

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 108

H.P. 84

House of Representatives, January 11, 2005

**An Act To Require the Department of Health and Human Services
To Analyze Costs before the Legislature Imposes Mandates**

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GLYNN of South Portland.
Cosponsored by Representatives: LEWIN of Eliot, PINGREE of North Haven, SHIELDS of
Auburn, Senator: MAYO of Sagadahoc.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 22 MRSA §50** is enacted to read:

6 **§50. Mandate Review**

8 Beginning January 1, 2006, prior to enacting legislation
10 with requirements for mandatory action that will impose costs on
12 physicians licensed in this State and health care providers
14 licensed by the department, the Legislature shall require the
16 department to perform a mandate review in accordance with this
18 section.

20 **1. Contracting.** The department may contract for
22 performance of any part of the mandate review.

24 **2. Process.** The mandate review must include review and
26 evaluation of the medical efficacy of the proposed mandate and
28 the costs of the proposed mandate, including, but not limited to,
30 the financial impact on physicians and health care providers and
32 their patients, the social costs and the effects of balancing
34 social, economic and medical efficacy considerations.

36 **3. Recommendation.** The mandate review must include a
38 recommendation from the department regarding the proposed mandate
40 and options for changing the proposed mandate to address
42 significant challenges identified in the mandate review.

44 **4. Report.** The department shall report to the joint
46 standing committee of the Legislature having jurisdiction over
48 health and human services matters and the joint standing
50 committee of the Legislature having jurisdiction over the bill
proposing the mandate on the results of the mandate review,
including the department's recommendation and any options
included in the mandate review under subsection 3.

5. Requirement. Following receipt of the mandate review
and consideration of the proposed mandate under subsection 2, the
joint standing committee of the Legislature having jurisdiction
over the bill proposing the mandate may report out the bill with
any amendments from the committee. A bill subject to the
provisions of this section may not be enacted into law unless
review and consideration under this section have been completed.

SUMMARY

This bill imposes on the Legislature a mandate review procedure similar to the procedure used in health insurance matters. The procedure applies to proposed mandates that would

2 impose costs on physicians and health care providers licensed by
the Department of Health and Human Services.