment for Non-emergency use of the Emergency Department**

Effective October 1, 2015, hospital payment for an emergency department visit (CPT codes 99281-99285 billed with revenue codes 0450-0459), with a primary diagnosis code included in Appendix B will be paid the outpatient physician’s professional evaluation and management service fee schedule rate. This will be determined by using the current physician’s payment rate listed in the [MaineCare Provider Fee Schedule](https://mainecare.maine.gov/Provider%20Fee%20Schedules/Forms/Publication.aspx) associated with the emergency department CPT code reported on the UB04 claim.

*\*Effective July 1, 2024, the former Public Hospitals section under 45.03 is repealed.*

1. \***Hospital Outpatient Provider-Based Departments (PBDs)**

Effective August 9, 2024, items and/or services that are furnished by an off-campus hospital outpatient provider-based department (PBDs) will be reimbursed at a reduced MaineCare rate, proportionate to the reimbursement described in the annual CMS OPPS & ASC final rule. PBDs are required to bill using an institution claim (UB04) and report either the PO or PN modifier, as appropriate, on each claim line for applicable items and services. Physicians will be paid the professional claim and will be paid at the facility rate consistent with current policies for physicians practicing in an institutional setting for the technical component of all non-excepted items and services.

E. **Hospital-based Physician, Effective January 1, 2020:**

 MaineCare will reimburse non-rural hospitals:

45.03 **Acute Care Non-Critical Access Hospitals** (cont.)

* Ninety-three and three tenths percent (93.3%) of its share of inpatient hospital-based physician costs,
* Ninety-three and four tenths percent (93.4%) of its share of outpatient emergency room hospital-based physician costs, and
* Eighty-three and eight tenths percent (83.8%) of non-emergency room outpatient hospital-based physician costs.

\*MaineCare will reimburse rural hospitals and Acute Care Hospitals converting from Acute Care Critical Access Hospital reimbursement to Acute Care Non-Critical Access Hospital reimbursement:

* One hundred percent (100%) of its share of inpatient hospital-based physician costs,
* One hundred percent **(**100%) of its share of outpatient emergency room hospital-based physician costs, and
* One hundred percent (100%) of non-emergency room outpatient hospital-based physician costs.

Hospitals will be reimbursed based on claim forms filed with the Department. The billing procedure is described in Chapter II, Section 45. These payments are subject to cost settlement.

45.03-2 **\*Interim and Final Cost Settlement**

Effective July 1, 2024, all calculations are based on the hospital's As-Filed Medicare Cost Report (for interim settlement) or Final Medicare Cost Report (for final settlement), MaineCare Supplemental Data Form and MaineCare paid claims history for the year for which the interim or final settlement is being performed. No cap imposed on a PIP will limit or otherwise affect the determination of settlement amounts.

1. **Interim Settlement for years up to and including SFY ‘11**

To the extent applicable, MaineCare’s interim cost settlement with a hospital will include settlement of:

* Prospective interim payments; and
* Payments made for hospital-based physician services provided on or after the date MIHMS went live.

45.03 **Acute Care Non-Critical Access Hospitals** (cont.)

1. **DRG Based System/Outpatient Prospective Payment – SFY 2012 Only for Private Hospitals, SFY 2012 through SFY 2024 for Public Hospitals**

MaineCare’s interim cost settlement with a hospital operating under the DRG-based system will include settlement of:

* The DRG-based discharge rate as further described in the Appendix;
* Payments made for hospital-based physician services; and
* Outpatient prospective interim payments.
1. **DRG and APC Based System – SFY 2013 through SFY 2024 for Private Hospitals**

MaineCare’s interim cost settlement with a hospital operating under the DRG and APC based system will include settlement of:

* The DRG-based discharge rate as further described in the Appendix; and
* Payments made for hospital-based physician services.
1. **\* DRG and APC Based Systems – SFY ’25 and Forward**

MaineCare’s interim cost settlement with a hospital operating under DRG and APC based systems will include settlement of:

* Payments made for hospital-based physician services

APC payments will not be cost settled.

45.03-3 \***Final Cost Settlement**

All settlement processes use charges included in MaineCare paid claims history for the relevant year, MaineCare supplemental data form and the hospital's Medicare Final Cost Report. No cap imposed on a PIP will limit or otherwise affect the determination of settlement amounts.

A. **Final Settlement for years up to and including SFY ‘11**

MaineCare’s final cost settlement with a hospital will include settlement of:

* Prospective interim payments, and

45.03 **Acute Care Non-Critical Access Hospitals** (cont.)

* Payments made for hospital-based physician services provided on or after the date MIHMS went live.

B. **DRG Based System/Outpatient Prospective Payment – SFY 2012 Only for Private Hospitals, SFY 2012 through SFY 2024for Public Hospitals**

MaineCare’s final cost settlement with a hospital operating under the DRG-based system will include settlement of:

* The DRG-based discharge rate as described in Appendix A;
* Payments made for hospital-based physician services; and
* Outpatient prospective interim payments.

C. **DRG and APC Based System – SFY 2013 through SFY 2024 – Private Hospitals**

MaineCare’s final cost settlement with a hospital operating under the DRG and APC based system will include settlement of:

* The DRG-based discharge rate as further described in Appendix A; and
* Payments made for hospital-based physician services

D. **\* DRG and APC Based Systems – SFY ’25 and Forward**

MaineCare’s final cost settlement with a hospital operating under DRG and APC based systems will include settlement of:

* Payments made for hospital-based physician services

APC payments will not be cost settled.

All calculations made in relation to acute care critical access hospitals (CAH) must be made in accordance with the requirements for completion of the Medicare Cost Report and Generally Accepted Accounting Principles, except as stated below.

* 1. **Acute Care Critical Access Hospitals**

45.04-1 **Department’s Total Obligation to the** **Hospital**

The Department of Health and Human Services’ total annual obligation to the hospitals will be the sum of MaineCare’s obligation of the following: inpatient services + outpatient services + days awaiting placement and in swing beds + hospital based physician +

45.04 **Acute Care Critical Access Hospitals** (cont.)

Disproportionate Share Hospital (for eligible hospitals) + supplemental pool reimbursements (for eligible hospitals) – third party liability payments.

A. **Inpatient Services**

MaineCare will reimburse one hundred and nine percent (109%) of allowable costs.

B. Outpatient Services

MaineCare will reimburse one hundred and nine percent (109%) of allowable costs.

C. Distinct Psychiatric and Substance Use Disorder Units

MaineCare will reimburse stays on these units as outlined in Section 45.03(B) of this rule. Reimbursement for services provided on these units will not be cost settled.

D. Supplemental Pool

The Department will allocate the supplemental pool amount for each state fiscal year among the privately owned and operated acute care critical access hospitals based on their relative share of total MaineCare payment as compared to other critical access hospitals.

Total annual supplemental pool amounts are available on the [MaineCare Services website](https://mainecare.maine.gov/Provider%20Fee%20Schedules/Forms/Publication.aspx); or, interested parties may request a paper copy by calling (207) 624-4050 or Maine Relay number 711.

The relative share is defined as the critical access hospital’s MaineCare payment in the applicable state fiscal year divided by MaineCare payments made to all CAH hospitals in that year; multiplied by the total supplemental pool. This amount will not be adjusted at the time of audit.

For state fiscal year beginning on or after July 1, 2019, but before July 1, 2021, the hospital’s applicable year is the hospital’s fiscal year that ended during calendar year 2016.

Each hospital in the pool will receive its relative share of this supplemental payment. Supplemental payments will be distributed semiannually in November and May.

45.04 **Acute Care Critical Access Hospitals** (cont.)

E. MaineCare Member Days Awaiting Placement at a Nursing Facility

The Department will reimburse prospectively at the estimated statewide average rate per member day for NF services. The Department will reimburse at the prospective statewide average rates per member day for NF services that are specified in the “Principles of Reimbursement for Nursing Facilities”, *MaineCare Benefits Manual* Chapter III, Section 67. The Department shall compute the average statewide rate per member day based on the simple average of the NF rate per member day for the applicable State fiscal year(s) and prorated for a hospital’s fiscal year.

F. Other Components

MaineCare will reimburse its share of inpatient hospital-based physician costs, outpatient emergency room hospital-based physician costs, outpatient non-emergency room hospital-based physician costs, and all graduate medical education costs.

Effective January 1, 2020, MaineCare’s share of hospital-based physician costs is reimbursed at one hundred percent (100%) of costs.

July 1, 2009, through December 31, 2019, MaineCare will reimburse ninety-three and three tenths percent (93.3%) of its share of inpatient hospital-based physician, ninety-three and four tenths percent (93.4%) of its share of outpatient emergency room hospital-based physician, and eighty-three and eight tenths percent (83.8%) of outpatient non-emergency room hospital-based physician costs.

45.04-2 **Prospective Interim Payment**

The estimated departmental annual inpatient/outpatient obligation, described above, will be calculated using the most recent MaineCare Supplemental Data Form increased by the rate of inflation to the beginning of the current state fiscal year. Third party liability payments are subtracted from the PIP obligation.

PIPs will be reduced by the anticipated amount of reimbursement for Medicare approved provider based primary care physician services as required to be billed on the CMS 1500 under Chapter II, Section 45, all inpatient hospital-based physician payments and those outpatient services the hospital has elected to bill on the CMS 1500. The PIP payment does not include DSH payments or the hospital’s share of the supplemental pool payments.

45.04 **Acute Care Critical Access Hospitals** (cont.)

45.04-3 **Interim PIP Adjustment**

The Department initiates an interim PIP adjustment under very limited circumstances, including but not limited to, restructuring payment methodology as reflected in a state plan amendment; when a hospital “changes” categories (e.g., becomes designated critical access); or a hospital opens or closes resulting in a redistribution of patients among facilities.

45.04-4 **Interim Cost Settlement**

The Department calculates the Interim Cost Settlement with a hospital using the same methodology as is used when calculating the PIP, except that the data sources used are the hospital's As-Filed Medicare Cost Report, MaineCare Supplemental Data Form and MaineCare paid claims history for the year for which interim settlement is being performed.

45.04-5 **Final Cost Settlement**

The Department of Health and Human Services calculates the final settlement with a hospital using the same methodology as is used when calculating the PIP, except that the data sources used are the Medicare Final Cost Report, MaineCare Supplemental Data Form and MaineCare paid claims history for the year for which settlement is being performed.

45.06 **\*REHABILITATION HOSPITALS**

Effective July 1, 2024, the Department will reimburse Rehabilitation Hospitals as follows:

45.06-1 \***Department’s Total Obligation to the Hospital**

1. **\*Inpatient Services**

Effective for reimbursement for inpatient claims with a From Date on or after July 1, 2024, the Department will pay using DRG-based discharge rates, as described in Appendix A: DRG Based Payment Methodology.

45.06 **REHABILITATION HOSPITALS** (cont.)

1. **Outpatient Services**
2. **\*APC Payments**

The Department will reimburse Rehabilitation Hospitals for covered outpatient services, including ancillary services such as laboratory and imaging services, but not hospital-based physician services, at one hundred and nine percent (109%) of the adjusted Medicare APC rate, where the APC is applicable, unless otherwise specified in this rule.

 APC payments will be made for services received in an emergency room, clinic or other outpatient setting, or, if the outpatient is transferred to another hospital or facility that is not affiliated with the initial hospital, where the member received the outpatient services. If the outpatient is admitted from a hospital’s clinic or emergency department to the same hospital as an inpatient, the hospital will be paid only a discharge rate and will not receive an APC payment.

An outlier payment adjustment will be made to the rate when an unusually high level of resources has been used for a case. Effective July 1, 2024, calculations for outlier payments will follow Medicare rules and be paid at one hundred and nine percent (109%) of the Medicare payment.

2. **Payment Window Rule**

This rule institutes billing and payment procedures for outpatient services provided on either the date of a member’s inpatient hospital admission or during the one (1) calendar day immediately preceding the date of a member’s inpatient hospital admission. Hospitals (or an entity that is wholly owned or wholly operated by the hospital) must include on the claim for a member’s inpatient stay, the diagnoses, procedures, and charges for all outpatient diagnostic services and admission-related outpatient non-diagnostic services that are furnished to the member during the one (1) day immediately preceding the date of inpatient hospital admission.

An entity is wholly owned by the hospital if the hospital is the sole owner of the entity. An entity is wholly operated by a hospital if the hospital has exclusive responsibility for conducting and overseeing the entity’s routine operations, regardless of whether the hospital also has policymaking authority over the entity.

45.06 **REHABILITATION HOSPITALS** (cont.)

The technical component of all outpatient diagnostic and clinically related non-diagnostic services that are provided by the hospital, or by an entity wholly owned or wholly operated by the hospital, are to be billed with the claim for inpatient services when the outpatient services are provided in the one (1) calendar day preceding an inpatient admission.

All non-clinically related, non-diagnostic services provided before admission are not to be included on the inpatient claim. These outpatient services should be identified with the appropriate condition code. All non-diagnostic services, clinically related or not, provided on the date of inpatient admission are always deemed to be related to the admission and are to be included on the inpatient claim.

MaineCare will reimburse the technical portion of the outpatient services on the inpatient claim.

For physician services provided during the payment window and billed on the CMS 1500, the entity must append the appropriate modifier to all claim lines identified as connected to the inpatient stay. MaineCare will reimburse the professional component with payment rates that include a

professional and technical split and at the facility rate for services that do not have a professional and technical split.

It is the responsibility of the admitting hospital to notify wholly-owned or wholly-operated entities of an inpatient admission which may impact the entities eligibility for payment.

The payment window rule does not apply to outpatient services included in the rural health clinic or federally qualified health center all-inclusive rate, nor does it apply to ambulance and maintenance renal dialysis services.

3. **Fee Schedule Payments**

A limited number of Current Procedural Terminology (CPT) codes do not have associated Medicare APC rates, as listed in [Addendum B](https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/HospitalOutpatientPPS/Addendum-A-and-Addendum-B-Updates.html). MaineCare covers certain services listed in Addendum B and pays for these services based on a [fee schedule](https://mainecare.maine.gov/Provider%20Fee%20Schedules/Forms/Publication.aspx).

45.06 **REHABILITATION HOSPITALS** (cont.)

C. **\*Hospital based Physician Services**

MaineCare will reimburse

* Ninety-three and three tenths percent (93.3%) of its share of inpatient hospital-based physician costs;
* Eighty-three and eight tenths percent (83.8%) of non-emergency room outpatient hospital-based physician costs.

Hospitals will be reimbursed based on claim forms filed with the Department. The billing procedure is described in Chapter II, Section 45. These payments are subject to interim and final cost settlement.

45.06-2 **Interim and Final Cost Settlement**

Effective July 1, 2024, all calculations will be based on the hospital's As-Filed Medicare Cost Report (for interim settlement), Final Medicare Cost Report (for final settlement), MaineCare Supplemental Data Form and MaineCare paid claims history for the year for which the interim or final settlement is being performed. No cap imposed on a PIP will limit or otherwise affect the determination of settlement amounts.

DRG and APC payments are not cost settled.

 1. **Interim Settlement for years up to and including SFY 2011**

 To the extent applicable, MaineCare’s interim cost settlement with a hospital will include settlement of:

* Prospective interim payments; and
* Payments made for hospital-based physician services provided on or after the date MIHMS went live.

2. **Discharge Rate/Outpatient Prospective Payment – SFY 2012 Only**

MaineCare’s interim cost settlement with a hospital operating under the discharge rate-based system will include settlement of:

* Capital and medical education costs based on Medicare and GAAP principles
* Payments made for hospital-based physician services
* Outpatient prospective interim payments

45.06 **REHABILITATION HOSPITALS** (cont.)

3. **Discharge Rate and APC Based System – SFY ’13 - 24**

MaineCare’s interim cost settlement with a rehabilitation hospital operating under the discharge rate and APC based system will include settlement of:

* Capital and medical education costs based on Medicare and GAAP principles
* Payments made for hospital-based physician services

4. **\*DRG and APC Based Systems – SFY ’25 and Forward**

MaineCare’s interim cost settlement with a rehabilitation hospital operating under DRG and APC based systems will include settlement of:

* Payments made for hospital-based physician services

APC payments will not be cost settled

45.06-3 \***Final Cost Settlement**

All calculations are based on the hospital's Final Medicare Cost Report, MaineCare Supplemental Data Form and MaineCare paid claims history for the year for which interim settlement is being performed. No cap imposed on a PIP will limit or otherwise affect the determination of settlement amounts.

1. **Final Settlement for years up to and including SFY 2011**

To the extent applicable, MaineCare’s final cost settlement with a hospital will include settlement of:

* Prospective interim payments; and
* Payments made for hospital-based physician services provided on or after the date MIHMS went live.
1. **Discharge Rate/Outpatient Prospective Payment – SFY 2012 Only**

MaineCare’s final cost settlement with a hospital operating under the discharge rate-based system will include settlement of:

* Capital and medical education costs based on Medicare and GAAP principles
* Payments made for hospital-based physician services

45.06 **REHABILITATION HOSPITALS** (cont.)

3. **Discharge Rate and APC Based System – SFY 2013 through SFY 2024**

MaineCare’s final cost settlement with a rehabilitation hospital operating under the discharge rate and APC based system will include settlement of:

* Capital and medical education costs based on Medicare and GAAP principles
* Payments made for hospital-based physician services

4. **\*DRG and APC Based Systems – SFY 2025 and Forward**

MaineCare’s final cost settlement with a rehabilitation hospital operating under DRG and APC based systems will include settlement of:

* Payments made for hospital-based physician services

APC payments will not be cost settled.

45.07 **VALUE-BASED PURCHASING (VBP) SUPPLEMENTAL SUB-POOL**

The Value-Based Purchasing (VBP) Supplemental Sub-Pool awards and distributes $600,000 each year to hospitals that meet the eligibility criteria below. Each awarded hospital will receive its relative share of this supplemental payment, distributed annually in May.

Allocations will not exceed the total VBP Supplemental Sub-Pool amount and will not exceed allowable aggregate upper payment limits.

**Hospitals must meet the following criteria to be eligible for the VBP Supplemental Sub-Pool**:

1. The hospital must be an Acute Care Non-Critical Access Hospital or, Acute Care Critical Access Hospital, and
2. The hospital must participate in the MaineCare Accountable Communities (AC) Initiative. Participation in the MaineCare AC Initiative is demonstrated by one of the following:
* The hospital’s Emergency Department is in an AC contract as a location that

 contributes to member attribution to the AC;

* The hospital is an official contracted partner of the AC; or
* The hospital is part of the same ownership Employer Identification Number/Taxpayer Identification Number (EIN/TIN) as the AC.

45.07 **VALUE-BASED PURCHASING (VBP) SUPPLEMENTAL SUB-POOL** (cont.)

Funds will be distributed based on performance on one or more quality measures. The Department’s [website](https://www.maine.gov/dhhs/oms/providers/value-based-purchasing) at lists the current measure(s). Interested parties may request a paper copy of the measures by calling (207) 624-4050 or Maine Relay number 711. The Department will notify hospitals at least one hundred twenty (120) days prior to any changes to the VBP Supplemental Sub-Pool measure(s).

**Hospital Service Area (HSA)**. The Department will utilize Hospital Service Areas (HSAs) in its calculation of the VBP Supplemental Sub-Pool. The HSA methodology is developed by the Dartmouth Institute for Health Policy and Clinical Practice and made publicly available on their website. Maine Health Data Organization (MHDO) makes available HSA assignments for Maine hospitals based on the most recent available crosswalk posted by the Dartmouth Institute. Annually with the VBP Supplemental Sub-Pool assessment, the Department will post the mapping of HSAs by zip code and hospital on their [website](https://www.maine.gov/dhhs/oms/providers/value-based-purchasing). Interested parties may request a paper copy by calling (207) 624-4050 or Maine Relay number 711. Each HSA consists of a group of cities and towns that include one or more hospitals where local residents receive most of their hospitalizations.

Measure Example: Primary care utilization among full benefit MaineCare members in each HSA, assessed for a twelve (12)-month period.

|  |  |
| --- | --- |
| ***Performance Rank*** | ***Share of Sub-Pool*** |
| *Top ranked HSA* | *$75,000* |
| *2nd and 3rd ranked HSA* | *$50,000 each ($100,000 total)* |
| *4th through 8th ranked HSA* | *$25,000 each ($125,000 total)* |
| ***Total:*** | *$300,000* |

* Numerator: Number of MaineCare Members in the HSA who had one or more primary care visits in a twelve (12)-month period.
* Denominator: Number of MaineCare Members in the HSA.

The Department first determines which HSAs are eligible to have the hospitals located in the HSA awarded payment from the VBP Supplemental Sub-Pool. The Department will allocate the $600,000 according to performance rank ($300,000 divided) and to performance weighted by HSA size ($300,000 divided). HSA size means the number of MaineCare members in each HSA.

Performance weighted by HSA size:

$$Performance Weighted Portion of Payment=$$

$$Member Count\*Per Member Average\*\frac{HSA measure result}{Top 8 average measure result}$$

45.07 **VALUE-BASED PURCHASING (VBP) SUPPLEMENTAL SUB-POOL** (cont.)

If an awarded HSA contains more than one (1) hospital from different ACs, the amount of funds will be distributed proportionate to the number of AC attributed lives within the HSA associated with each hospitals’ corresponding AC.

If an awarded HSA contains more than one (1) hospital from the same AC, the funds are distributed according to a secondary AC-specific measure. The secondary AC specific measure can be located on the Department’s [website](https://www.maine.gov/dhhs/oms/providers/value-based-purchasing). Interested parties may request a paper copy by calling (207) 624-4050 or Maine Relay number 711.

45.08 \***SUPPLEMENTAL POOL FOR NON-CRITICAL ACCESS HOSPITALS AND**

 **REHABILITATION HOSPITALS**

The Department will allocate a supplemental pool for each state fiscal year among the privately owned and operated Acute Care Non-Critical Access hospitals, and rehabilitation hospitals. Allocations will not exceed the total supplemental pool amount and not exceed allowable aggregate upper payment limits. Total annual supplemental pool amounts are available on the MaineCare Services [website](https://www.maine.gov/dhhs/oms/providers/value-based-purchasing); or, interested parties may request a paper copy by calling (207) 624-4050 or Maine Relay number 711.

45.08-1 **Inpatient Pool**. Effective November 14, 2019, the allocated inpatient pool amount will be distributed based on each hospital’s relative share of inpatient MaineCare payments, defined as the hospital’s inpatient MaineCare payment in the applicable hospital fiscal year divided by inpatient

 MaineCare payments made to all privately owned and operated Acute Care Non-Critical Access hospitals and rehabilitation hospitals for the same period; multiplied by the supplemental pool. For state fiscal years beginning on or after July 1, 2019, but before July 1, 2021, the hospital’s year is the hospital’s fiscal year that ended during calendar year 2016.

45.08-2 **Outpatient Pool**.Effective November 14, 2019, the allocated outpatient pool amount will be distributed based on each hospital’s relative share of outpatient MaineCare payments, defined as the hospital’s outpatient MaineCare payment in the applicable hospital fiscal year divided by outpatient MaineCare payments made to all privately owned and operated

 Acute Care Non-Critical Access hospitals and rehabilitation hospitals for the same period; multiplied by the supplemental pool. For state fiscal year beginning on or after July 1, 2019, but before July 1, 2021, the hospital’s applicable year is the hospital’s fiscal year that ended during calendar year 2016.

Each hospital in the pool will receive its relative share of this supplemental payment. Supplemental payments will be distributed semiannually in November and May.

45.08 **\*SUPPLEMENTAL POOL FOR NON-CRITICAL ACCESS HOSPITALS AND REHABILITATION HOSPITALS**  (cont.)

This pool will be decreased by the amount a hospital would have received if that hospital was in the pool when the total pool amount was set and subsequently becomes an approved critical access hospital.

This supplemental pool payment is not subject to cost settlement.

* 1. **\*SUPPLEMENTAL PAYMENTS FOR ACUTE CARE HOSPITALS CONVERTING FROM ACUTE CARE CRITICAL ACCESS HOSPITAL REIMBURSEMENT TO ACUTE CARE NON-CRITICAL ACCESS HOSPITAL REIMBURSEMENT**

Acute Care Hospitals Converting from Acute Care Critical Access Hospital Reimbursement to Acute Care Non-Critical Access Hospital Reimbursement (as defined in 45.01-4 of this rule) are eligible to receive a supplemental payment of eight million dollars ($8,000,000) for each State Fiscal Year beginning July 1, 2024 and ending June 30, 2029. This supplemental payment will be distributed to eligible hospitals in two equal payments in May and November. This supplemental pool payment is not subject to cost settlement.

45.10 **PRIVATE** **Psychiatric Hospitals**

45.10-1 **Department’s Total Annual Obligation to the Hospital**

The Department of Health and Human Services’ total annual obligation to the hospitals is

the sum of MaineCare’s obligation of the following: inpatient services + outpatient

services + Disproportionate Share Hospital (for eligible hospitals) – third party liability payments.

A. **Inpatient Services**

The rate will be negotiated and becomes effective at the beginning of a hospital's fiscal year. The Department’s total annual obligation shall be computed based on the hospital’s negotiated rate.

The negotiated rate shall be between eighty-five percent (85%) and one hundred percent (100%) of the hospital’s estimated inpatient charges, less third party liability. The hospital must notify the Department sixty (60) days prior to any increase in its charges.

45.10 **PRIVATE** **Psychiatric Hospitals** (cont.)

If the hospital increases charges subsequent to the annual adjustment, the hospital and the Department will meet to consider the extent that the increase in charges will affect the amount paid by MaineCare and to negotiate the amount by which the previously negotiated percentage of charges must be adjusted to account for the impact. If the hospital commences any new MaineCare inpatient covered service, whether or not subject to Certificate of Need review, the parties will separately negotiate the percentage of charges to be paid by MaineCare for that service.

Special circumstances may arise during the course of a year that may warrant reconsideration and adjustment of the negotiated rate. These circumstances could include changes in psychiatric bed capacity or patient populations within the State that materially impact MaineCare or uncompensated care volume, extraordinary increases in charges, legislative deappropriation, MaineCare deficits that may result in decreased State funding, as well as other special circumstances that the parties cannot now foresee.

B. **Outpatient Services**

The Department’s total annual obligation to the hospital will be one hundred and seventeen percent (117%) of allowable outpatient costs, determined from the most recent Interim Cost Settlement Report, inflated forward to the current State fiscal year.

45.10-2 **Prospective Interim Payment**

Private psychiatric hospitals will be paid weekly prospective interim payments based on the Department’s estimate of the total annual obligation to the hospital.

45.10-3 **Interim Cost Settlement**

The Interim Cost Settlement with a hospital is calculated using the same methodology and negotiated percentage rate as is used when calculating the PIP, except that the data source used is the hospital's MaineCare paid claims history for the year for which Interim Cost Settlement is being performed. The hospital is required to submit its Medicare As-Filed Cost Report to the Department.

45.10-4 **Final Cost Settlement**

The Department’s total annual obligation to a hospital will be computed using the same methodology as is used when calculating the PIP, except that the data sources used are the

45.10 **PRIVATE** **Psychiatric Hospitals** (cont.)

hospital’s Medicare Final Cost Report submitted to DHHS, MaineCare Supplemental Data Form and MaineCare paid claims history for the year for which settlement is being performed.

 **Note:** The Department retains the right to reopen and modify cost settlement(s) affecting the timeframe from October 1, 2001 forward to assure consistency with the State Plan in effect for the time period covered by the settlement.

45.11 **State Owned Psychiatric Hospitals**

 State owned psychiatric hospitals will be reimbursed as follows:

45.11-1 **Total Obligation to the Hospital**

The MaineCare total annual obligation to the hospitals will be the sum of: MaineCare’s obligation of the following: inpatient services + outpatient services + days awaiting placement + hospital-based physician + direct graduate medical education costs + estimated DSH obligation – third party liability payments. Amounts are calculated as described below:

A. **Inpatient Services**

The total MaineCare inpatient operating costs from the most recent Interim Cost Settlement Report inflated forward as described in Section 45.02-1 to the current State fiscal year.

B. **Outpatient Services**

MaineCare outpatient costs inflated to the current State fiscal year using the most recent Interim Cost Settlement Report*.*

C. **MaineCare Member Days Awaiting Placement at a Nursing Facility**

The Department will reimburse prospectively at the estimated statewide average rate per member day for NF services. The Department shall adopt the prospective statewide average rates per member day for NF services that are specified in the “Principles of Reimbursement for Nursing Facilities”, *MaineCare Benefits Manual* Chapter III, Section 67. The Department will compute the average statewide rate per member day based on the simple average of the NF rate per member day for the applicable State fiscal year(s) and prorated for a hospital’s fiscal year.

45.10 **PRIVATE** **Psychiatric Hospitals** (cont.)

D. **Other Components**

MaineCare’s share of hospital-based physician + graduate medical education

costs are taken from the most recent hospital Interim Cost Settlement Report inflated to the current year.

45.11-2 **Estimated Claims Payments**

The Department will reimburse claims submitted for inpatient and outpatient services, subject to final cost settlement.

45.11-3 **Final Cost Settlement**

The Department will calculate MaineCare’s Final Cost Settlement with a hospital using the Medicare Final Cost Report and MaineCare paid claims history for the year for which settlement is being performed. A final DSH adjustment will be made for eligible hospitals.

45.12 **Out-Of-State Hospitals**

The Department will reimburse out-of-state hospitals for inpatient and outpatient services based on:

1. The MaineCare rate if applicable;

2. The lowest negotiated rate with a payor whose rate the hospital provider currently accepts;

3. The hospital provider’s in-State Medicaid rate;

4. A percentage of charges; or

5. A rate specified in MaineCare’s contract with the hospital provider.

Except as otherwise specifically provided in the agreement between MaineCare and the out-of-state hospital providers, out-of-state hospital providers must accept MaineCare reimbursement for inpatient services as payment in full for all services necessary to address the illness, injury or condition that led to the admission. Reimbursement for out-of-state hospital outpatient laboratory and imaging services shall not exceed the one-hundred percent (100%) of the Medicare reimbursement rate for the Maine area (“99 locality”). Out-of-state hospitals are required to report and are subject to all applicable pricing modifiers.

Out-of-State hospital providers must meet all requirements outlined in Chapter I of the *MaineCare Benefits Manual* (MBM) including signing a provider/supplier agreement and obtaining prior authorization.

45.13 **Clinical Laboratory and IMAGING Services**

Hospital laboratory, imaging, and physician services provided to a member not currently a patient of the hospital are considered outpatient hospital services. These services are covered in accordance with requirements, and utilization limitations (including prior authorizations) described in the following sections of the *MaineCare Benefits Manual* and are reimbursable in accordance with MBM Chapter II, Section 55, Laboratory Services, Chapter II, Section 90, Physician Services, or Chapter II, Section 101, Medical Imaging Services. Rates for those services are posted on the Department’s [website](https://mainecare.maine.gov/Provider%20Fee%20Schedules/Forms/Publication.aspx).

In the case of tissues, blood samples or specimens taken by personnel that are not employed by the hospital but are sent to a hospital for performance of tests, the tests are not considered outpatient hospital services since the member does not receive services directly from the hospital.

Certain clinical diagnostic laboratory tests must be performed by a physician and are, therefore, exempt from the fee schedule. Medicare periodically sends updated lists of exempted tests to hospitals. Laboratory services must comply with the rules implementing the Clinical Laboratory Improvement Amendments (CLIA 88) and any applicable amendments.

45.14 **PROVIDER PREVENTABLE CONDITIONS**

In accordance with the *Affordable Care Act*, MaineCare will not reimburse providers for Provider Preventable Conditions (PPCs) as defined in the federal Medicaid regulation, 42 CFR 447.26.

All hospitals must identify and report to the Department all PPCs, but Hospital providers are prohibited from submitting claims for payment of these conditions except as permitted in 42 CFR 447.26, when the PPC for a particular patient existed prior to the initiation of treatment for that patient by that hospital provider.

The DRG payment calculations automatically ensure that providers will not be compensated for these conditions. Hospital providers who are not reimbursed using DRGs must report all PPCs on claims and bill zero charges for these PPCs, except as provided above.

45.15 **DISPROPORTIONATE SHARE (DSH) PAYMENTS**

45.15-1 **General Eligibility Requirements for DSH Payments**

To be eligible for DSH payments a hospital must have at least two (2) obstetricians with staff privileges at the hospital who have agreed to provide obstetric services to individuals entitled to such services under the State Plan. In the case of a hospital located in a rural area that is an area outside of a Metropolitan Statistical Area as defined by the Executive Office of Management and Budget, the term obstetrician includes any physician with staff privileges at the hospital to perform non-emergency obstetric procedures. However, the obstetric criteria above do not apply to hospitals in which the inpatients are predominantly

45.15 **DISPROPORTIONATE SHARE (DSH) PAYMENTS** (cont.)

individuals under eighteen (18) years of age or to hospitals that did not offer non-emergency obstetric services as of December 21, 1987.

The hospital must also have a MaineCare utilization rate of at least one percent (1%). Acute care hospitals must also meet additional requirements as described below.

45.15-2 **Additional Eligibility Requirements for Acute Care Hospitals**

The hospital must also either a) have a MaineCare inpatient utilization rate at least one (1) standard deviation above the mean MaineCare inpatient utilization rate for hospitals

receiving MaineCare payments in the state), or b) have a low-income inpatient utilization rate exceeding twenty-five percent (25%).

For purposes of determining whether a hospital is a disproportionate share hospital in a Payment Year the Department will use data from the hospital’s Medicare Interim Cost Report for the same period to apply the standard deviation test. Interim Cost

Settlement Reports for the specified payment year must be issued by the Department for all acute care hospitals in order for DSH to be calculated by the Department.

45.15-3 **Disproportionate Share Payments**

A. **DSH Adjustment for Institutions for Mental Disease (IMD)**

Subject to the CMS IMD Cap described below and to the extent allowed by the Centers for Medicare and Medicaid Services (CMS), the DSH adjustment will be one hundred percent (100%) of the actual uncompensated cost, as calculated using Medicare Cost Report and GAAP principles, of:

1. Services furnished to MaineCare members plus,
2. Charity care as reported on the hospital's audited financial statement for the relevant payment year, MINUS
3. Payments made by the State for services furnished to MaineCare member.

CMS places a limit on the amount of DSH payment that may be made to IMDs (IMD cap). If the Department determines that aggregate payments to IMDs, as calculated above, would exceed the CMS IMD cap, payments will be made to State-owned facilities first. Remaining IMD DSH payments will be allocated among the DSH eligible hospitals based on their relative share of applicable DSH payments absent the federal or state cap.

45.15 **DISPROPORTIONATE SHARE (DSH) PAYMENTS** (cont.)

CMS places a limit on the amount of DSH payment that may be made to a single hospital. If approved by CMS, if the Department or CMS determine that payments to a hospital would exceed that cap, the overage shall be redistributed as follows:

* If any state-owned hospital has not reached its DSH cap it will receive DSH payments to the extent funds are available up to the limit of its hospital-specific cap.
* Remaining IMD DSH funds will be allocated among the DSH eligible hospitals based on their relative share of applicable DSH payments absent the federal or state cap.

The “relative share” is calculated as follows: calculate the fraction, the numerator of which is one hundred percent (100%) of actual uncompensated cost of a non-state owned IMD, the denominator of which is the total of one hundred percent (100%) of actual uncompensated cost for all non-state owned IMDs. That fraction is then multiplied by the remaining available for IMD DSH payments, as described above, to give the relative share for each non-state-owned IMD.

B. **For Acute Care Hospitals**

1. The pool of available funds for DSH adjustments for all acute care hospitals equals two hundred thousand dollars ($200,000) for each State fiscal year.
2. Fifty percent (50%) of this pool will be distributed among eligible hospitals in proportion to their relative share of MaineCare days of all eligible acute care hospitals. Relative share will be calculated as follows: the MaineCare days for each DSH eligible hospital will be divided by the sum of the MaineCare days for all DSH eligible hospitals to determine the DSH allocation percentage. This DSH allocation percentage for each eligible hospital will be multiplied by one hundred thousand dollars ($100,000) to determine each eligible hospital’s share.

For example:

Hospitals X, Y and Z are all eligible for DSH. MaineCare days for X equals five thousand (5,000); Y equals ten thousand (10,000) and Z equals fifteen thousand (15,000). The resulting total MaineCare days for DSH eligible hospitals would be thirty thousand (30,000) (5,000+10,000+15,000). Hospital X's DSH allocation percentage would be sixteen and seven tenths percent (16.7%) (5,000/30,000).

45.15 **DISPROPORTIONATE SHARE (DSH) PAYMENTS** (cont.)

Hospital X would get sixteen thousand seven hundred dollars ($16,700) ($100,000 times 16.7%) in DSH payments related to utilization.

Fifty percent (50%) of this pool will be distributed among eligible hospitals in proportion to the percentage by which the hospital's MaineCare utilization rate as defined above, exceeds one standard deviation above the mean. The percentage points above the first standard deviation for each DSH eligible hospital will be divided by the sum of the percentage points above the standard deviation for all acute care eligible hospitals to determine the DSH allocation percentage.

This standard deviation related DSH allocation percentage for each eligible acute care hospital will be multiplied by one hundred thousand

dollars ($100,000) to determine each hospital’s share of the DSH payments.

For example:

Assume the same three hospitals, X, Y and Z, are all eligible for DSH. Respectively, their utilization rates are six (6), seven (7) and eight (8) percentage points above the mean MUR plus one (1) standard deviation. The resulting total percentage points above the mean for all hospitals would be twenty-one (21) (6+7+8). Hospital X's DSH allocation percentage would be twenty-eight and fifty-seven hundredths (28.57%) (6/21). If fifty percent (50%) of the available DSH pool is one hundred thousand dollars ($100,000), then Hospital X would get twenty eight thousand five hundred and seventy dollars ($28,570) ($100,000 times 28.57%) in DSH payments related to distance above one (1) standard deviation above the mean.

After final settlement is complete for all hospitals in a category (i.e., acute care or psychiatric) hospitals within the category are assessed for eligibility for DSH payments. However, state psychiatric hospitals only may be paid estimated DSH prospectively if they are expected to be found eligible.

STATUTORY AUTHORITY: 22 M.R.S. §§ 42(8), 3173, 3173-J; P.L. 2021, ch. 635; P.L. 2023, ch. 3, Sec. S-1

AMENDED:

 December 18, 2023 – filing 2023-251

 August 9, 2024 – filing 2024-\_\_\_ (Emergency Rule)

 November 6, 2024 – filing 2024-\_\_\_

**APPENDIX A**

**DRG-BASED PAYMENT METHODOLOGY**

## \*Effective for claims with a From Date on or after July 1, 2024, the Department will use the process described below to determine reimbursement for hospitals to which a DRG-based payment methodology applies.

\*The Department recognizes three distinct hospital peer groups with similar delivery systems and cost structures which observe DRG-based reimbursement methodology. These three distinct hospital peer groups are: Acute Care Non-Critical Access, Non-State Government Owned, and Rehabilitation. Each peer group has a distinct Maine Base Rate. The payment calculation further varies for acute care non critical access hospitals based on whether they are a teaching or non-teaching hospital.

\*The Department calculates a hospital’s DRG payment for a covered inpatient service using the following formula:

*(Maine Base Rate + GME) × Medicare DRG Relative Weight + applicable outlier adjustment*

## 45.A – 1 \***Maine Base Rate**

The Maine Base Rate is determined by the Department and includes MaineCare’s estimated share of inpatient operating and capital costs. Rates are determined by using utilization (Discharges) and cost data from hospital fiscal year 2022 As-Filed Medicare Cost Reports and are calculated to maximize reimbursement under the UPL with a small margin of error. Maine Base Rates are available in the Hospital Billing Guidance.

45.A – 2 \***Graduate Medical Education (GME) Add-on Rate**

The Department assigns each teaching hospital a custom GME add-on rate inclusive of direct and indirect medical education costs. This adjustment is determined by using utilization (Discharges) and cost data from hospital fiscal year 2022 As-Filed Medicare Cost Reports.

Adjustments equal to one hundred percent (100%) of MaineCare’s share of GME costs are applied as an add-on to the Maine Base Rate. Non-teaching hospitals will have a GME adjustment of zero (0). Each hospital’s GME adjustment is available in Hospital Billing Guidance.

## 45.A – 3 **\*Medicare DRG Relative Weight Calculation**

The Medicare Severity Diagnosis-Related Groups (MS-DRG) relative weight is assigned by CMS to represent the time and resources associated with providing services for that diagnosis related group. Relative weights are available at

**APPENDIX A** (cont.)

<https://www.cms.gov/medicare/payment/prospective-payment-systems/acute-inpatient-pps/ms-drg-classifications-and-software>. The Department will align with prevailing weights on July 1, 2024 and may update annually at its sole discretion.

45.A – 4 \***Outlier Adjustment**

An outlier payment adjustment is made to the inpatient service rate when an unusually high level of resources has been used for a case. An outlier adjustment will be made only when the outlier determination is greater than zero.

Effective July 1, 2024 through December 31, 2024, the outlier determination will be figured using the following formula:

*Hospital-specific cost-to-charge ratio × (charges - fixed charge threshold - hospital DRG payment)*

The outlier adjustment is equal to the outlier determination multiplied by ninety percent (90%) for the period in which the case has been Discharged. The fixed charge threshold and hospital-specific cost-to-charge ratios are available in the Hospital Billing Guidance.

**APPENDIX B**

**The following shall apply to non-emergent use of the emergency department**

**(see Sec. 45.03-1(D)(1)(c) and 45.03-1(D)(2)(b))**

**ICD-10 codes will be used to identify non-emergent use of the emergency department for services delivered beginning October 1, 2015.**

|  |  |
| --- | --- |
| **ICD-10 Code** | **ICD-10 Code Description** |
| J02.0 | Streptococcal pharyngitis |
| J03.00 | Acute streptococcal tonsillitis, unspecified |
| J03.01 | Acute recurrent streptococcal tonsillitis |
| B97.10 | Unspecified enterovirus as the cause of diseases classified elsewhere |
| B97.89 | Other viral agents as the cause of diseases classified elsewhere |
| F41.9 | Anxiety disorder, unspecified |
| F41.1 | Generalized anxiety disorder |
| H10.30 | Unspecified acute conjunctivitis, unspecified eye |
| H10.31 | Unspecified acute conjunctivitis, right eye |
| H10.32 | Unspecified acute conjunctivitis, left eye |
| H10.33 | Unspecified acute conjunctivitis, bilateral |
| H10.9 | Unspecified conjunctivitis |
| H60.00 | Abscess of external ear, unspecified ear |
| H60.01 | Abscess of right external ear |
| H60.02 | Abscess of left external ear |
| H60.03 | Abscess of external ear, bilateral |
| H60.10 | Cellulitis of external ear, unspecified ear |
| H60.11 | Cellulitis of right external ear |
| H60.12 | Cellulitis of left external ear |
| H60.13 | Cellulitis of external ear, bilateral |
| H60.311 | Diffuse otitis externa, right ear |
| H60.312 | Diffuse otitis externa, left ear |
| H60.313 | Diffuse otitis externa, bilateral |
| H60.319 | Diffuse otitis externa, unspecified ear |
| H60.321 | Hemorrhagic otitis externa, right ear |
| H60.322 | Hemorrhagic otitis externa, left ear |
| H60.323 | Hemorrhagic otitis externa, bilateral |
| H60.329 | Hemorrhagic otitis externa, unspecified ear |
| H60.391 | Other infective otitis externa, right ear |
| H60.392 | Other infective otitis externa, left ear |
| H60.393 | Other infective otitis externa, bilateral |
| H60.399 | Other infective otitis externa, unspecified ear |
| H65.00 | Acute serous otitis media, unspecified ear |
| H65.01 | Acute serous otitis media, right ear |
| H65.02 | Acute serous otitis media, left ear |
| H65.03 | Acute serous otitis media, bilateral |
| H65.04 | Acute serous otitis media recurrent, right ear |
| H65.05 | Acute serous otitis media recurrent, left ear |
| H65.06 | Acute serous otitis media, recurrent, bilateral |
| H65.07 | Acute serous otitis media, recurrent, unspecified ear |
| H65.90 | Unspecified nonsuppurative otitis media, unspecified ear |
| H65.91 | Unspecified nonsuppurative otitis media, right ear |
| H65.92 | Unspecified nonsuppurative otitis media, left ear |
| H65.93 | Unspecified nonsuppurative otitis media, bilateral |
| H66.001 | Acute suppurative otitis media without spontaneous rupture of the ear drum, right ear |
| H66.002 | Acute suppurative otitis media without spontaneous rupture of the ear drum, left ear |
| H66.003 | Acute suppurative otitis media without spontaneous rupture of the ear drum, bilateral |
| H66.004 | Acute suppurative otitis media without spontaneous rupture of the ear drum, recurrent, right ear |
| H66.005 | Acute suppurative otitis media without spontaneous rupture of the ear drum, recurrent, left ear |
| H66.006 | Acute suppurative otitis media without spontaneous rupture of the ear drum, recurrent, bilateral |
| H66.007 | Acute suppurative otitis media without spontaneous rupture of the ear drum, recurrent, unspecified ear |
| H66.009 | Acute suppurative otitis media without spontaneous rupture of the ear drum, unspecified ear |
| H66.90 | Otitis media, unspecified, unspecified ear |
| H66.91 | Otitis media, unspecified. right ear |
| H66.92 | Otitis media, unspecified, left ear |
| H66.93 | Otitis media, unspecified, bilateral |
| J01.90 | Acute sinusitis, unspecified |
| J01.91 | Acute recurrent sinusitis, unspecified |
| J02.8 | Acute pharyngitis due to other specified organisms |
| J02.9 | Acute pharyngitis, unspecified |
| J06.9 | Acute upper respiratory infection, unspecified |
| J20.0 | Acute bronchitis due to Mycoplasma pneumoniae |
| J20.1 | Acute bronchitis due to Hemophilus influenzae |
| J20.2 | Acute bronchitis due to streptococcus |
| J20.3 | Acute bronchitis due to coxsackievirus |
| J20.4 | Acute bronchitis due to parainfluenza virus |
| J20.5 | Acute bronchitis due to respiratory syncytial virus |
| J20.6 | Acute bronchitis due to rhinovirus |
| J20.7 | Acute bronchitis due to echovirus |
| J20.8 | Acute bronchitis due to other specified organisms |
| J20.9 | Acute bronchitis, unspecified |
| J32.9 | Chronic sinusitis, unspecified |
| J40 | Bronchitis, not specified as acute or chronic |
| J45.20 | Mild intermittent asthma, uncomplicated |
| J45.30 | Mild persistent asthma, uncomplicated |
| J45.40 | Moderate persistent asthma, uncomplicated |
| J45.50 | Severe persistent asthma, uncomplicated |
| J45.21 | Mild intermittent asthma w/ (acute) exacerbation |
| J45.31 | Mild persistent asthma w/ (acute) exacerbation |
| J45.41 | Moderate persist asthma w/ (acute) exacerbation |
| J45.51 | Severe persist asthma w/ (acute) exacerbation |
| J45.20 | Mild intermittent asthma, uncomplicated |
| J45.30 | Mild persistent asthma, uncomplicated |
| J45.40 | Moderate persistent asthma, uncomplicated |
| J45.50 | Severe persistent asthma, uncomplicated |
| J45.21 | Mild intermittent asthma w/ (acute) exacerbation |
| J45.31 | Mild persistent asthma w/ (acute) exacerbations |
| J45.41 | Moderate persist asthma w/ (acute) exacerbation |
| J45.51 | Severe persist asthma w/ (acute) exacerbation |
| J44.9 | Chronic obstructive pulmonary disease, unspecified |
| J44.1 | Chronic obstructive pulmonary disease w/ (acute) exacerbation |
| J45.990 | Exercise induced bronchospasm |
| J45.991 | Cough variant asthma |
| J45.909 | Unspecified asthma, uncomplicated |
| J45.998 | Other asthma |
| J45.901 | Unspecified asthma with (acute) exacerbation |
| L22 | Diaper dermatitis |
| L20.0 | Besnier's prurigo |
| L20.81 | Atopic neurodermatitis |
| L20.82 | Flexural eczema |
| L20.84 | Intrinsic (allergic) eczema |
| L20.89 | Other atopic dermatitis |
| L20.9 | Atopic dermatitis, unspecified |
| L23.7 | Allergic contact dermatitis due to plants, except food |
| L24.7 | Irritant contact dermatitis due to plants, except food |
| L25.5 | Unspecified contact dermatitis due to plants, except food |
| L23.9 | Allergic contact dermatitis, unspecified cause |
| L24.9 | Irritant contact dermatitis, unspecified cause |
| L25.9 | Unspecified contact dermatitis, unspecified cause |
| L30.0 | Nummular dermatitis |
| L30.2 | Cutaneous autosensitization |
| L30.8 | Other specified dermatitis |
| L30.9 | Dermatitis, unspecified |
|  |  |
| M25.512 | Pain in left shoulder |
| M25.519 | Pain in unspecified shoulder |
| M25.521 | Pain in right elbow |
| M25.522 | Pain in left elbow |
| M25.529 | Pain in unspecified elbow |
| M25.531 | Pain in right wrist |
| M25.532 | Pain in left wrist |
| M25.539 | Pain in unspecified wrist |
| M79.643 | Pain in unspecified hand |
| M79.646 | Pain in unspecified finger(s) |
| M25.551 | Pain in right hip |
| M25.552 | Pain in left hip |
| M25.559 | Pain in unspecified hip |
| M25.561 | Pain in right knee |
| M25.562 | Pain in left knee |
| M25.569 | Pain in unspecified knee |
| M25.571 | Pain in right ankle and joints of right foot |
| M25.572 | Pain in left ankle and joints of left foot |
| M25.579 | Pain in unspecified ankle and joints of unspecified foot |
|  |  |
| M54.5 | Low back pain |
| M54.89 | Other dorsalgia |
| M54.9 | Dorsalgia, unspecified |
| M60.80 | Other myositis, unspecified site |
|  |  |
| M60.811 | Other myositis, right shoulder |
| M60.812 | Other myositis, left shoulder |
| M60.819 | Other myositis, unspecified shoulder |
|  |  |
| M60.821 | Other myositis, right upper arm |
| M60.822 | Other myositis, left upper arm |
| M60.829 | Other myositis, unspecified upper arm |
|  |  |
| M60.831 | Other myositis, right forearm |
| M60.832 | Other myositis, left forearm |
| M60.839 | Other myositis, unspecified forearm |
|  |  |
| M60.841 | Other myositis, right hand |
| M60.842 | Other myositis, left hand |
| M60.849 | Other myositis, unspecified hand |
|  |  |
| M60.851 | Other myositis, right thigh |
| M60.852 | Other myositis, left thigh |
| M60.859 | Other myositis, unspecified thigh |
|  |  |
| M60.861 | Other myositis, right lower leg |
| M60.862 | Other myositis, left lower leg |
| M60.869 | Other myositis, unspecified lower leg |
|  |  |
| M60.871 | Other myositis, right ankle and foot |
| M60.872 | Other myositis, left ankle and foot |
| M60.879 | Other myositis, unspecified ankle and foot |
| M60.88 | Other myositis, other site |
| M60.89 | Other myositis, multiple sites |
| M60.9 | Myositis, unspecified |
| M79.1 | Myalgia |
| M79.7 | Fibromyalgia |
| M79.601 | Pain in right arm |
| M79.602 | Pain in left arm |
| M79.603 | Pain in arm, unspecified |
| M79.604 | Pain in right leg |
| M79.605 | Pain in left leg |
| M79.606 | Pain in leg, unspecified |
| M79.609 | Pain in unspecified limb |
|  |  |
| M79.621 | Pain in right upper arm |
| M79.622 | Pain in left upper arm |
| M79.629 | Pain in unspecified upper arm |
|  |  |
| M79.631 | Pain in right forearm |
| M79.632 | Pain in left forearm |
| M79.639 | Pain in unspecified forearm |
| M79.641 | Pain in right hand |
| M79.642 | Pain in left hand |
| M79.643 | Pain in unspecified hand |
| M79.644 | Pain in right finger(s) |
| M79.645 | Pain in left finger(s) |
| M79.646 | Pain in unspecified finger(s) |
|  |  |
| M79.651 | Pain in right thigh |
| M79.652 | Pain in left thigh |
| M79.659 | Pain in unspecified thigh |
|  |  |
| M79.661 | Pain in right lower leg |
| M79.662 | Pain in left lower leg |
| M79.669 | Pain in unspecified lower leg |
| M79.671 | Pain in right foot |
| M79.672 | Pain in left foot |
| M79.673 | Pain in unspecified foot |
| M79.674 | Pain in right toe(s) |
| M79.675 | Pain in left toe(s) |
| M79.676 | Pain in unspecified toe(s) |
| G93.3 | Postviral fatigue syndrome |
| R53.0 | Neoplastic (malignant) related fatigue |
| R53.1 | Weakness |
| R53.81 | Other malaise |
| R58.83 | Other fatigue |
| R21 | Rash and other nonspecific skin eruption |
| G44.1 | Vascular headache, not elsewhere classified |
| R51 | Headache |
| R05 | Cough |