

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

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

October 2018

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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128th 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 FINAL 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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

law. A veterinarian who dispenses a benzodiazepine or an opioid medication is required to check prescription monitoring information except when the veterinarian is operating in mobile or emergency circumstances or is dispensing less than 48 hours of medication.

2. It extends the waiver on electronic prescribing of opioids until July 1, 2022, unless an electronic platform becomes available earlier as determined by the Commissioner of Health and Human Services. It also includes benzodiazepines under the waiver. After electronic prescribing becomes required, veterinarians may apply for a waiver from the Commissioner of Health and Human Services.

3. It broadens the content of continuing education requirements to include administration and management of opioid medications as well as prescription of opioid medications. It reduces the number of hours required from three hours every two years to one hour every two years. It allows the State Board of Veterinary Medicine to adopt rules rather than requiring rulemaking.

LD 1737 An Act To Preserve Medication Management for Persons with Mental Health Needs

Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C DENNO D	OTP-AM	S-379

This bill was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides funding for a 25% rate increase for the medication management services provided under the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services.

Committee Amendment "A" (S-379)

This amendment decreases the rate increase proposed in the bill from 25% to 15% and provides funding for a 15% rate increase for the medication management services provided under the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services.

The substance of this bill was incorporated in Public Law 2017, chapter 460.

LD 1742 Resolve, To Support Vulnerable Seniors by Funding Assisted Living Programs

Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J FREDETTE K	OTP-AM ONTP	S-364

This resolve was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This resolve provides increased funding for the provision of assisted living services at facilities currently operating at a loss, including, but not limited to, facilities in Bangor, Millinocket, Camden and Sanford. It directs the Department of Health and Human Services to conduct a review of possible ways to stabilize funding for affordable assisted living facilities that contract with the office of aging and disability services within the Department of

Joint Standing Committee on Health and Human Services

Health and Human Services, including permanent increases to existing funding levels, paying the medical costs of certain residents until they are eligible for MaineCare coverage, a practice known as Rate Code 53 spending, and designating facilities as private nonmedical institutions. It directs the department to report back with its recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 11, 2019.

Committee Amendment "A" (S-364)

This amendment, which is the majority report of the committee, clarifies that the \$500,000 funding for assisted living services is one-time funding. It also removes the language that specifies that certain assisted living facilities receive the funding, as all seven facilities are operating at a loss.

The substance of this resolve was incorporated in Public Law 2017, chapter 460.

LD 1748 An Act Regarding Rules Governing Family Child Care Provider ONTP
Licensing

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R POULIOT M	ONTP	

This bill requires the Department of Health and Human Services to amend its rule Chapter 33: Family Child Care Provider Licensing Rule to include provisions relating to parent involvement, the availability of copies of the rule, rights for children, the ages of children living with a provider who are counted in the staff-to-child ratio, compliance with the federal Americans with Disabilities Act of 1990, reasonable modifications and accommodations and rights to a service plan that are identical in substance to the rule Chapter 33 that was in effect on September 15, 2017. It defines the terms "infant," "toddler" and "preschool child," requires providers to complete cardiopulmonary resuscitation, first aid and mandated reporter training within 30 days of employment and requires providers to be at least 18 years of age. It requires the child-to-staff ratio for toddlers to be the same as the child-to-staff ratio for infants. It requires the department to adopt rules pertaining to the quality of the program provided. It provides that rules for family child care providers adopted by the department are major substantive rules.

LD 1762 An Act To Ensure Sustainable Health Care Access in the Jackman PUBLIC 451
Region EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRIGNON C	OTP-AM ONTP	H-676 S-516 HAMPER J

This bill was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill appropriates \$495,000 to the Jackman Community Health Center to ensure sustainable health care access in the Jackman region.

Committee Amendment "A" (H-676)

This amendment is the majority report of the committee. It reduces from \$495,000 to \$150,000 the amount appropriated to the Jackman Community Health Center.

Senate Amendment "A" To Committee Amendment "A" (S-516)

This amendment changes the appropriation of funding from fiscal year 2017-18 to fiscal year 2018-19.