

MAINE STATE LEGISLATURE

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8/11/12
R. 23

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MAJORITY

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

125TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 664, L.D. 1887, Bill, "An Act To Restructure the Department of Health and Human Services"

Amend the bill in Part A by striking out all of section 19 and inserting the following:

'Sec. A-19. 5 MRSA §20005, sub-§6, as amended by PL 2011, c. 542, Pt. A, §6, is further amended to read:

6. Contracts and licensing. Through the ~~director~~ commissioner:

A. Administer all contracts with community service providers for the delivery of alcohol and drug abuse services;

A-1. Administer all contracts with community service providers for the delivery of gambling addiction counseling services; and

B. Establish operating and treatment standards and inspect and issue certificates of approval for approved treatment facilities, drug abuse treatment facilities or programs, including residential treatment centers, community-based service providers and facilities that are private nonmedical institutions pursuant to section 20024 and subchapter 5.

The commissioner may delegate contract and licensing duties under this subsection to ~~the Department of Health and Human Services~~, the Department of Corrections or ~~other divisions of the department~~ as long as that delegation ensures that contracting for alcohol and other drug abuse services provided in community settings ~~are~~ is consolidated within the ~~Department of Health and Human Services~~ department, that contracting for alcohol and other drug abuse services delivered within correctional facilities ~~are~~ is consolidated within the Department of Corrections and that contracting for alcohol and other drug abuse services delivered within mental health facilities or as a component of programs serving persons with intellectual disabilities or autism ~~are~~ is consolidated within the department.

The commissioner may not delegate contract and licensing duties if that delegation results in increased administrative costs.

COMMITTEE AMENDMENT

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1 The commissioner may not issue requests for proposals for existing contract services until
2 the commissioner has adopted rules in accordance with the Maine Administrative
3 Procedure Act to ensure that the reasons for which existing services are placed out for bid
4 and the performance standards and manner in which compliance is evaluated are
5 specified and that any change in provider is accomplished in a manner that fully protects
6 the consumer of services.

7 The commissioner shall establish a procedure to obtain assistance and advice from
8 consumers of alcohol and other drug abuse services regarding the selection of contractors
9 when requests for proposals are issued;'

10 Amend the bill in Part A in section 25 in §20007 in the first paragraph in the first line
11 (page 6, line 31 in L.D.) by striking out the following: "~~office department~~ and council"
12 and inserting the following: '~~office and council~~ department'

13 Amend the bill in Part A by striking out all of section 68 and inserting the following:

14 **'Sec. A-68. 22 MRSA §7249**, as amended by PL 2011, c. 477, Pt. K, §1, is further
15 amended to read:

16 **§7249. Reporting of prescription monitoring information**

17 **1. Information required.** Each dispenser shall submit to the ~~office department~~, by
18 electronic means or other format specified in a waiver granted by the ~~office department~~,
19 specific items of information regarding dispensed controlled substances determined by
20 the office from the following list:

- 21 A. The dispenser identification number;
- 22 B. The date the prescription was filled;
- 23 C. The prescription number;
- 24 D. Whether the prescription is new or is a refill;
- 25 E. The National Drug Code (NDC) for the drug dispensed;
- 26 F. The quantity dispensed;
- 27 G. The dosage;
- 28 H. The patient identification number;
- 29 I. The patient name;
- 30 J. The patient address;
- 31 K. The patient date of birth;
- 32 L. The prescriber identification number;
- 33 M. The date the prescription was issued by the prescriber; and
- 34 N. The ~~office issued department-issued~~ serial number if the ~~office department~~
35 chooses to establish a serial prescription system.

36 **2. Frequency.** Each dispenser shall submit the information required under
37 subsection 1 as frequently as specified by the ~~office department~~.

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3. Waiver. The ~~office~~ department may grant a waiver of the electronic submission requirement under subsection 1 to any dispenser for good cause, including financial hardship, as determined by the ~~office~~ department. The waiver must state the format and frequency with which the dispenser is required to submit the required information.

4. Immunity from liability. A dispenser is immune from liability for disclosure of information if the disclosure was made pursuant to and in accordance with this chapter.

5. Participation requirements. If less than 90% of the prescribers in a class of prescribers described in paragraphs A to F are registered in the program on January 1, 2014, then all the members of that class of prescribers shall register in the program by March 1, 2014. The following are the classes of prescribers that are subject to the provisions of this subsection:

- A. Allopathic physicians licensed pursuant to Title 32, chapter 48, subchapter 2;
- B. Osteopathic physicians licensed pursuant to Title 32, chapter 36;
- C. Dentists licensed pursuant to Title 32, chapter 16, subchapter 3;
- D. Physician assistants licensed pursuant to Title 32, chapter 48, subchapter 2;
- E. Podiatrists licensed pursuant to Title 32, chapter 51; and
- F. Advanced practice registered nurses licensed pursuant to Title 32, chapter 31, subchapter 3.'

Amend the bill in Part A by striking out all of section 75.

Amend the bill in Part B by inserting after section 4 the following:

'Sec. B-5. 22 MRSA §5104, sub-§4, as repealed and replaced by PL 1973, c. 793, §3, is repealed.'

Amend the bill in Part B by striking out all of section 8 and inserting the following:

'Sec. B-8. 22 MRSA §5106, as amended by PL 2011, c. 542, Pt. A, §§39 and 40, is further amended to read:

§5106. Powers and duties

The ~~bureau~~ department shall establish, in accordance with the purposes and intent of this Part, ~~with the advice of the committee and subject to the direction of the commissioner,~~ the overall planning, policy, objectives and priorities for all functions and activities conducted or supported in the State ~~which~~ that relate to Maine's aging population and incapacitated and dependent adults. In order to carry out the above, the ~~bureau shall have~~ department has the power and duty to:

- 1. Encourage and assist development.** Encourage and assist development of more coordinated use of existing and new resources and services relating to Maine's aging population and incapacitated and dependent adults;
- 2. Information system.** Develop and maintain an up-to-date information system related to Maine's aging population and incapacitated and dependent adults. The information ~~shall~~ must be available for use by the people of Maine, the political subdivisions, public and private nonprofit agencies and the State. Educational materials

COMMITTEE AMENDMENT

R. W. S.

1 shall must be prepared, published and disseminated. Objective devices and research
2 methodologies shall must be continuously developed. Maintaining statistical information
3 through uniform methods ~~which~~ that are reasonably feasible and economically efficient
4 shall must be specified for use by public and private agencies, organizations and
5 individuals. Existing sources of information shall must be used to the fullest extent
6 possible, while maintaining confidentiality safeguards of state and federal law.
7 Information may be requested and ~~shall be~~ received from any ~~State Government~~ state
8 government or public or private agency. To the extent reasonable and feasible,
9 information shall must maintain compatibility with federal information sharing standards.

10 Functions of this information system shall include, but are not ~~be~~ limited to:

11 A. Conducting research on the causes and nature of problems relating to Maine's
12 aging population and incapacitated and dependent adults;

13 B. Collecting, maintaining and disseminating such knowledge, data and statistics
14 related to Maine's aging population and incapacitated and dependent adults as will
15 enable the ~~bureau~~ department to fulfill its responsibilities;

16 C. Determining through a detailed survey the extent of problems relating to Maine's
17 aging population and incapacitated and dependent adults and the needs and priorities
18 for solving such problems in the state and political subdivisions;

19 D. Maintaining an inventory of the types and quantity of facilities, programs and
20 services operated under public or private auspices for Maine's aging population and
21 incapacitated and dependent adults. This function shall must include: ~~The~~ the
22 unduplicated count, location and characteristics of people served by each facility,
23 program or service; and the amount, type and source of resources supporting
24 functions related to Maine's aging population and incapacitated and dependent adults;
25 and

26 E. Conducting a continuous evaluation of the impact, quality and value of facilities,
27 programs and services, including their administrative adequacy and capacity.
28 Activities operated by or with the assistance of the State and the Federal
29 ~~Governments~~ Government must be evaluated. Activities to be included, but to which
30 the ~~bureau~~ department is not limited, are those relating to education, employment and
31 vocational services, income, health, housing, transportation, community, social,
32 rehabilitation, protective services and public guardianship or conservatorship for
33 older people and incapacitated and dependent adults and programs such as the
34 supplemental security income program, Medicare, Medicaid, property tax refunds
35 and the setting of standards for the licensing of nursing, intermediate care and
36 boarding homes. Included are activities as authorized by this and so much of the
37 several Acts and amendments to them enacted by the people of the State and those
38 authorized by United States Acts and amendments to them such as the:

- 39 (1) Elderly Householders Tax and Rent Refund Act of 1971;
- 40 (2) Priority Social Services Act of 1973;
- 41 (3) Chapter 470 of the public laws of 1969 creating the State Housing Authority;
- 42 (4) United States Social Security Act of 1935;

COMMITTEE AMENDMENT

R. W. S.

- 1 (5) United States Housing Act of 1937;
- 2 (6) United States Older Americans Act of 1965;
- 3 (7) United States Age Discrimination Act of 1967;
- 4 (8) Home Based Care Act of 1981;
- 5 (9) Congregate Housing Act of 1979;
- 6 (10) Adult Day Care Services Act of 1983;
- 7 (11) Adult Day Care Licensing Act of 1987;
- 8 (12) Adult Protective Services Act of 1981;
- 9 (13) The Uniform Probate Code, Title 18-A;
- 10 (14) The Americans with Disabilities Act of 1990;
- 11 (15) The Developmental Disabilities Assistance and Bill of Rights Act of 2000;
- 12 and
- 13 (16) The ADA Amendments Act of 2008;

14 **3. Coordination of efforts.** Assist, ~~with the advice of the committee,~~ the Legislative
15 and Executive Branches of State Government, especially the Governor, ~~Commissioner of~~
16 ~~Health and Human Services~~ and the Bureau of the Budget, to coordinate all State
17 Government efforts relating to Maine's aging population and incapacitated and dependent
18 adults, by:

19 A. Submitting to each branch of State Government no later than September 1st of
20 each year an annual report covering its activities for the immediately past fiscal year
21 and future plans, including recommendations for changes in state and federal laws,
22 ~~and including reports of the committee;~~

23 B. Reviewing all proposed legislation, fiscal activities, plans, policies and other
24 administrative functions relating to Maine's aging population and incapacitated and
25 dependent adults made by or requested of all state agencies. ~~The bureau shall have~~
26 department has the authority to submit to those bodies findings, comments and
27 recommendations, which ~~shall be~~ are advisory. Such findings and comments ~~shall~~
28 must recommend what modification in proposals or actions ~~shall be taken~~ is required
29 to make proposed legislation, fiscal activities and administrative activities consistent
30 with such policies and priorities; and

31 C. Making recommendations to the respective branches of State Government related
32 to improving the quality of life of Maine's aging population and incapacitated and
33 dependent adults, and shall consult with and be consulted by all responsible state
34 agencies regarding the policies, priorities and objectives of functions related to
35 Maine's aging population and incapacitated and dependent adults;

36 **4. Comprehensive state plan.** Prepare and administer a comprehensive state plan
37 relating to Maine's aging population and incapacitated and dependent adults, developed
38 by the ~~bureau with the advice of the committee and~~ department subject to the direction of

COMMITTEE AMENDMENT

1 the commissioner. The comprehensive state plan ~~shall~~ must be implemented for the
2 purpose of coordinating all activities and of assuring compliance with applicable state and
3 federal laws and regulations relating to Maine's aging population and incapacitated and
4 dependent adults. Implementation of this duty ~~shall mean~~ means that the ~~bureau shall~~
5 ~~have~~ department has the authority, through a review process, to advise on the preparation
6 and administration of any portion of any state plan relating to Maine's aging population
7 and incapacitated and dependent adults, prepared and administered by any agency of
8 State Government for submission to the Federal Government to obtain federal funding
9 under federal legislation. Such state plans, or portions thereof, ~~shall~~ must include, but are
10 ~~be~~ limited to, all state plans dealing with education, employment and vocational
11 services, income, health, housing, protective services, public guardianship and
12 conservatorship, rehabilitation, social services, transportation and welfare. The ~~bureau~~
13 department shall advise the commissioner and Governor on preparation of and provisions
14 to be included in such plans relating to Maine's aging population and incapacitated and
15 dependent adults;

16 **5. Programs.** Plan, establish and maintain necessary or desirable programs for
17 individuals or groups of individuals. The ~~bureau~~ department may use the full range of its
18 powers and duties to serve Maine's aging population and incapacitated and dependent
19 adults through indirect services provided by agreement and through direct services
20 provided by state employees;

21 **6. Organizational unit.** Function as the organizational unit of State Government
22 with sole responsibility for conducting and coordinating, ~~with the advice of the~~
23 ~~committee and~~ subject to the direction of the commissioner, programs authorized by this
24 Part and so much of the several Acts, amendments and successors to them enacted by the
25 people of the State and those authorized by the United States Acts, amendments and
26 successors to them as relate to Maine's aging population and incapacitated and dependent
27 adults:

- 28 A. The 1973 Act of Maine's Elderly;
- 29 B. The Priority Social Service Act of 1973, including only meals for older people,
30 transportation for older people and coordinated elderly programs;
- 31 C. The United States Older Americans Act of 1965; and
- 32 D. Adult Protective Services Act of 1981.

33 The ~~bureau~~ department is designated as the single agency of State Government solely
34 responsible for administering, subject to the direction of the commissioner, any state
35 plans as may be required by the above Acts, and for administering programs of Acts of
36 the State or United States relating to Maine's aging population and incapacitated and
37 dependent adults ~~which~~ that are not the specific responsibility of another state agency
38 under state or federal law;

39 **7. Mobilize resources.** Help communities mobilize their resources to benefit
40 Maine's aging population and incapacitated and dependent adults. The ~~bureau~~ department
41 shall provide or coordinate the provision of information, technical assistance and
42 consultation to state, regional and local governments, and to public and private nonprofit
43 agencies, institutions, organizations and individuals. The help ~~shall be~~ is for the purpose
44 of encouraging, developing and assisting with the initiation, establishment and

7. of 8.

1 administration of any plans, programs or services with a view to the establishment of a
2 statewide network of comprehensive, coordinated services and opportunities for Maine's
3 aging population and incapacitated and dependent adults. Included in this duty is
4 authority to coordinate the efforts and enlist the assistance of all public and private
5 agencies, organizations and individuals interested in Maine's aging population and
6 incapacitated and dependent adults;

7 **8. Funds.** Seek and receive funds from the Federal Government and private sources
8 to further its activities. Included in this function is authority to solicit, accept, administer,
9 disburse and coordinate for the State in accordance with the intent, objectives and
10 purposes of this Part; and within any limitation ~~which that~~ may apply from the sources of
11 such funds, the efforts to obtain and the use of any funds from any source to benefit
12 Maine's aging population and incapacitated and dependent adults. Any gift of money or
13 property made by will or otherwise, and any grant or other funds appropriated, services or
14 property available from the Federal Government, the State or any political subdivision
15 thereof and from all other sources, public or private, may be accepted and administered.
16 The ~~bureau~~ department may do all things necessary to cooperate with the Federal
17 Government or any of its agencies in making application for any funds. Included in this
18 duty is authority to advise regarding the disbursement of all state funds, or funds
19 administered through agencies of State Government, appropriated or made available to
20 benefit Maine's aging population and incapacitated and dependent adults;

21 **9. Agreements.** Enter into agreements necessary or incidental to the performance of
22 its duties. Included is the power to make agreements with qualified community, regional
23 and state level, private nonprofit and public agencies, organizations and individuals in
24 this and other states to develop or provide facilities, programs and services for Maine's
25 aging population and incapacitated and dependent adults. Agreements with such
26 agencies, organizations and individuals ~~shall~~ may be executed only with agencies
27 reviewed by ~~the committee pursuant to section 5112, subsection 4, and the area agency~~
28 ~~pursuant to section 5116, subsection 1, paragraph B.~~ The ~~bureau~~ department may engage
29 expert advisors and assistants, who may serve without compensation or may be
30 compensated to the extent funds may be available by appropriation, grant or allocation
31 from a state department. The ~~bureau~~ department may pay for such expert advisors or
32 assistants;

33 **10. Rules.** Prepare, adopt, amend, rescind and administer, ~~with the advice of the~~
34 ~~committee and~~ subject to the direction of the commissioner, policies, priorities,
35 procedures, and rules ~~and regulations~~ to govern its affairs and the development and
36 operation of facilities, programs and services. The ~~bureau~~ department may adopt rules to
37 carry out the powers and duties pursuant to this Part and in accordance with the purpose
38 and objectives of this Part. It shall especially adopt such rules ~~and regulations~~ as may be
39 necessary to define contractual terms, conditions of agreements and all other rules as are
40 necessary for the proper administration of this Part. Such adoption, amendment and
41 rescission ~~shall~~ must be made as provided under the Maine Administrative Procedure
42 Act, ~~Title 5, chapter 375;~~

43 **11. Educational program.** Develop and implement, as an integral part of programs,
44 an educational program. ~~Assist; assist~~ in the development of, and cooperation with,
45 educational programs for employees of state and local governments and businesses and
46 industries in the State. ~~Convene; and convene~~ and conduct conferences of public and

COMMITTEE AMENDMENT

1 private nonprofit organizations concerned with the development and operation of
2 programs for Maine's aging population and incapacitated and dependent adults. Included
3 ~~shall be~~ is the power to sponsor ~~in cooperation with the committee~~ the Blaine House
4 Conference on Aging;

5 **11-A. Elderly Legal Services Program.** Support and maintain an Elderly Legal
6 Services Program, by agreement with such nonprofit organization as the ~~bureau~~
7 department finds best able to provide direct services to those of Maine's elderly in
8 greatest economic and social need throughout the State;

9 **11-B. Adult protective services.** Administer a program of protective services as
10 provided in chapter 958-A designed to protect incapacitated and dependent adults from
11 abuse, neglect, exploitation and physical danger. The program is described in the Adult
12 Protective Services Act;

13 **11-C. Long-term care ombudsman program.** Support and maintain a long-term
14 care ombudsman program, in accordance with the federal 1987 Older Americans Act, 42
15 United States Code, as amended, by agreement with such nonprofit organization as the
16 ~~bureau~~ department finds best able to provide the services;

17 **12. Training programs.** Foster, develop, organize, conduct or provide for the
18 conduct of training programs for persons in the field of serving Maine's aging population
19 and incapacitated and dependent adults;

20 **13. Coordinate activities.** Coordinate activities and cooperate with programs in this
21 and other states for the common advancement of programs for Maine's aging population
22 and incapacitated and dependent adults; and

23 ~~14. Establish and maintain an office.~~ ~~Establish and maintain an office; and~~

24 **15. Duties.** Do such other acts and exercise such other powers necessary or
25 convenient to execute and carry out the purposes and authority expressly granted in this
26 Part.'

27 Amend the bill in Part E by striking out all of sections 3 and 4 and inserting the
28 following:

29 '**Sec. E-3. 34-B MRSA §1223, sub-§10, ¶B,** as amended by PL 2011, c. 542, Pt.
30 A, §68, is further amended to read:

31 B. The ~~chief advocate and the manager of adult protective services in the Office of~~
32 ~~Adults with Cognitive and Physical Disability Services within~~ advocacy agency
33 designated pursuant to Title 5, section 19502, or the department, when requested by
34 the board or pursuant to a written agreement with the board, shall release to the board
35 information pertaining to alleged abuse, exploitation or neglect or alleged
36 dehumanizing practice or violation of rights of a person with intellectual disabilities
37 or autism. The board shall maintain the confidentiality of information disclosed to it
38 or discovered by it as required by section 1207.

39 **Sec. E-4. 34-B MRSA §5005,** as amended by PL 2011, c. 542, Pt. A, §§85 to 90,
40 is repealed.'

41 Amend the bill in Part E by striking out all of sections 7 and 8 and inserting the
42 following:

1 **Sec. E-7. 34-B MRSA §5604, sub-§3, ¶A**, as amended by PL 2011, c. 542, Pt.
2 A, §127, is further amended to read:

3 A. The department shall provide easily accessible and regular notice of the grievance
4 process to persons with intellectual disabilities or autism served by the department.
5 This notice must be included in informational materials provided to such persons, as
6 well as to guardians, families, correspondents and allies. Notice of the right to appeal
7 must be prominently displayed in regional offices and on the department's publicly
8 accessible website and must be readily available from provider agencies. Notice of
9 the right to appeal must be included in all substantive correspondence regarding
10 personal planning. Written notice of the right to appeal must also be provided when
11 there is a denial or reduction of services or supports to persons served by the
12 department. All notices and information regarding the grievance process must be
13 written in language that is plain and understandable and must include the address and
14 telephone number of the ~~Office of Advocacy~~ and the protection and advocacy agency
15 designated pursuant to Title 5, section 19502.

16 **Sec. E-8. 34-B MRSA §5604-A, sub-§3**, as amended by PL 2011, c. 542, Pt. A,
17 §128, is further amended to read:

18 **3. Violation.** All persons with knowledge of an alleged violation of the rights of an
19 individual with an intellectual disability or autism as set out in section 5605 shall
20 promptly report the details of the alleged violation to the ~~Office of Advocacy~~ advocacy
21 agency designated pursuant to Title 5, section 19502 as set forth in department rules.'

22 Amend the bill in Part E by striking out all of section 10 and inserting the following:

23 **Sec. E-10. 34-B MRSA §5605, sub-§14-A**, as amended by PL 2011, c. 542, Pt.
24 A, §129, is further amended to read:

25 **14-A. Restraints.** A person with an intellectual disability or autism is entitled to be
26 free from restraint unless:

27 A. The restraint is a short-term step to protect the person from imminent injury to
28 that person or others; or

29 B. The restraint has been approved as a behavior management program in
30 accordance with this section.

31 A restraint may not be used as punishment, for the convenience of the staff or as a
32 substitute for habilitative services. A restraint may impose only the least possible
33 restriction consistent with its purpose and must be removed as soon as the threat of
34 imminent injury ends. A restraint may not cause physical injury to the person receiving
35 services and must be designed to allow the greatest possible comfort and safety.

36 Daily records of the use of restraints identified in paragraph A must be kept, which may
37 be accomplished by meeting reportable event requirements.

38 Daily records of the use of restraints identified in paragraph B must be kept, and a
39 summary of the daily records pertaining to the person must be made available for review
40 by the person's planning team, as defined in section 5461, subsection 8-C, on a schedule
41 determined by the team. The review by the personal planning team may occur no less
42 frequently than quarterly. The summary of the daily records must state the type of

1 restraint used, the duration of the use and the reasons for the use. A monthly summary of
2 all daily records pertaining to all persons must be relayed to the ~~Office of Advocacy~~
3 advocacy agency designated pursuant to Title 5, section 19502.

4 Amend the bill by striking out all of Parts F and G and inserting in the following:

5 **'PART F**

6 **Sec. F-1. Restructuring.** The Commissioner of Health and Human Services shall
7 review the current organizational structure, systems and operations of the Department of
8 Health and Human Services and restructure the department in order to achieve the
9 provisions of this Act. Notwithstanding any other provision of law, the State Budget
10 Officer shall transfer positions, appropriations and allocations between accounts and line
11 categories by financial order upon approval of the Governor in order to achieve the
12 provisions of this Act. Transfers by the State Budget Officer made prior to September 1,
13 2012 are considered adjustments to authorized position count, appropriations and
14 allocations in fiscal year 2012-13. On or before December 1, 2012, the commissioner
15 and the State Budget Officer shall provide the joint standing committees of the
16 Legislature having jurisdiction over health and human services matters and appropriations
17 and financial affairs a report outlining the progress towards the new organizational
18 structure and any transferred amounts. On or before June 30, 2013, the commissioner and
19 the State Budget Officer shall provide the joint standing committees of the Legislature
20 having jurisdiction over health and human services matters and appropriations and
21 financial affairs a report updating the progress towards the new organizational structure
22 and any transferred amounts made subsequent to the December 1, 2012 report.

23 **PART G**

24 **Sec. G-1. Appropriations and allocations.** The following appropriations and
25 allocations are made.

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

27 **Developmental Services - Community 0122**

28 Initiative: Provides for the restructuring of the Department of Health and Human
29 Services' Office of Elder and Adult Services and Office of Adults with Cognitive and
30 Physical Disability Services.

31	GENERAL FUND	2011-12	2012-13
32	POSITIONS - LEGISLATIVE COUNT	0.000	(3.000)
33	Personal Services	\$0	(\$224,577)
34			
35	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$224,577)</u>

36 **Mental Health Services - Children 0136**

37 Initiative: Provides for the restructuring of the Department of Health and Human
38 Services' Office of Child and Family Services.

1	GENERAL FUND	2011-12	2012-13
2	POSITIONS - LEGISLATIVE COUNT	0.000	(9.000)
3	Personal Services	\$0	(\$704,020)
4			
5	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$704,020)</u>

6 **Mental Health Services - Community 0121**

7 Initiative: Eliminates 17 Intensive Case Manager positions, 2 Mental Health Caseworker
 8 Supervisor positions, one Mental Health Worker III position and one Social Services
 9 Manager I position in the Mental Health Services - Community program and increases
 10 All Other funding to expand the Projects for Assistance in Transition from Homelessness
 11 program to a statewide model. The remaining savings will be used to contract for case
 12 management services.

13	GENERAL FUND	2011-12	2012-13
14	POSITIONS - LEGISLATIVE COUNT	0.000	(21.000)
15	Personal Services	\$0	(\$1,041,182)
16	All Other	\$0	\$1,041,182
17			
18	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$0</u>

19 **Mental Health Services - Community 0121**

20 Initiative: Provides for the restructuring of the Department of Health and Human
 21 Services' Office of Substance Abuse and Office of Adult Mental Health Services.

22	GENERAL FUND	2011-12	2012-13
23	POSITIONS - LEGISLATIVE COUNT	0.000	(4.000)
24	Personal Services	\$0	(\$216,208)
25			
26	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$216,208)</u>

27 **Office of Advocacy - BDS 0632**

28 Initiative: Eliminates one Public Service Manager II position and 6 full-time and one
 29 part-time Advocate positions to reflect the elimination of the Office of Advocacy and
 30 increases the current All Other appropriation of \$38,292 by \$291,763 in order to provide
 31 \$330,055 for a contract for advocacy services. This request will reduce General Fund
 32 undedicated revenue by \$140,259.

33	GENERAL FUND	2011-12	2012-13
34	POSITIONS - LEGISLATIVE COUNT	0.000	(7.500)
35	Personal Services	\$0	(\$419,384)

1	All Other	\$0	\$291,763
2			
3	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$127,621)</u>

4 **Office of Substance Abuse 0679**

5 Initiative: Provides for the restructuring of the Department of Health and Human
6 Services' Office of Substance Abuse and Office of Adult Mental Health Services.

7	GENERAL FUND	2011-12	2012-13
8	Personal Services	\$0	\$15,000
9			
10	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$15,000</u>

11	FEDERAL BLOCK GRANT FUND	2011-12	2012-13
12	Personal Services	\$0	\$5,907
13			
14	FEDERAL BLOCK GRANT FUND TOTAL	<u>\$0</u>	<u>\$5,907</u>

15	HEALTH AND HUMAN SERVICES,		
16	DEPARTMENT OF (FORMERLY BDS)		
17	DEPARTMENT TOTALS	2011-12	2012-13
18			
19	GENERAL FUND	\$0	(\$1,257,426)
20	FEDERAL BLOCK GRANT FUND	\$0	\$5,907
21			
22	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>(\$1,251,519)</u>

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

24 **Bureau of Child and Family Services - Central 0307**

25 Initiative: Provides for the restructuring of the Department of Health and Human
26 Services' Office of Child and Family Services.

27	GENERAL FUND	2011-12	2012-13
28	POSITIONS - LEGISLATIVE COUNT	0.000	35.000
29	Personal Services	\$0	\$774,988
30	All Other	\$0	\$1,151,783
31			
32	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$1,926,771</u>

COMMITTEE AMENDMENT "A" to S.P. 664, L.D. 1887

1	FEDERAL EXPENDITURES FUND	2011-12	2012-13
2	POSITIONS - LEGISLATIVE COUNT	0.000	(27.000)
3	Personal Services	\$0	(\$1,727,713)
4	All Other	\$0	(\$2,656,179)
5			
6	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$4,383,892)</u>
7	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
8	Personal Services	\$0	\$1,479,798
9	All Other	\$0	(\$2,668,528)
10			
11	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$1,188,730)</u>
12	Bureau of Child and Family Services - Regional 0452		
13	Initiative: Provides for the restructuring of the Department of Health and Human		
14	Services' Office of Child and Family Services.		
15	GENERAL FUND	2011-12	2012-13
16	POSITIONS - LEGISLATIVE COUNT	0.000	16.000
17	Personal Services	\$0	(\$6,230,149)
18	All Other	\$0	\$432,191
19			
20	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$5,797,958)</u>
21	FEDERAL EXPENDITURES FUND	2011-12	2012-13
22	All Other	\$0	(\$21,372)
23			
24	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$21,372)</u>
25	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
26	Personal Services	\$0	\$7,322,251
27	All Other	\$0	\$975,406
28			
29	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$8,297,657</u>
30	Bureau of Medical Services 0129		
31	Initiative: Establishes 2 Public Service Coordinator I positions funded 50% General Fund		
32	and 50% Federal Expenditures Fund in the Bureau of Medical Services.		

COMMITTEE AMENDMENT "A" to S.P. 664, L.D. 1887

1	GENERAL FUND	2011-12	2012-13
2	Personal Services	\$0	\$83,362
3	All Other	\$0	\$5,000
4			
5	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$88,362</u>

6	FEDERAL EXPENDITURES FUND	2011-12	2012-13
7	POSITIONS - LEGISLATIVE COUNT	0.000	2.000
8	Personal Services	\$0	\$83,362
9	All Other	\$0	\$6,341
10			
11	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$89,703</u>

12 **Child Care Food Program 0454**

13 Initiative: Provides for the restructuring of the Department of Health and Human
14 Services' Office of Child and Family Services.

15	FEDERAL EXPENDITURES FUND	2011-12	2012-13
16	POSITIONS - LEGISLATIVE COUNT	0.000	(2.000)
17	Personal Services	\$0	(\$82,533)
18	All Other	\$0	(\$327)
19			
20	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$82,860)</u>

21 **Child Care Services 0563**

22 Initiative: Provides for the restructuring of the Department of Health and Human
23 Services' Office of Child and Family Services.

24	FEDERAL BLOCK GRANT FUND	2011-12	2012-13
25	POSITIONS - LEGISLATIVE COUNT	0.000	7.000
26	Personal Services	\$0	(\$140,825)
27	All Other	\$0	\$41,647
28			
29	FEDERAL BLOCK GRANT FUND TOTAL	<u>\$0</u>	<u>(\$99,178)</u>

30 **Child Support 0100**

31 Initiative: Establishes 8 Human Services Support Enforcement Agent positions funded
32 34% General Fund and 66% Federal Expenditures Fund in the Child Support program.
33 The General Fund portion of the positions is funded by the additional undedicated
34 revenue generated by these additional positions.

COMMITTEE AMENDMENT "A" to S.P. 664, L.D. 1887

1	GENERAL FUND	2011-12	2012-13
2	Personal Services	\$0	\$174,240
3	All Other	\$0	\$15,000
4			
5	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$189,240</u>

6	FEDERAL EXPENDITURES FUND	2011-12	2012-13
7	POSITIONS - LEGISLATIVE COUNT	0.000	8.000
8	Personal Services	\$0	\$338,240
9	All Other	\$0	\$30,667
10			
11	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$368,907</u>

12 **Departmentwide 0640**

13 Initiative: Provides funds in the Departmentwide program within the Department of
 14 Health and Human Services. Funds may be transferred between accounts and line
 15 categories as needed within the department by financial order upon approval of the
 16 Governor.

17	GENERAL FUND	2011-12	2012-13
18	All Other	\$0	\$841,932
19			
20	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$841,932</u>

21 **IV-E Foster Care/Adoption Assistance 0137**

22 Initiative: Provides for the restructuring of the Department of Health and Human
 23 Services' Office of Child and Family Services.

24	GENERAL FUND	2011-12	2012-13
25	All Other	\$0	\$1,418,655
26			
27	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$1,418,655</u>

28	FEDERAL EXPENDITURES FUND	2011-12	2012-13
29	All Other	\$0	(\$15,143,042)
30			
31	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$15,143,042)</u>

COMMITTEE AMENDMENT

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	All Other	\$0	(\$72,393)
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$72,393)</u>
5	Office of Elder Services Adult Protective Services Z040		
6	Initiative: Provides for the restructuring of the Department of Health and Human		
7	Services' Office of Elder and Adult Services and Office of Adults with Cognitive and		
8	Physical Disability Services.		
9	GENERAL FUND	2011-12	2012-13
10	POSITIONS - LEGISLATIVE COUNT	0.000	3.000
11	Personal Services	\$0	\$320,194
12	All Other	\$0	\$15,000
13			
14	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$335,194</u>
15	Purchased Social Services 0228		
16	Initiative: Provides for the restructuring of the Department of Health and Human		
17	Services' Office of Child and Family Services.		
18	GENERAL FUND	2011-12	2012-13
19	Personal Services	\$0	\$12,410
20			
21	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$12,410</u>
22	State-funded Foster Care/Adoption Assistance 0139		
23	Initiative: Provides for the restructuring of the Department of Health and Human		
24	Services' Office of Child and Family Services.		
25	GENERAL FUND	2011-12	2012-13
26	POSITIONS - LEGISLATIVE COUNT	0.000	(14.000)
27	Personal Services	\$0	(\$1,173,774)
28	All Other	\$0	\$3,276,335
29			
30	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$2,102,561</u>
31	FEDERAL EXPENDITURES FUND	2011-12	2012-13
32	Personal Services	\$0	\$19,803
33	All Other	\$0	\$386,872
34			

1	FEDERAL EXPENDITURES FUND TOTAL	\$0	\$406,675
2	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
3	Personal Services	\$0	\$205,995
4	All Other	\$0	(\$5,652,788)
5			
6	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$5,446,793)
7	HEALTH AND HUMAN SERVICES,		
8	DEPARTMENT OF (FORMERLY DHS)		
9	DEPARTMENT TOTALS	2011-12	2012-13
10			
11	GENERAL FUND	\$0	\$1,117,167
12	FEDERAL EXPENDITURES FUND	\$0	(\$18,765,881)
13	OTHER SPECIAL REVENUE FUNDS	\$0	\$1,589,741
14	FEDERAL BLOCK GRANT FUND	\$0	(\$99,178)
15			
16	DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$16,158,151)
17	SECTION TOTALS	2011-12	2012-13
18			
19	GENERAL FUND	\$0	(\$140,259)
20	FEDERAL EXPENDITURES FUND	\$0	(\$18,765,881)
21	OTHER SPECIAL REVENUE FUNDS	\$0	\$1,589,741
22	FEDERAL BLOCK GRANT FUND	\$0	(\$93,271)
23			
24	SECTION TOTAL - ALL FUNDS	\$0	(\$17,409,670)

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment is the majority report of the committee. The amendment clarifies that the authority of the Commissioner of Health and Human Services to restructure the Department of Health and Human Services is limited to actions to achieve the enacted provisions. The amendment corrects errors in the designation of fiscal years, requires the report from the Commissioner of Health and Human Services and the State Budget Officer by December 1, 2012 and requires another report by June 30, 2013. The amendment corrects appropriations and allocations in Part G. The amendment to Part G keeps as departmental personnel the intensive case managers who are connected to correctional facilities. The amendment retains the provisions of the bill that eliminate the

COMMITTEE AMENDMENT "A" to S.P. 664, L.D. 1887

1 positions of departmental personnel who are intensive case managers for adult mental
2 health clients of the department and contract out that service.

3 This amendment also amends certain sections of the bill to incorporate changes to the
4 laws in Public Law 2011, chapters 477 and 542.

5 **FISCAL NOTE REQUIRED**

6 **(See attached)**



125th MAINE LEGISLATURE

LD 1887

LR 2805(02)

An Act To Restructure the Department of Health and Human Services

Fiscal Note for Bill as Amended by Committee Amendment "A" S- 533

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
Net Cost (Savings)				
General Fund	\$0	\$0	(\$124,248)	(\$391,272)
Appropriations/Allocations				
General Fund	\$0	(\$140,259)	(\$399,507)	(\$666,531)
Federal Expenditures Fund	\$0	(\$18,765,881)	(\$18,806,946)	(\$18,849,244)
Other Special Revenue Funds	\$0	\$1,589,741	\$1,839,983	\$2,118,333
Federal Block Grant Fund	\$0	(\$93,271)	(\$97,318)	(\$101,487)
Revenue				
General Fund	\$0	(\$140,259)	(\$275,259)	(\$275,259)

Fiscal Detail and Notes

The fiscal note reflects the net impact of changes to Department to Health and Human Services' appropriations, allocations, and positions included in the amended version of the bill. In total, 2012-13 Department of Health and Human Services' General Fund appropriations will decrease by \$140,259 and 2012-13 General Fund undedicated revenue will decrease by \$140,259, reflecting the loss of federal matching funds from the elimination of the Office of Advocacy in the Department of Health and Human Services.

Position Impact Summary	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
General Fund	0.000	-4.500	-4.500	-4.500
Other Special Revenue Funds	0.000	0.000	0.000	0.000
Fed. Expenditure Fund	0.000	-19.000	-19.000	-19.000
Fed. Block Grant Fund	0.000	7.000	7.000	7.000
Total Position Changes	0.000	-16.500	-16.500	-16.500