MAINE STATE LEGISLATURE

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L.D. 1642

4	DATE: 6-7-05 (Filing No. S-349)
6	HEALTH AND HUMAN SERVICES
8	Reported by:
.0	Reproduced and distributed under the direction of the Secretary of the Senate.
2 4 6	STATE OF MAINE SENATE 122ND LEGISLATURE FIRST SPECIAL SESSION
8 0 2	COMMITTEE AMENDMENT 'A" to S.P. 608, L.D. 1642, Bill, "An Act To Further the Transition to the New Department of Health and Human Services"
4	Amend the bill by inserting after section 2 the following:
6	'Sec. 3. 2 MRSA §6, sub-§11 is enacted to read:
8	11. Range 38. The salaries of the following state officials and employees are within salary range 38:
0	A. Deputy Commissioner of Finance, Department of Health and Human Services; and
4	B. Deputy Commissioner of Operations and Support, Department of Health and Human Services.'
6 8	Further amend the bill in section 3 in subsection 1 by striking out all of paragraph A (page 2, line 43 in L.D.) and inserting in its place the following:
0	'A. Deputy commissioners; The 4 deputy commissioner positions:
2	(1) The Deputy Commissioner of Integrated Services;
1	(2) The Deputy Commissioner of Health, Integrated
5	Access and Strategy:
В	(3) The Deputy Commissioner of Finance; and
D	(4) The Deputy Commissioner of Operations and Support;

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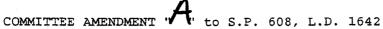
COMMITTEE AMENDMENT





2	Further amend the bill by inserting after section 4 the
4	following:
	'Sec. 5. 22-A MRSA §205, sub-§§3 and 4, as enacted by PL 2003,
6	c. 689, Pt. A, §1, are amended to read:
8	3. Employees. The commissioner may employ personnel as necessary to carry out the work of the department. All personnel
10	of the department are under the immediate supervision, direction and control of the commissioner. Department personnel must be
12	employed subject to the Civil Service Law, except for deputy commissioners, associate commissioners, assistant deputy
14	eemmissieners,-bureau-directors,-the-director-ef-legal-affairs, regionaldirectors,the-directorofBangerMentalHealth
16	Institute and the director of Riverview Psychiatric Center positions subject to appointment by the commissioner under
18	subsection 4.
20	4. Appointments. The following positions are appointed by the commissioner mayappointdeputyeemmissieners,asseeiate
22	eommissioners,-assistant-deputy-commissioners,-bureau-directors, the-director-of-legal-affairs,-regional-directors,-the-director
24	of-Bangor-Mental-Health-Institute-and-the-director-of-Riverview
26	PsychiatricCenter,who and serve at the pleasure of the
20	commissioner These positions are unclassified, major policy influencing - positions - as specified - in - Title 5, sections
28	931-and-946-AA-bureau-director-appointed-pursuant-to-this subsection-must-have-educational-qualifications-and-professional
30	emperience-directly-related-to-the-functions-of-and-services
	provided-by-the-bureau.:
32	A. The Deputy Commissioner of Integrated Services;
34	B. The Deputy Commissioner of Health, Integrated Access and
36	Strategy:
38	C. The Deputy Commissioner of Finance:
40	D. The Deputy Commissioner of Operations and Support:
42	E. The Director of the Office of MaineCare Services;
44	F. The Director of the Maine Center for Disease Control and Prevention:
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	G. The Director of the Office of Integrated Access and
48	Support;

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	H. The Director of the Office of Adult Mental Health
2	Services;
4	I. The Director of the Office of Adults with Cognitive and Physical Disability Services;
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8	J. The Director of the Office of Child and Family Services:
10	K. The Director of the Office of Elder Services;
12	L. The Director of the Office of Substance Abuse Services;
	M. The regional system integration directors:
14	N. The Director of Bangor Mental Health Institute; and
16	O. The Director of Riverview Psychiatric Center.
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20	Deputy commissioners and office directors appointed pursuant to this subsection must have educational qualifications and professional experience directly related to the functions of and
22	services provided by the relevant unit or office.'
24 -	Further amend the bill by inserting after section 6 the following:
26	Sec. 7. Personal services appropriation and allocation transfers.
28	Available balances of personal services appropriations and
30	allocations in fiscal year 2005-06 within the Department of Health and Human Services that are identified as savings
32	resulting from the merger of the former Department of Human Services and the former Department of Behavioral and
52 .	Developmental Services may be transferred within the personal
34	services line category within the same fund by financial order
36	upon the recommendation of the State Budget Officer and approval of the Governor. The purpose of these transfers must be to
	provide permanent, ongoing funding for the pay range reallocation
38	of positions to achieve pay equity. The Commissioner of Health
40	and Human Services shall provide a report to the Joint Standing Committee on Health and Human Services and the Joint Standing
	Committee on Appropriations and Financial Affairs no later than
42	January 15, 2006 on all amounts transferred under this section.
44	Sec. 8. Report on merger goals and achievement of benchmarks.
	The Commissioner of Health and Human Services shall report
46	according to the schedule established in this section to the

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joint standing committee of the Legislature having jurisdiction over health and human services matters on progress towards goals

and benchmarks adopted by the committee for the merger of the

Services

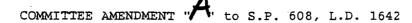
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Department of Behavioral and Developmental Services. In January 2006, the commissioner shall present proposed outcomes specific benchmarks to be used to evaluate the success of the merger in achieving those goals for review by the committee. commissioner shall provide subsequent regular updated reports to the committee at least once every 6 months in 2006 and 2007 on the progress of the department in achieving the identified goals, outcomes and benchmarks. Each report must also include a review of the pay range reallocations undertaken to achieve pay equity, progress in achieving the colocation goals of the department and the number of vacant positions and acting or temporary

10 12 appointments within the department.

Sec. 9. Review of advocacy and ombudsman issues. welfare ombudsman program established in the Maine Revised Statutes, Title 22, section 4087-A, the long-term care ombudsman program established pursuant to Title 22, section 5106, subsection 11-C and the Office of Advocacy within the Department of Health and Human Services shall work collaboratively to develop recommendations to maximize their independence, effectiveness and ability to provide consumer advocacy and ombudsman services and long-term budget stability. entities shall report their recommendations to the Joint Standing Committee on Health and Human Services no later than February 15, The committee may report out a bill regarding the ombudsman and advocacy programs to the Second Regular Session of the 122nd Legislature.'

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Further amend the bill by relettering or renumbering any Part letter or nonconsecutive section number consecutively.

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SUMMARY

This amendment codifies the pay range of 2 of the deputy commissioner positions within the Department of Health and Human Services and the positions within that department that are appointed and serve at the pleasure of the Commissioner of Health and Human Services. The amendment also adds provisions allowing the commissioner to transfer savings within personal services lines during fiscal year 2005-06 in order to fund reallocations of pay ranges to achieve pay equity, requires the commissioner to report to the Joint Standing Committee on Health and Human Services on the progress towards goals established for the merger of the former Department of Human Services and the former Department of Behavioral and Developmental Services. It requires the child welfare ombudsman program, the long-term care ombudsman program and the Office of Advocacy within the Department of Health and Human Services to report to the committee by February

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15, 2006 on ways to maximize their independence, effectiveness and ability to provide consumer advocacy and ombudsman services and long-term budget stability.

> FISCAL NOTE REQUIRED (See attached)

> > Page 5-LR2344(2)



122nd MAINE LEGISLATURE

LD 1642

LR 2344(02)

An Act To Further the Transition to the New Department of Health and Human Services

Fiscal Note for Bill as Amended by Committee Amendment "Committee: Health and Human Services
Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - General Fund

Fiscal Detail and Notes

The language in Section 7 granting the Commissioner authority to transfer funds within personal services lines to provide permanent ongoing funding for pay range reallocations could result in a reduction in personal services balances lapsed to the General Fund. Any non-Section 7 fiscal impact to the Department of Health and Human Services to implement this bill is expected to be minor. The additional costs associated with legislative staff participation in the working group regarding the Department of Health and Human Services' accounting structure can be absorbed by the Legislature utilizing existing budgeted resources.