

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1997

services and any gaps and duplications in service delivery.

4. Study contracting. The department shall study contracting with public and private agencies and providers for the delivery of children's mental health services.

5. Design a system. The department shall design a system for delivering children's mental health services, including a safety net of services for those most in need.

6. Develop recommendations. The department shall develop recommendations, including statutory and budgetary changes, necessary to achieve the system designed under subsection 5.

7. Report. By December 15, 1997, the department shall submit a comprehensive plan for the delivery of children's mental health services to the Joint Standing Committee on Health and Human Services; and be it further

Sec. 2. Medicaid rules. Resolved: That in order to establish gatekeeper functions and responsibilities for the delivery of children's mental health services, within 30 days of the effective date of this resolve the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Human Services shall review current Medicaid rules for children's mental health services and shall adopt new rules consistent with the goal of providing a comprehensive network of children's services in the least restrictive and most appropriate settings; and be it further

Sec. 3. Progress report meetings. Resolved: That the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Human Services shall meet on a monthly basis with a 3-member subcommittee of the Joint Standing Committee on Health and Human Services before the Second Regular Session of the 118th Legislature to report on the progress of the departments in designing a comprehensive system for the delivery of children's mental health services and designating gatekeeper responsibilities and functions. The subcommittee may not meet more than 4 times; and be it further

Sec. 4. Reimbursement. Resolved: That the legislative subcommittee is entitled to receive, upon application to the Executive Director of the Legislative Council, the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for attendance at progress report meetings; and be it further

Sec. 5. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1997-98

LEGISLATURE

Miscellaneous Study Commissions

Personal Services	\$660
All Other	600
TOTAL	\$1,260

Provides funds for the per diem and expenses of legislative members to participate in progress report meetings with the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Human Services.

See title page for effective date.

CHAPTER 81

H.P. 486 - L.D. 657

Resolve, to Establish the Commission to Examine Rate Setting and the Financing of Long-term Care Facilities

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

Whereas, this resolve establishes the Commission to Examine Rate Setting and the Financing of Long-term Care Facilities; and

Whereas, this resolve is necessary as an emergency measure to afford adequate time for the issues to be appropriately addressed by the commission; and

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

Sec. 1. Commission established. Resolved: That the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities, referred to in this resolve as the "commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of the following 15 members:

1. Two members of the Senate, appointed by the President of the Senate, one representing the majority party and one representing the minority party;

2. Two members of the House of Representatives, appointed by the Speaker of the House, one representing the majority party and one representing the minority party; and

3. Eleven other members appointed as follows:

A. The following members appointed by the Governor:

(1) The chair, who must have experience with rate setting;

(2) One representative of the Department of Human Services;

(3) One representative of the Long-term Care Steering Committee;

(4) One representative of the Maine Health and Higher Educational Facilities Authority; and

(5) One representative of a commercial lending institution; and

B. The following members appointed jointly by the President of the Senate and the Speaker of the House of Representatives:

(1) One representative of the long-term care ombudsman program;

(2) One representative of the Maine Health Care Association;

(3) One representative of the Maine Hospital Association;

(4) One representative of providers of long-term care services who is familiar with the principles of reimbursement;

(5) One representative of consumers of long-term care services who is familiar with the principles of reimbursement; and

(6) One representative of the American Association of Retired Persons; and be it further

Sec. 3. Appointments; meetings. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The Executive Director of the Legislative Council must be notified by all appointing authorities once the selections have been made. Within 15 days after appointment of all members, the Chair of the Legislative Council shall call and convene the first meeting of the commission; and be it further

Sec. 4. Duties. Resolved: That the commission shall examine the following issues concerning long-term care facilities:

1. The setting of rates for the different payers within the long-term care system, including monthly charges and charges for resident services and supplies, and ensuring affordability;

2. The levels of profit guaranteed by the rate of reimbursement, a comparison of rates among the different states and financial stability within the system;

3. The advisability of rate equalization between private and public payers, implementation of rate equalization and what the possible benefits and detriments might be for nursing facility residents;

4. The case mix payment system for private paying patients;

5. The possibility of regulating the long-term care industry in the manner of regulating public utilities; and

6. The relationship between staffing levels and quality of care and maintaining high-quality care; and be it further

Sec. 5. Staff assistance. Resolved: That the commission may request staffing assistance from the Legislative Council; and be it further

Sec. 6. Compensation. Resolved: That the members of the commission are not entitled to compensation or reimbursement of any type, except that members of the commission who are Legislators are entitled to receive per diem and reimbursement for travel and other necessary expenses related to their attendance at meetings of the commission; and be it further

Sec. 7. Report. Resolved: That the commission shall submit its report, together with any necessary implementing legislation, to the Second Regular Session of the 118th Legislature no later than December 15, 1997. If the commission requires an

extension, it may apply to the Legislative Council, which may grant the extension; and be it further

Sec. 8. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1997-98

LEGISLATURE

Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities

Personal Services	\$1,100
All Other	1,500

Provides funds for the per diem and expenses of legislative members and miscellaneous costs, including printing, of the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities.

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TOTAL \$2,600

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

Effective June 12, 1997.

CHAPTER 82

H.P. 734 - L.D. 998

Resolve, to Establish the Commission to Study the Certificate of Need Laws

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

Whereas, a study of the State's certificate of need laws is necessary to enable the State to plan for changes in the delivery of health care; and

Whereas, at least 6 months are required for a study of the State's certificate of need laws to be completed in a thorough manner; and

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

Sec. 1. Commission established. Resolved: That the Commission to Study the Certificate of Need Laws, referred to in this resolve as the "commission," is established; and be it further

Sec. 2. Membership. Resolved: That the commission consists of 15 members appointed as follows:

A. Eight members appointed by the Governor as follows:

- (1) Three representatives of the Department of Human Services, one each from the Bureau of Elder and Adult Services, the Bureau of Medical Services and the Audit, Contracting and Licensing Service Center;
- (2) One member of the public;
- (3) One representative of the Maine Hospital Association, representing large hospitals;
- (4) One representative of the Maine Health Care Association;
- (5) One representative of a nonprofit hospital and medical service organization; and
- (6) One representative of physicians, representing members of the Maine Medical Association; and

B. Seven members appointed jointly by the President of the Senate and the Speaker of the House of Representatives, as follows:

- (1) One representative of physicians, representing members of the Maine Osteopathic Association;
- (2) One member of the public;
- (3) Two Legislators, one representing the majority party and one representing the minority party;
- (4) One representative of the Maine Hospital Association, representing small hospitals;