

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

May 2016

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# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE

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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 127<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER*..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or PASSAGE*..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT*..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is July 29, 2016. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

## *Joint Standing Committee on Health and Human Services*

This bill provides funds to give adult family care homes, residential care facilities and Appendix C private nonmedical institutions a 4% cost-of-living rate increase in funding in the fiscal year beginning July 1, 2016. Annual cost-of-living adjustments are to be provided by rule for each fiscal year thereafter in accordance with the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index.

### **Committee Amendment "A" (S-402)**

This amendment provides for two cost-of-living rate increases in funding rather than an annual ongoing increase. The 4% cost-of-living rate increase in funding in the fiscal year beginning July 1, 2016 remains the same as in the bill but with updated appropriation and allocation amounts. The second rate increase, for fiscal year 2017-18, is based on the Consumer Price Index medical care services index.

The substance of this bill and amendment was incorporated in Public Law 2015, chapter 481, Part C (LD 1606).

<b>LD 1533</b>	<b>An Act To Provide an Annual Cost-of-living Adjustment to Nursing Facilities To Further Implement the Recommendations of the Commission To Study Long-term Care Facilities</b>	<b>Died On Adjournment</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS D POULIOT M	OTP-AM	S-381

This bill provides funds to provide an annual cost-of-living adjustment to nursing facilities under the MaineCare program.

### **Committee Amendment "A" (S-381)**

This amendment adjusts the funding amounts in the bill to reflect more accurate estimates. It also directs the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities to remove the requirement that cost-of-living adjustments received by nursing facilities must be applied to the wages and benefits of front line employees.

<b>LD 1547</b>	<b>An Act To Facilitate Access to Naloxone Hydrochloride</b>	<b>PUBLIC 508</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S BREEN C	OTP-AM ONTP	H-619 S-473 HASKELL A

This bill establishes the Naloxone Bulk Purchase Fund administered by the Office of the Attorney General for the purpose of providing funding to the Office of the Attorney General to make bulk purchases of naloxone hydrochloride that may be purchased by municipalities for use by first responders.

### **Committee Amendment "A" (H-619)**

This amendment, which is the majority report of the committee, replaces the bill. It directs the Maine Board of Pharmacy to establish by rule procedures and standards for authorizing pharmacists to dispense naloxone hydrochloride. The rules must establish adequate training requirements and protocols for dispensing naloxone hydrochloride by prescription drug order, standing order or pursuant to a collaborative practice agreement. The amendment also clarifies current law to allow first responders to obtain the naloxone hydrochloride that they are authorized to administer. It provides criminal, civil and professional disciplinary immunities for persons who, acting in good faith and with reasonable care, possess, store, prescribe, dispense or administer naloxone hydrochloride in accordance with the governing law. The amendment also adds an emergency preamble and

***Joint Standing Committee on Health and Human Services***

emergency clause.

**Senate Amendment "A" To Committee Amendment "A" (S-473)**

This amendment removes the emergency preamble and emergency clause added by Committee Amendment "A".

**Enacted Law Summary**

Public Law 2015, chapter 508 directs the Maine Board of Pharmacy to establish by rule procedures and standards for authorizing pharmacists to dispense naloxone hydrochloride. The rules must establish adequate training requirements and protocols for dispensing naloxone hydrochloride by prescription drug order, standing order or pursuant to a collaborative practice agreement. It provides criminal, civil and professional disciplinary immunities for persons who, acting in good faith and with reasonable care, possess, store, prescribe, dispense or administer naloxone hydrochloride in accordance with the governing law.

**LD 1548 An Act To Establish a Foster Parents' Bill of Rights**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R	ONTP	

This bill establishes a foster parents' bill of rights.

**LD 1552 An Act To Reduce Morbidity and Mortality Related to Injected Drugs**

**PUBLIC 507**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VACHON K HASKELL A	OTP-AM	H-559 S-513 HAMPER J

This bill provides \$75,000 in General Funds in 2016-17 for existing and new hypodermic apparatus exchange programs certified by the Department of Health and Human Services, Maine Center for Disease Control and Prevention. The center must allocate funds appropriated for existing hypodermic apparatus exchange programs among programs based on rates of intravenous drug use and negative health outcomes related to drug use in the geographic area surrounding a program and the amount of services historically provided by the program, except that funds awarded in order to facilitate the operation of programs in counties without a program may be awarded through a competitive grant process. It also provides that, unless the use of funds to support a hypodermic apparatus exchange program is prohibited by the original funding source, the department may not prohibit funds it awards to an entity involved in HIV, viral hepatitis and substance abuse issues from being used to support a hypodermic apparatus exchange program as long as the services the program provides can reasonably be expected to contribute to the desired result identified when the funding is first made available.

**Committee Amendment "A" (H-559)**

The amendment makes the following changes to the bill.

1. It adds language to indicate that the funds provided by the bill are not intended to be the sole source of funding for hypodermic apparatus exchange programs and clarifies that the intent of the bill is not to limit securing other sources of funding.
2. It establishes the same methodology for distributing funds for both existing and new programs.