

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2019

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STATE OF MAINE

129TH LEGISLATURE
FIRST REGULAR SESSION



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 First Regular Session of the 129th 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 date for non-emergency legislation enacted in the First Regular Session of the 129th Legislature is Thursday, September 19, 2019. 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

Committee Amendment "A" (H-132)

This amendment, which is the unanimous report of the committee, removes the requirement that the Department of Health and Human Services automatically review an individual's eligibility for the family planning benefit if the individual is found ineligible under another MaineCare section. It also removes the requirement that the department use a single application form. This amendment clarifies that presumptive eligibility must be implemented in accordance with 42 United States Code, Section 1396r-1, which outlines the timing and other requirements of presumptive eligibility for states.

Enacted Law Summary

Public Law 2019, chapter 420 establishes presumptive eligibility for individuals who are likely to qualify for the family planning benefit under the Maine Revised Statutes, Title 22, section 3173-G and requires the Department of Health and Human Services to provide for presumptive eligibility. It clarifies that presumptive eligibility must be implemented in accordance with 42 United States Code, Section 1396r-1, which outlines the timing and other requirements of presumptive eligibility for states and directs the Department of Health and Human Services to adopt rules to carry out these requirements.

LD 80 An Act To Create the Department of Substance Use Disorder Services ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A HERBIG E	ONTP	

This bill establishes the Department of Substance Use Disorder Services as a separate cabinet-level department. It removes from the Department of Health and Human Services, and transfers to the Department of Substance Use Disorder Services, functions and services for individuals with substance use disorders, prevention programs and administrative assistance for the Substance Use Disorder Services Commission.

LD 84 Resolve, Directing the Department of Health and Human Services To RESOLVE 102 Allow Spouses To Provide Home and Community-based Services to Eligible MaineCare Members

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P DIAMOND B	OTP-AM	H-135 S-322 BREEN C

This resolve requires the Department of Health and Human Services to submit a request to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the current federal 1915(c) waiver so that eligible members receiving home and community-based services under the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 will be able to receive services provided by spouses who are employed as personal support specialists to provide those services. It requires the department to amend its rules after the amended waiver approval has been received from the federal government. The resolve requires the department to provide an interim report regarding the progress in applying for, receiving and implementing the amended waiver and a final report with data on the number of individuals receiving services from spouses, any information about costs or savings and recommendations about the feasibility for similarly expanding other MaineCare programs or other potential waiver programs available under Medicaid.

Committee Amendment "A" (H-135)

This amendment adds an appropriations and allocations section to the resolve.

Joint Standing Committee on Health and Human Services

Senate Amendment "A" To Committee Amendment "A" (S-322)

This amendment strikes and replaces the appropriations and allocations section to limit funding to the allowance for eligible MaineCare members to receive services provided by spouses.

Enacted Law Summary

Resolve 2019, chapter 102 requires the Department of Health and Human Services to submit a request to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the State's federal 1915(c) waiver so that eligible members receiving home and community-based services under the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 will be able to receive services provided by spouses who are employed as personal support specialists to provide those services. The department is required to provide to the joint standing committee having jurisdiction over health and human services matters, an interim report regarding the progress in applying for, receiving and implementing the amended waiver and a final report with data on the number of individuals receiving services from spouses, any information about costs or savings and recommendations about the feasibility for similarly expanding other MaineCare programs or other potential waiver programs available under Medicaid.

LD 99 Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services

**RESOLVE 17
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-63
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This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a major substantive rule of the Department of Health and Human Services.

Committee Amendment "A" (H-63)

This amendment, which is the unanimous report of the committee, amends the resolve. It authorizes the Department of Health and Human Services to adopt the major substantive rules for portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder only if the rule is amended in Appendix I to increase the rate for procedure code T2017 QC from \$1.63 per 1/4 hour to \$2.00 per 1/4 hour. The amendment is necessary to ensure that this procedure code is reimbursed consistently under Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29 and Section 21.

Enacted Law Summary

Resolve 2019, chapter 17 authorizes the Department of Health and Human Services to adopt the major substantive rules for portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder only if the rule is amended in Appendix I to increase the rate for procedure code T2017 QC from \$1.63 per 1/4 hour to \$2.00 per 1/4 hour.

Resolve 2019, chapter 17 was finally passed as an emergency measure effective April 30, 2019.