

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

Interested persons may include individuals with expertise in placing individuals with complex medical conditions in long-term care placements, individuals who provide long-term care to individuals with complex medical conditions, individuals affected by neurodegenerative diseases and individuals affected by mental illness; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members and after adjournment of the First Regular Session of the 127th Legislature, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business; and be it further

Sec. 5. Duties. Resolved: That the commission shall study the following issues and the feasibility of making policy changes to the long-term care system for patients with complex medical conditions:

1. Identification of categories of patients with complex medical and mental health conditions who are unable to be discharged from hospitals because there are no facilities or providers who are able to care for them or to accept them for care;

2. A description of how patients with complex medical and mental health conditions are placed currently, including the involvement of staff from the Department of Health and Human Services;

3. Identification of primary barriers to placement of patients with complex medical and mental health conditions currently;

4. A description of facilities in which patients with complex medical and mental health conditions are currently placed, including whether the facilities are in-state and the costs associated with the patients' care;

5. Options for increasing availability of residential care and long-term care facilities, including conversion of existing facilities such as hospitals, nursing homes and the Dorothea Dix Psychiatric Center to long-term care facilities for specialized populations that are difficult to place for care, such as ventilator-dependent patients, geropsychiatric patients and bariatric patients;

6. Rates of reimbursement necessary to operate facilities to manage patients with complex medical conditions, including psychiatric conditions and neurodegenerative diseases; and

7. Any other issue identified by the commission; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7. Information and assistance. Resolved: That the Commissioner of Health and Human Services shall provide information and assistance to the commission as required for its duties; and be it further

Sec. 8. Report. Resolved: That, no later than December 2, 2015, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Health and Human Services.

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

Effective July 12, 2015.

**CHAPTER 45
H.P. 57 - L.D. 63**

**Resolve, To Require the
Department of Health and
Human Services To Provide
Supplemental Reimbursement
to Adult Family Care Homes
and Residential Care Facilities
in Remote Island Locations**

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

Whereas, residents of adult family care homes and residential care facilities in remote island locations should be allowed to age in place with familiar caregivers; and

Whereas, current MaineCare reimbursement to adult family care homes and residential care facilities in remote island locations does not take into account higher prices on islands compared to the mainland; and

Whereas, this legislation must take effect before the expiration of the 90-day period in order to preserve existing caregiver arrangements; 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 preserva-

tion of the public peace, health and safety; now, therefore, be it

Sec. 1. Department of Health and Human Services to amend rules. Resolved: That, by October 1, 2015, the Department of Health and Human Services shall amend its rules in Chapter 101, MaineCare Benefits Manual, Chapter II, Section 2; Chapter III, Section 2; and Chapter III, Section 97, Appendix C and in Chapter 115, Principles of Reimbursement for Residential Care Facilities - Room and Board Costs in order to provide supplemental MaineCare reimbursement to both adult family care homes and residential care facilities in remote island locations. The rules must provide that eligible remote island adult family care homes and residential care facilities are those located on an island not connected to the mainland by a bridge. The rules must provide eligible homes and facilities with a supplemental payment of 15% to be added to their MaineCare rate. Eligible homes and facilities must be allowed to retain this supplemental payment in addition to the total allowable rate for private nonmedical institution direct care services, room and board and personal care services costs otherwise determined under those rules. The Department of Health and Human Services is authorized to adopt emergency rules under the Maine Revised Statutes, Title 5, section 8054 as necessary to implement this section without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or general welfare; and be it further

Sec. 2. Medicaid state plan amendment. Resolved: That the Department of Health and Human Services shall prepare and submit a Medicaid state plan amendment to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services that provides for supplemental reimbursement to adult family care homes and residential care facilities in remote island locations pursuant to section 1; and be it further

Sec. 3. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

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

Medical Care - Payments to Providers 0147

Initiative: Allocates the service provider tax received due to the 15% supplemental MaineCare reimbursement for both adult family care services and private nonmedical institution services in remote island locations and deappropriates a corresponding amount from the General Fund.

GENERAL FUND	2015-16	2016-17
All Other	(\$2,240)	(\$3,361)

GENERAL FUND TOTAL	(\$2,240)	(\$3,361)
OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
All Other	\$2,240	\$3,361
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,240	\$3,361

Medical Care - Payments to Providers 0147

Initiative: Appropriates funds and allocates federal matching money to the Department of Health and Human Services to increase MaineCare reimbursement by an additional 15% to adult family care homes and residential care facilities in remote island locations.

GENERAL FUND	2015-16	2016-17
All Other	\$14,922	\$22,382

GENERAL FUND TOTAL	\$14,922	\$22,382
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FEDERAL EXPENDITURES FUND	2015-16	2016-17
All Other	\$25,051	\$37,576

FEDERAL EXPENDITURES FUND TOTAL	\$25,051	\$37,576
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PNMI Room and Board Z009

Initiative: Provides funds to the Department of Health and Human Services to increase MaineCare reimbursement by an additional 15% to adult family care homes and residential care facilities in remote island locations.

GENERAL FUND	2015-16	2016-17
All Other	\$4,837	\$7,256

GENERAL FUND TOTAL	\$4,837	\$7,256
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**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF (FORMERLY DHS)**

DEPARTMENT TOTALS	2015-16	2016-17
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GENERAL FUND	\$17,519	\$26,277
FEDERAL EXPENDITURES FUND	\$25,051	\$37,576

OTHER SPECIAL REVENUE FUNDS	\$2,240	\$3,361
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DEPARTMENT TOTAL - ALL FUNDS	\$44,809	\$67,214

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

Effective July 12, 2015.

**CHAPTER 46
S.P. 368 - L.D. 1042**

Resolve, To Create the Task Force on School Leadership

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 Task Force on School Leadership to conduct a comprehensive study of excellence in school leadership; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; 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. Task force established. Resolved: That, notwithstanding Joint Rule 353, the Task Force on School Leadership, referred to in this resolve as "the task force," is established; and be it further

Sec. 2. Task force membership. Resolved: That the task force consists of 17 members appointed as follows:

1. One member of the Senate appointed by the President of the Senate;
2. Two members of the House of Representatives appointed by the Speaker of the House, including a member from each of the 2 parties holding the largest number of seats in the Legislature;
3. Seven members appointed by the President of the Senate as follows:
 - A. Two members with expertise in school leadership issues;

- B. One member who is a secondary school principal;
 - C. One member who is an assistant principal;
 - D. One member who is a school special education director;
 - E. One member who is a teacher who has a school administrator certificate; and
 - F. One member who is a superintendent of a small rural school district;
4. Six members appointed by the Speaker of the House as follows:
- A. Two members with expertise in school leadership issues;
 - B. Two members who are school principals, including one who is an elementary school principal and one who is a middle school principal;
 - C. One member who holds a staff position at the Maine Principals' Association; and
 - D. One member who is a superintendent of a large urban school district; and
5. The Commissioner of Education or the commissioner's designee.

Prior to making appointments to the task force pursuant to subsections 3 and 4, the President of the Senate and the Speaker of the House shall seek nominations from the Maine Principals' Association and the Maine School Superintendents Association. The President of the Senate and the Speaker of the House shall request the Maine Principals' Association and the Maine School Superintendents Association to survey their members for recommended nominations; and be it further

Sec. 3. Chairs. Resolved: That the Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the task force; and be it further

Sec. 4. Appointments; convening of task force. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the task force. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business; and be it further

Sec. 5. Meetings; duties. Resolved: That the task force shall meet twice in order to conduct a comprehensive study on excellence in school leadership in