

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
117TH LEGISLATURE**

**SECOND REGULAR SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
HUMAN RESOURCES<sup>1</sup>**

**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:**

*Jane Orbeton, Legislative Analyst*

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<sup>1</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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.

required certified nursing assistants working for a home health care provider to be listed on the certified nursing assistant's registry in order to protect the public.

***Enacted law summary***

Public Law 1995, chapter 620 was enacted as printed in the original bill. The law allows the Department of Human Services to establish a receivership situation for a home health care provider similar to that which is already used for other providers, such as nursing homes. A receivership allows the department to take action against a provider who has committed a serious violation, while still allowing the service to continue to be provided to the clients of the home health care provider. The law also requires certified nursing assistants working for a home health care provider to be listed on the certified nursing assistant's registry in order to protect the public.

**LD 1788**

**An Act to Establish the Maine Health Data Organization**

PUBLIC 653  
EMERGENCY

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-909

LD 1788 was the report to the Legislature of the Task Force to Monitor Deregulation of Hospitals. It's original title was "An Act to Implement the Recommendations of the Task Force to Monitor Deregulation of Hospitals." A bill containing somewhat similar provisions also considered by the committee was LD 1722, from the Maine Health Care Reform Commission. LD 1788 proposed to enact the following provisions.

1. Part A of the bill proposed to establish the Maine Health Data Organization, an independent executive organization to oversee and coordinate the collection and analysis of health care data. The bill would have enacted provisions to ensure that the Maine Health Data Organization has the authority to collect health data from all health care facilities, 3rd-party payor, managed care organizations and practitioners providing health services, including pharmacists and health product manufacturers. The bill would have required the Maine Health Data Organization to collect and analyze clinical, financial and restructuring data. The bill also proposed a mechanism of funding, including assessments and user fees, for the Maine Health Data Organization. The bill proposed the transition provision necessary to ensure continuation of the data collection and analysis functions of the Maine Health Care Finance Commission until such time as the new organization becomes operational, as determined by the board or December 31, 1996, whichever is earlier.

Part A of the bill would have required the Department of Human Services to adopt rules to create a fair hearing mechanism for resolution of disputes over eligibility determinations for charity care. This provision was also contained in LD 1673, which was enacted as Public Law 1996, chapter 596, but which takes effect before the effective date of this law. See enacted law summaries of this bill and LD 1673.

2. Part B of the bill proposed changes recommended by the Maine Health Care Reform Commission to repeal the commission's cost containment functions, as was also recommended by the Task Force to Monitor Deregulation of Hospitals.

3. Part C of the bill would have corrected cross-references that need to be changed due to the recommendations of the Maine Health Care Reform Commission.

**Committee Amendment "A" (H-909)** is the Majority Report. It replaced the bill. It proposed to change the title. It proposed to make technical changes to the bill and to

1. Repeal and reenact charity care guidelines provisions and corrects 2 cross-references. With regard to the charity care guidelines, note that this repeal and reenactment takes effect December 31, 1996;
2. Clarify the provisions on enforcement by the Maine Health Data Organization;
3. Provide a maximum assessment of \$775,000 for the operation of the Maine Health Data Organization until June 30, 1997;
4. Add 3rd-party payors to the potential payors of the assessments to permanently fund the Maine Health Data Organization;
5. Abolish the Maine Health Care Finance Commission on December 31, 1996 and provide that it terminate operations at such earlier date as the data organization begins operation;
6. Enact provisions requiring the Department of Human Services to draft a comprehensive health plan and to convene an annual health workforce forum;
7. Provide appropriations and allocations necessary to support the Maine Health Care Finance Commission until December 31, 1996, at the latest, and the Maine Health Data Organization from its beginning until June 30, 1997; and
8. Add a fiscal note to the bill.

#### ***Enacted law summary***

Public Law 1995, chapter 653 comprises the provisions of the Committee Amendment. It changes the title of the bill. It establishes the Maine Health Data Organization. The law makes technical changes in existing law and does the following.

1. It repeals and reenacts provisions regarding application of the charity care guidelines and corrects 2 cross-references. (See also LD 1673, which was enacted as Public Law 1995, chapter 596, and which takes effect prior to this law. By that law it will be amended, and then on December 31, 1996, this law will repeal and reenact the charity care guidelines.)
2. It clarifies the provisions on enforcement by the Maine Health Data Organization.
3. It provides a maximum assessment of \$775,000 for the operation of the Maine Health Data Organization until June 30, 1997.
4. It provides that providers of health care, including hospitals, and 3rd-party payors are potential payors of the assessments to permanently fund the Maine Health Data Organization. It requires that fees and assessments to support the Health Data Organization receive prior legislative approval. It allows reasonable user fees on a sliding scale for the right to access and use health data and information, with a waiver for the Department of Human Services and the Bureau of Insurance.
5. It abolishes the Maine Health Care Finance Commission on December 31, 1996 or at such earlier date as the Health Data Organization begins operation.

6. It enacts provisions requiring the Department of Human Services to draft a comprehensive health plan and to convene an annual health workforce forum.

7. It provides appropriations and allocations necessary to support the Maine Health Care Finance Commission until December 31, 1996, at the latest, and the Maine Health Data Organization from its beginning until June 30, 1997.

Enacted as an emergency, Public Law 1995, chapter 653 contains a number of effective dates (the earliest of which is April 10, 1996), depending on the specific provisions involved. See also LD 1722 and 1673.

**LD 1795      An Act to Clarify the Laws Pertaining to the Regulation of  
Narcotic Dependency Treatment Programs**

PUBLIC 621

Sponsor(s)  
AULT

Committee Report  
OTP-AM

Amendments Adopted  
H-841

LD 1795 proposed to clarify the laws regulating narcotic dependency treatment programs. The bill would have made minor technical changes to provisions dealing with the distribution of and accounting for controlled substances. The bill would have clarified that the Director of the Office of Substance Abuse may not authorize employment of persons who have been convicted of felonies and drug offenses within treatment programs unless the potential employee had obtained the necessary federal waivers. The bill would have repealed a section of law that restricts physicians from using certain drugs for legitimate medical purposes and an unnecessary provision from the pharmacy laws.

**Committee Amendment "A" (H-841)** is the Majority Report. It proposed to amend section 2 of the bill and add a fiscal note. It would have added conditions to the authorization of the Director of the Office of Substance Abuse to grant an exception to the prohibition on treatment programs employing persons who have been convicted of felonies and drug offenses.

***Enacted law summary***

Public Law 1995, chapter 621 comprises the provisions of the bill and the Committee Amendment. It clarifies language on the distribution and accounting for scheduled drugs. It adds conditions to the authorization of the Director of the Office of Substance Abuse to grant an exception to the prohibition on treatment programs employing persons who have been convicted of felonies and drug offenses. It repeals provisions of law restricting the possession, receipt and dispensing of scheduled or prescription drugs and controlled substances that are duplicative of restrictions contained elsewhere in Maine law. It repeals provisions contained in the Pharmacy Act regarding the investigation of complaints that are duplicative of provisions contained elsewhere in Maine law.

**LD 1806      An Act to Promote Choice and Quality in Long-term Care**

PUBLIC 696  
EMERGENCY

Sponsor(s)  
PENDEXTER  
TOWNSEND

Committee Report  
OTP-AM

Amendments Adopted  
S-563