

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2290

H.P. 1652

House of Representatives, March 31, 2008

An Act To Protect Access to Health Care

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MILLS of Farmington.
Cosponsored by Senator MARTIN of Aroostook and
Representatives: BRIGGS of Mexico, CLARK of Millinocket, Speaker CUMMINGS of
Portland, PERRY of Calais, PINGREE of North Haven, SAVIELLO of Wilton, SIMPSON of
Auburn, SUTHERLAND of Chapman, TUTTLE of Sanford, Senators: GOOLEY of Franklin,
NUTTING of Androscoggin.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 34-B MRSA §3608, sub-§1, ¶E**, as amended by PL 2007, c. 286, §8, is
3 further amended to read:

4 E. Develop techniques for identifying and providing services to consumers at risk,
5 based on the principle that services will be provided as close to the consumer's home
6 as possible; and

7 **Sec. 2. 34-B MRSA §3608, sub-§1, ¶F**, as enacted by PL 2007, c. 286, §8, is
8 amended to read:

9 F. Enable, among other things, the sharing of confidential client information to the
10 extent necessary to protect the client's health and safety when it is determined the
11 client has an urgent need for mental health services. The network members shall
12 share confidential client information, even without a client's consent, to the extent
13 necessary to protect the client's health and safety in a period of urgent need for
14 mental health services when the client lacks the capacity to give consent for the
15 information sharing or when an exigency exists so that the client's health and safety
16 is better protected if the information is shared without a delay to obtain consent. A
17 person or entity participating in good faith in sharing information under this
18 paragraph is immune from civil liability that might otherwise result from these
19 actions, including, but not limited to, a civil liability that might otherwise arise under
20 state or local laws or rules regarding confidentiality of information. The department
21 shall adopt rules to identify the limits and requirements to be included in the
22 memoranda. These rules are routine technical rules as defined in Title 5, chapter 375,
23 subchapter 2-A; and

24 **Sec. 3. 34-B MRSA §3608, sub-§1, ¶G** is enacted to read:

25 G. Provide consolidated mental health crisis services for children and adults,
26 beginning March 1, 2009, through a memorandum of understanding among providers
27 of mental health services in the network that must include provisions to ensure
28 coordination, eliminate duplication and provide a level of crisis services established
29 by the department.

30 **Sec. 4. 36 MRSA §2891, sub-§1**, as corrected by RR 2003, c. 2, §116, is
31 amended to read:

32 **1. Hospital.** "Hospital" means an acute care health care facility with permanent
33 inpatient beds planned, organized, operated and maintained to offer for a continuing
34 period of time facilities and services for the diagnosis and treatment of illness, injury and
35 deformity; with a governing board and an organized medical staff offering continuous 24-
36 hour professional nursing care; with a plan to provide emergency treatment 24 hours a
37 day and including other services as defined in rules of the Department of Health and
38 Human Services relating to licensure of general and specialty hospitals; and that is
39 licensed under Title 22, chapter 405 as a general hospital, specialty hospital or critical
40 access hospital. For purposes of this chapter, "hospital" does not include a nursing home

1 or a publicly owned specialty hospital or, for state fiscal years beginning on or after July
2 1, 2008, municipally funded hospitals.

3 **Sec. 5. 36 MRSA §2891, sub-§1-A** is enacted to read:

4 **1-A. Municipally funded hospital.** "Municipally funded hospital" means Mayo
5 Regional Hospital in Dover-Foxcroft or Cary Medical Center in Caribou.

6 **Sec. 6. 36 MRSA §2892,** as amended by PL 2005, c. 12, Pt. ZZ, §2, is further
7 amended to read:

8 **§2892. Tax imposed**

9 For the state fiscal year beginning on July 1, 2003, a tax is imposed against each
10 hospital in the State. The tax is equal to .74% of net operating revenue for the tax year as
11 identified on the hospital's most recent audited annual financial statement for that tax
12 year. Delinquent tax payments are subject to Title 22, section 3175-C.

13 For state fiscal years beginning on or after July 1, 2004, a tax is imposed annually
14 against each hospital in the State. The tax is equal to 2.23% of the hospital's net
15 operating revenue as identified in the hospital's audited financial statement for the
16 hospital's taxable year. For the state fiscal year beginning July 1, 2004, the hospital's
17 taxable year is the hospital's fiscal year that ended during calendar year 2002. For the
18 state fiscal year beginning July 1, 2005, the hospital's taxable year is the hospital's fiscal
19 year that ended during calendar year 2003. For state fiscal years beginning on or after
20 July 1, 2006 but before July 1, 2008, the hospital's taxable year is the hospital's fiscal year
21 that ended during calendar year 2004.

22 For state fiscal years beginning on or after July 1, 2008, the hospital's taxable year is
23 the hospital's fiscal year that ended during calendar year 2006.

24 **Sec. 7. Memorandum of understanding for consolidated services.**
25 Notwithstanding any provision of law to the contrary, reductions in funding by
26 consolidating mental health crisis services must be accomplished through a memorandum
27 of understanding subject to this section. The Department of Health and Human Services
28 shall design standards for and negotiate the implementation of a memorandum of
29 understanding among providers of mental health services in each community service
30 network that will achieve savings through the consolidation of crisis services for children
31 and adults. The department shall establish criteria for crisis services, including, but not
32 limited to: access to telephone crisis services 24 hours a day, 7 days a week; mobile
33 outreach for face-to-face assessments; crisis stabilization and follow-up; availability of
34 fixed sites; access to psychiatric consultation; agreements with local hospitals;
35 alternatives to inpatient hospital services through residential beds; compliance with the
36 adult consent decree and reduction of the utilization of hospital emergency rooms. The
37 department shall provide a progress report to the joint standing committee of the
38 Legislature having jurisdiction over health and human services matters on the progress of
39 the consolidation by January 1, 2009 and an evaluation by January 1, 2010 of the impact
40 of the consolidation on consumers and on savings achieved and any positive or negative

1 effects on consumer access to services and the quality of crisis services consumers
2 receive.

3 **Sec. 8. Appropriations and allocations.** The following appropriations and
4 allocations are made.

5 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)**

6 **Mental Health Services - Child Medicaid 0731**

7 Initiative: Provides funding related to consolidating crisis services to one provider per
8 district. The corresponding federal match increase is in the Medical Care - Payments to
9 Providers program.

10	GENERAL FUND	2007-08	2008-09
11	All Other	\$0	\$200,000
12			
13	GENERAL FUND TOTAL	<hr/>	<hr/>
		\$0	\$200,000

14 **Mental Health Services - Community 0121**

15 Initiative: Provides funding for community integration services for consumers who are
16 not eligible for MaineCare.

17	GENERAL FUND	2007-08	2008-09
18	All Other	\$0	\$500,000
19			
20	GENERAL FUND TOTAL	<hr/>	<hr/>
		\$0	\$500,000

21 **Mental Retardation Waiver - MaineCare 0987**

22 Initiative: Increases funding for MaineCare home- and community-based waiver services.
23 The corresponding federal match increase is in the Medical Care - Payments to Providers
24 program.

25	GENERAL FUND	2007-08	2008-09
26	All Other	\$0	\$142,568
27			
28	GENERAL FUND TOTAL	<hr/>	<hr/>
		\$0	\$142,568

29 **HEALTH AND HUMAN SERVICES,**
30 **DEPARTMENT OF (FORMERLY BDS)**

31 **DEPARTMENT TOTALS** **2007-08** **2008-09**

1			
2	GENERAL FUND	\$0	\$842,568
3			
4	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$842,568

5 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

6 **Medical Care - Payments to Providers 0147**

7 Initiative: Increases funding for MaineCare home- and community-based waiver services.
8 The corresponding state funding increases are in the Mental Retardation Waiver -
9 MaineCare program.

10	FEDERAL EXPENDITURES FUND	2007-08	2008-09
11	All Other	\$0	\$254,930
12			
13	FEDERAL EXPENDITURES FUND TOTAL	\$0	\$254,930

14 **Medical Care - Payments to Providers 0147**

15 Initiative: Provides funding for hospital-based physicians.

16	GENERAL FUND	2007-08	2008-09
17	All Other	\$0	\$7,282,509
18			
19	GENERAL FUND TOTAL	\$0	\$7,282,509

20	FEDERAL EXPENDITURES FUND	2007-08	2008-09
21	All Other	\$0	\$13,022,827
22			
23	FEDERAL EXPENDITURES FUND TOTAL	\$0	\$13,022,827

24 **Medical Care - Payments to Providers 0147**

25 Initiative: Adjusts funding to reflect an update of the hospital tax base year from 2004 to
26 2006 and the exclusion of municipally funded hospitals from the tax beginning July 1,
27 2008.

28	GENERAL FUND	2007-08	2008-09
29	All Other	\$0	(\$11,394,341)
30			
31	GENERAL FUND TOTAL	\$0	(\$11,394,341)

1	OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
2	All Other	\$0	\$11,394,341
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	<hr/>	<hr/>
		\$0	\$11,394,341
5	Medical Care - Payments to Providers 0147		
6	Initiative: Appropriates and allocates funds for additional payments to hospitals under the		
7	MaineCare program.		
8	GENERAL FUND	2007-08	2008-09
9	All Other	\$0	\$3,269,264
10			
11	GENERAL FUND TOTAL	<hr/>	<hr/>
		\$0	\$3,269,264
12	FEDERAL EXPENDITURES FUND	2007-08	2008-09
13	All Other	\$0	\$5,846,206
14			
15	FEDERAL EXPENDITURES FUND TOTAL	<hr/>	<hr/>
		\$0	\$5,846,206
16	Medical Care - Payments to Providers 0147		
17	Initiative: Provides funding related to consolidating crisis services to one provider per		
18	district. The corresponding state match increase is in the Mental Health Services -		
19	Community Medicaid program.		
20	FEDERAL EXPENDITURES FUND	2007-08	2008-09
21	All Other	\$0	\$357,625
22			
23	FEDERAL EXPENDITURES FUND TOTAL	<hr/>	<hr/>
		\$0	\$357,625
24	HEALTH AND HUMAN SERVICES,		
25	DEPARTMENT OF (FORMERLY DHS)		
26	DEPARTMENT TOTALS	2007-08	2008-09
27			
28	GENERAL FUND	\$0	(\$842,568)
29	FEDERAL EXPENDITURES FUND	\$0	\$19,481,588

1	OTHER SPECIAL REVENUE FUNDS	\$0	\$11,394,341
2			
3	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$30,033,361
4	SECTION TOTALS	2007-08	2008-09
5			
6	GENERAL FUND	\$0	\$0
7	FEDERAL EXPENDITURES FUND	\$0	\$19,481,588
8	OTHER SPECIAL REVENUE FUNDS	\$0	\$11,394,341
9			
10	SECTION TOTAL - ALL FUNDS	\$0	\$30,875,929

11 **SUMMARY**

12 This bill gives the community service networks the responsibility of providing
13 consolidated mental health crisis services for children and adults, beginning March 1,
14 2009, through a memorandum of understanding among providers of mental health
15 services in the network that includes provisions to ensure coordination, eliminate
16 duplication and provide a minimum level of crisis services established by the department.
17 This bill also updates the base year for the hospital tax and excludes municipally funded
18 hospitals from the tax after July 1, 2008.

19 **FISCAL NOTE REQUIRED**
20 **(See attached)**



123rd MAINE LEGISLATURE

LD 2290 LR 3614(01)

An Act To Protect Access to Health Care

Fiscal Note for Original Bill
Sponsor: Rep. Mills, J. of Farmington
Committee: Not Referred
Fiscal Note Required: Yes

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
General Fund	\$0	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$0	\$0	\$0	\$0
Federal Expenditures Fund	\$0	\$19,481,588	\$19,481,590	\$19,481,590
Other Special Revenue Funds	\$0	\$11,394,341	\$11,394,341	\$11,394,341
Revenue				
Other Special Revenue Funds	\$0	\$11,394,341	\$11,394,341	\$11,394,341

Fiscal Detail and Notes

This bill includes offsetting General Fund appropriations and deappropriations resulting in no net General Fund impact during the 2008-2009 biennium. It also increases Other Special Revenue funds by \$11,394,341 in fiscal year 2008-09 due to an increase in the Hospital Tax.