

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## SECOND REGULAR SESSION-2004

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Legislative Document

No. 1666

H.P. 1242

House of Representatives, December 19, 2003

**Resolve, To Require Cost Neutrality and Appropriateness of  
Assisted Living Medication Courses**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 16, 2003. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative LERMAN of Augusta.  
Cosponsored by President DAGGETT of Kennebec and  
Representatives: CRAVEN of Lewiston, DUNLAP of Old Town, WALCOTT of Lewiston.

2           **Emergency preamble.** Whereas, Acts and resolves of the  
Legislature do not become effective until 90 days after  
adjournment unless enacted as emergencies; and

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6           **Whereas,** funds for services for adults and children with  
mental retardation and other cognitive disabilities and mental  
illnesses have been either frozen or reduced due to recent state  
8 budgetary constraints; and

10           **Whereas,** the Department of Human Services has increased the  
overall costs of providing those services with recent revisions  
12 to the medication course required to be taken by personnel of  
assisted living facilities for persons with mental retardation  
and mental illnesses; and

16           **Whereas,** this action was undertaken by the Department of  
Human Services without consultation with the Department of  
18 Behavioral and Developmental Services regarding fiscal impact; and

20           **Whereas,** such increased program costs were not included in  
community budgets developed by the Department of Behavioral and  
22 Developmental Services; and

24           **Whereas,** these costs impose a significant financial burden  
on the community-based private agencies that are already  
26 struggling to meet other uncontrollable costs of providing  
services, including rising health insurance premiums, property  
28 insurance premiums and housing costs; and

30           **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
32 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
34 safety; now, therefore, be it

36           **Sec. 1. Medication course. Resolved:** That the Department of  
Human Services and its designee or successor shall revise the  
38 course curriculum required for persons administering medications  
in assisted living settings that serve persons with mental  
40 retardation and mental illnesses to ensure that the course is  
appropriate for the population served by each facility. Any  
42 changes from the course that was in effect prior to September 1,  
2003 may not impose any new or additional costs on providers of  
44 services, unless the increased costs are funded by the Department  
of Human Services. The requirement of cost neutrality does not  
46 apply retroactively to costs already incurred by providers prior  
to the effective date of this resolve, but applies upon enactment  
48 of this resolve. The Department of Human Services shall convene  
a working group to revise the course that includes the Department  
50 of Behavioral and Developmental Services and representatives of  
the statewide associations that represent providers of mental  
52 retardation and mental health services.

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**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

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### SUMMARY

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10 On September 1, 2003, the Department of Human Services  
12 revised the content and duration of the course curriculum  
14 required for persons administering medications in assisted living  
16 settings. This resolve requires the Department of Human Services  
to revise the course to ensure its appropriateness for the  
population served, and either to ensure cost neutrality or to  
provide reimbursement for the added costs from the effective date  
of this resolve.