

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
HEALTH AND HUMAN SERVICES**

JULY 2000

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Sen. Betty Lou Mitchell*

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Staff:

Jane Orbeton, Senior Legislative Analyst

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207)287-1670*



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

ONE HUNDRED NINETEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
July 2000

We are pleased to provide this summary of bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing and select committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES..... House & Senate disagree; bill died
DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT..... Action incomplete when session ended; bill died
EMERGENCY..... Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP..... Bill Indefinitely Postponed
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED..... Bill held by Governor
VETO SUSTAINED..... Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

David E. Boulter, Director
Offices Located in the State House, Rooms 101 & 107

Joint Standing Committee on Health and Human Services

LD 42

Resolve, to Improve the Quality of Long-term Care Services

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1089

LD 42 contains the recommendations of the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities. It proposed to require the Department of Human Services to undertake pilot projects on long-term care reimbursement that are based on performance criteria, to report to the Joint Standing Committee on Health and Human Services on potential changes in the Medicaid principles of reimbursement for nursing facilities, to present a proposal to the Joint Standing Committee on Health and Human Services on minimum staffing requirements, to report to the Joint Standing Committee on Health and Human Services on a plan for paperwork reduction, to improve the provision of public information on long-term care and to report to the Joint Standing Committee on Health and Human Services on reducing or removing regulatory barriers to high-quality care. The bill proposed to require the Bureau of Insurance to report to the Joint Standing Committee on Health and Human Services on long-term care insurance and tax credits to encourage the purchase of long-term care insurance. The bill proposed to require the Commissioner of Human Services to report to the Joint Standing Committee on Health and Human Services on changes in the delivery of long-term care services.

Committee Amendment "A" (H-1089) proposed to replace the bill with a resolve. The amendment proposed to appropriate \$13,045,463 to improve the quality of long-term care services. It contains the following provisions.

1. The amendment proposed to appropriate funds for home-based and community-based services for elderly adults and persons with disabilities on waiting lists for long-term care services. It proposed to provide funding to increase wages to direct-care workers by \$1 per hour. It proposed to include funding for increased cost of home care programs due to changes in the cost-sharing formula. It proposed to appropriate \$4,000,000 for these purposes.
2. The amendment proposed to direct the Department of Human Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Public Safety and the Maine State Housing Authority to work with providers of long-term care services and residential options to develop new services and options. It proposed to appropriate \$4,600,000 for this purpose.
3. The amendment proposed to direct the Department of Human Services to amend its rules regarding Medicaid and home care programs to ensure flexibility and continuity of care. It proposed to appropriate \$173,000 for this purpose.
4. The amendment proposed to direct the Department of Human Services to amend its rules regarding eligibility for long-term care services to provide for continuing eligibility for consumers of long-term care services who have chronic conditions that change on a cyclical basis. It proposed to appropriate \$731,000 for this purpose.

5. The amendment proposed to direct the Department of Human Services and the State Board of Nursing to work with consumers, providers and interested parties to adopt or amend rules to address labor shortage issues and create career ladders.
6. The amendment proposed to direct the Department of Human Services to amend its rules regarding appeal rights in the department's home care programs. It proposed to appropriate \$45,000 for this purpose.
7. The amendment proposed to direct the Department of Human Services to participate in best practices forums regarding long-term care services.
8. The amendment proposed to direct the Department of Human Services to develop and adopt rules to require the use of standardized contracts for long-term care services.
9. The amendment proposed to direct the Department of Human Services and the Department of Public Safety to amend their rules regarding licensing for long-term care services to provide for default licensing for new applicants under certain conditions.
10. The amendment proposed to direct the Department of Human Services, the Department of Public Safety and municipal fire officials to work together to devise ways to expand delegation of the National Fire Protection Association Life Safety Code inspections.
11. The amendment proposed to direct the Department of Human Services to amend the principles of reimbursement for nursing facilities to ensure that reimbursement reflects the current cost of providing services in an efficient manner. It proposed to appropriate \$2,500,000 for this purpose.
12. The amendment proposed to direct the Department of Human Services, the Maine State Retirement System and the State Employee Health Program to work together to study the provision of group long-term care insurance.
13. The amendment proposed to direct the Department of Human Services, Bureau of Elder and Adult Services and the Bureau of Health to work together on a public awareness campaign on the benefits of a healthy lifestyle and long-term care insurance.
14. The amendment proposed to require the Department of Human Services to adopt rules increasing the minimum staffing ratios in long-term care. It proposed to define direct care and direct-care providers. It proposed to require pilot projects on mealtime ratios and a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2001. It proposed to appropriate \$2,500,000 for this purpose.
15. The amendment proposed to require the Department of Human Services to review its rules and, to the extent consistent with federal law and regulations, to amend the rules regarding duration of licenses for providers of long-term care services and surveys for those providers.
16. The amendment proposed to direct the Department of Human Services to review its rules regarding medical eligibility for reimbursement for services under the Medicaid program for long-term care. The amended rule must be flexible, objective, provide standards for the nurse assessor and consider input from the consumer's family and physician. It proposed to appropriate \$600,000 for this purpose.

17. The amendment proposed to require the Department of Human Services, considering input from the Department of Mental Health, Mental Retardation and Substance Abuse Services and its providers, to undertake aging in place pilot projects.
18. The amendment proposed to require the Department of Human Services, considering input from the Department of Mental Health, Mental Retardation and Substance Abuse Services and its providers, to undertake pilot projects that provide vouchers or flexible funding for long-term care services. It proposed to appropriate \$50,000 for this purpose.
19. The amendment proposed to require the Department of Human Services to review its rules on reimbursement for long-term care services and report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2001 its recommendations for including in the reimbursement formulas a factor for acuity of consumer condition and level of need for services.
20. The amendment proposed to establish the Long-term Care Implementation Committee to monitor the progress of state departments and offices in implementing the legislation.

The total cost of these provisions would be \$15,224,000 in General Fund money.

21. The amendment proposed to add an appropriation section, allocation section and fiscal note to the bill.

See Public Law 1999, chapter 731, Part BBBB.

LD 114 An Act Regarding Medicaid Managed Care Ombudsman Services PUBLIC 681

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-978
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LD 114 proposed to implement the recommendations of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services relating to the Department of Human Services.

Committee Amendment "A" (H-978) proposed to replace the bill. It proposed to require the Department of Human Services to contract for ombudsman services, with a nonprofit organization other than the health benefits advisor, for the Medicaid managed care population provided that non-General Fund money is used for the state seed to pay for the services. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 681 requires the Department of Human Services to contract for ombudsman services, with a nonprofit organization other than the health benefits advisor, for the Medicaid managed care population provided that non-General Fund money is used for the state seed to pay for the services.