

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

This bill authorizes the Department of Health and Human Services to access public and confidential criminal history record information to assist in preventing child abuse and neglect.

Committee Amendment "A" (S-547)

This amendment specifies that the Department of Health and Human Services may request and receive confidential criminal history record information from the Department of Public Safety. It also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2017, chapter 473 authorizes the Department of Health and Human Services to access public and confidential criminal history record information to assist in preventing child abuse and neglect. It specifies that the Department of Health and Human Services may request and receive confidential criminal history record information from the Department of Public Safety.

LD 1922 An Act To Amend the Child and Family Services and Child Protection Act PUBLIC 470

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B	ONTP OTP	

This bill amends the Child and Family Services and Child Protection Act to require that reasonable efforts be made to rehabilitate and reunify families as a means for protecting the welfare of children. Current law requires giving family rehabilitation and reunification priority as a means for protecting the welfare of children.

Enacted Law Summary

Public Law 2017, chapter 470 amends the Child and Family Services and Child Protection Act to require that reasonable efforts be made to rehabilitate and reunify families as a means for protecting the welfare of children.

**LD 1923 An Act To Improve the Child Welfare System PUBLIC 471
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER J	OTP-AM OTP-AM	S-548 H-811 MALABY R

This bill provides additional funding to enhance the child welfare system and services available to children in the care of the State. This bill also directs the Department of Health and Human Services to conduct a needs analysis for its comprehensive child welfare information system, review possible solutions to meet those needs and purchase or develop a new system. It also provides funding for the development of a new comprehensive child welfare information system.

Committee Amendment "A" (S-548)

This amendment, which is the majority report of the committee, provides funding for the creation of 16 Human Services Caseworker positions and eight Customer Representative Associate II positions within the Department of Health and Human Services, Office of Child and Family Services. It requires the department to report on the progress of the department in implementing the provisions of the legislation to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 31, 2019. It also clarifies that the funding for the new child welfare information system is one-time funding and replaces the appropriations and allocations section.

Joint Standing Committee on Health and Human Services

Committee Amendment "B" (S-549)

This amendment, which is the minority report of the committee, clarifies that the funding for the new child welfare information system is one-time funding. It requires the Department of Health and Human Services to report on the progress of the department in implementing the provisions of the legislation to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 31, 2019. It also replaces the appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-811)

This amendment requires the Department of Health and Human Services to contract for a third-party independent rate study to develop a separate rate for MaineCare reimbursement for trauma-focused cognitive behavioral therapy to be billed under rule Chapter 101: MaineCare Benefits Manual, Section 65. Currently, this therapy is available as outpatient therapy and home-based and community-based treatment under Section 65. The rate study must take into consideration the costs to providers of delivering the service, including certification and continuing education, quality assurance and continuous quality improvement, the need to attract enough providers to clear waiting lists and serve all areas of the State and the costs to ensure fidelity to the therapy model. The rate study must be completed no later than April 1, 2019, and the department must report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by May 1, 2019. The department must amend its rules to establish the new rate. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2017, chapter 471:

1. Provides funding to increase the daily reimbursement rates for the various categories of foster homes;
2. Provides funding to create a new Child Welfare Investigator position;
3. Provides funding for the creation of 16 Human Services Casework Supervisor positions and two Regional Associate Director for Child Welfare positions;
4. Provides funding for the creation of 16 Human Services Caseworker positions and eight Customer Representative Associate II positions within the Department of Health and Human Services, Office of Child and Family Services;
5. Provides funding for a \$5 per wage-hour stipend payment for Caseworkers, Caseworker Supervisors, Assistant Program Administrators and Program Administrator positions;
6. Provides funding for a \$1 per wage-hour stipend payment for Caseworkers, Caseworker Supervisors, Services Assistant Program Administrators and Program Administrator positions for those holding or obtaining a relevant master's degree;
7. Provides funding for the procurement of a pilot program to provide supportive visitation, including supervision of court-ordered visitation with the child's relatives and evaluation of parental capacity;
8. Provides funding for the procurement of clinical support and guidance of caseworker practice, including direct consultation with a clinician, training, staff functioning and debriefing;
9. Provides one-time funding for the development of a new comprehensive child welfare information system and directs the Department of Health and Human Services to conduct a needs analysis for its comprehensive child welfare information system, review possible solutions to meet those needs and purchase or develop a new system;
10. Requires the Department of Health and Human Services to contract for a third-party independent rate study to develop a separate rate for MaineCare reimbursement for trauma-focused cognitive behavioral therapy to be billed

Joint Standing Committee on Health and Human Services

under rule Chapter 101: MaineCare Benefits Manual, Section 65; and

11. Requires the department to report on the progress of the department in implementing the provisions of the legislation to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 31, 2019.

Public Law 2017, chapter 471 was enacted as an emergency measure effective September 7, 2018.