

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
HUMAN RESOURCES¹**

JUNE 1996

MEMBERS:

Sen. Joan M. Pendexter, Chair

Sen. John W. Benoit

Sen. Rochelle M. Pingree

Rep. Michael J. Fitzpatrick, Chair

Rep. Birger T. Johnson

Rep. David Etnier

Rep. J. Elizabeth Mitchell

Rep. Kyle W. Jones

Rep. Glenys P. Lovett

Rep. Jeffery G. Joyner

Rep. Jean Ginn Marvin

Rep. Robert J. Winglass

Rep. Henry L. Joy

Staff:

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¹ Amendments to Joint Rule 13 adopted this session changed the committee name to the Joint Standing Committee on Health and Human Services.



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**ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION**

***Summary Of Legislation Before The Joint Standing Committees
June 1996***

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

LD 1673 **An Act to Require the Department of Human Services to Provide Notice and Hearing in Cases Involving Denial of the Application of the Charity Care Guidelines**

PUBLIC 596

Sponsor(s)
MILLS

Committee Report
OTP-AM

Amendments Adopted
S-482

LD 1673 proposed to provide that an affiliate of a hospital is required to follow the same charity care guidelines that a hospital must follow. The bill would have required the Department of Human Services to include provisions for public notice and a fair hearing for questions relating to eligibility for charity care. It would have required that health care services provided at a hospital or affiliated interest to a person who meets the charity care guidelines may not be billed to the patient or to a municipality.

Committee Amendment "A" (S-482) is the Majority Report. It replaced the bill. It proposed to remove from the bill all provisions relating to the extension of the charity care guidelines to hospital affiliates and the provision on balance billing. It would have retained the provision requiring the Department of Human Services to adopt a fair hearing process. It would have added a fiscal note.

Enacted law summary

Public Law 1995, chapter 596 comprises the provisions of the Committee Amendment. It requires the Department of Human Services to adopt a fair hearing process for questions of application of the charity care guidelines. See also LD 1788, enacted as Public Law 1995, chapter 653, which repeals and reenacts the guidelines effective December 31, 1996.

LD 1689 **Resolve, That the Department of Human Services Convene a Task Force on Paperwork Reduction in Nursing Facilities**

RESOLVE 71
EMERGENCY

Sponsor(s)
HARRIMAN
HARTNETT

Committee Report
OTP-AM

Amendments Adopted
S-514

LD 1689 had an original title of Resolve, Directing the Department of Human Services to Take Steps to Reduce the Regulation of Nurses Providing Care to Nursing Home Residents. It proposed to accomplish the following:

1. Provide that the Department of Human Services may require only one type of form from resident nursing facility services for patient assessment, and require the department to adapt the Minimum Data Set Plus, or "MDS+," form to incorporate the information currently provided through the MED-94 form;
2. Prohibit the Department of Human Services from requiring providers of resident nursing facility services to complete MDS+ forms more frequently than such documentation is required by federal regulations;
3. Prohibit the Department of Human Services from requiring providers of resident nursing facility services to generate entirely new MDS+ forms to correct errors or omissions; and

4. Require the Department of Human Services to conform case mix reviewers' definitions for the MDS+ forms with standard medical definitions.

Committee Amendment "A" (S- 514) is the Majority Report. It replaced the bill. It would have changed the title to "Resolve, That the Department of Human Services Convene a Task Force on Paperwork Reduction in Nursing Facilities" with a stated purpose of studying the problem of paperwork required for patient assessment, care and reimbursement in nursing facilities, the needs of the patient and family, the nursing and professional staff of the nursing facility, the Department of Human Services and any other interested party and searching for methods of meeting the legitimate needs of all parties in the most efficient and efficacious manner possible. By April 1, 1996, the Commissioner of Human Services would have been required to name the members of the task force, which would have been required to meet by April 15, 1996 and as necessary to accomplish its duties. The task force would have been required to submit to the Joint Standing Committee on Human Resources an interim report by July 15, 1996 and a final report by November 15, 1996. The amendment would have added a fiscal note.

Enacted law summary

Resolve 1995, chapter 71 comprises the provisions of the Committee Amendment. It establishes the Task Force on Paperwork Reduction in Nursing Facilities with a stated purpose of studying the problem of paperwork required for patient assessment, care and reimbursement in nursing facilities, the needs of the patient and family, the nursing and professional staff of the nursing facility, the Department of Human Services and any other interested party and searching for methods of meeting the legitimate needs of all parties in the most efficient and efficacious manner possible. By April 1, 1996, the Commissioner of Human Services is required to name the members of the task force, which is required to meet by April 15, 1996 and as necessary to accomplish its duties. The task force must submit to the Joint Standing Committee on Human Resources an interim report by July 15, 1996 and a final report by November 15, 1996. The final report must contain suggestions for changes in rules and the necessary legislation to accomplish the recommendations of the task force.

Resolve 1995, chapter 71 takes effect April 3, 1996.

**LD 1704 An Act Redefining the Community Services Structure of the
Mental Health System**

PUBLIC 691

Sponsor(s)
PENDEXTER

Committee Report
OTP-AM

Amendments Adopted
S-562

LD 1704 would have repealed language from Public Law 1995, chapter 395 that authorized the transfer of positions and funding from the Augusta Mental Health Institute budget as needed for reassignment to establish local mental health authority districts.

Committee Amendment "A" (S-562) is the Majority Report. It proposed to retain section 1 of the bill and add to it. It would have created local quality improvement councils consisting of consumers of publicly funded mental health services, families, parents of minor consumers, service providers and community members. The quality improvement councils would have operated in 7 regions of the State and for the Augusta Mental Health Institute and the Bangor Mental Health Institute. Each council would have included a local service network made up of providers of publicly funded mental health services in the area. Each council would have sent a representative to a statewide quality improvement council. It would have required that the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services report to the Joint Standing