

MAINE STATE LEGISLATURE

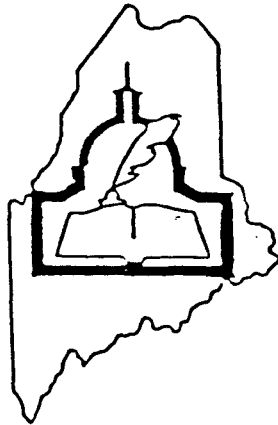
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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
HUMAN RESOURCES
BILL SUMMARY



JULY, 1985

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ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
JULY 1985

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature, covering the First Regular Session of the 112th Legislature. The summaries are arranged by LD number and indexed separately by committee.

LD: 1618 AN ACT TO REQUIRE THE PROCEEDINGS OF BOARDS
OF DIRECTORS OF NONPROFIT HOSPITALS TO BE
OPEN TO THE PUBLIC

MELENDY
NAJARIAN
CARPENTER
WILLEY

RPT NOT
ACCEPTED

HOUSE
SENATE
GOV

SUMMARY:

The original bill (LD 1235) required meetings of the governing body of nonprofit hospitals to be open to the public by including them in the right-to-know law.

This new draft (Committee Report B) makes changes in the right to know law to conform it to the proposed bill to avoid ambiguity. In addition to making the proceedings of boards of directors of nonprofit hospitals open to the public, the new draft also:

1. makes it clear that no hospital or board records are required to be made public, except minutes of the public meetings of the board;
2. adds language to ensure that peer review or other sensitive discussions involving physicians or other professionals who are not employed by, but are professionally associated with, a hospital are given the same confidentiality as employees of the hospital; and
3. allows executive sessions for any matters concerning budget, capital expenditure plans or new or expanded services in cases where disclosure of that information would provide an unfair competitive advantage to other health care providers.

The House accepted the ONTP report.

LD: 1619 AN ACT TO REQUIRE THE PROCEEDINGS OF BOARDS
OF DIRECTORS OF NONPROFIT ORGANIZATIONS TO BE
OPEN TO THE PUBLIC

MELENDY
NAJARIAN
CARPENTER
WILLEY

RPT NOT
ACCEPTED

HOUSE
SENATE
GOV

SUMMARY:

The original bill (LD 1235) required meetings of the governing body of nonprofit hospitals to be open to the public by including them in the right-to-know law.

This new draft makes the same changes in the right to know law to conform it to the proposed bill to avoid ambiguity. In addition to making the proceedings of boards of directors of nonprofit hospitals open to the public, the new draft also:

1. makes it clear that no hospital or board records are required to be made public, except minutes of the public meetings of the board;
2. adds language to ensure that peer review or other sensitive discussions involving physicians or other professionals who are not employed by, but are professionally associated with, a hospital are given the same confidentiality as employees of the hospital; and
3. allows executive sessions for any matters concerning budget, capital expenditure plans or new or expanded services in cases where disclosure of that information would provide an unfair competitive advantage to other health care providers.

In addition, the new draft adds the following not found in LD 1618:

This new draft (Committee Report C) also addresses the constitutional concerns over violation of the equal protection clause of the 14th amendment of the United States Constitution. The concern is that the original bill treats hospitals different from other nonprofit organizations without a rational distinction.

To limit these constitutional concerns, this new draft adds the following entities subject to the Maine Freedom of Access Law:

1. Any nonprofit organization exempt from federal income taxation;
2. Any health care facility governed by certificate of need, including home health agencies, skilled nursing facilities, intermediate care facilities, rehabilitation facilities, ambulatory surgical facilities and health maintenance organizations;
3. Any person subject to certificate of need for major medical equipment;
4. Others exempt from real property tax under state law, including charitable and benevolent organizations and literary and scientific institutions. Examples of these organizations are church convents, universities and lodges; and

5. All others who receive more than 25% of their funding from State Government or Federal Government.

The House accepted the ONTP report.

LD: 1633 AN ACT CONCERNING CHILD ABUSE

ANDREWS

RE-REF HOUSE Held in Comm.
SENATE Hum. Res. Re-Ref to Audit
GOV

SUMMARY:

This bill establishes child abuse training standards for educators and human services caseworkers.

In addition, this bill would establish an interdepartmental committee to assess the need for a training program for all individuals who are required to report suspected cases of child abuse and neglect, to evaluate the feasibility of and the benefits that might be obtained from a curriculum in grades kindergarten to 12 on recognizing and coping with child abuse and neglect, and to develop a program to implement their recommendations.