

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.

guidelines. It would have given the department rule-making authority with respect to premiums paid by those entering the transitional medical assistance program prior to February 1, 1997 and given the department rule-making authority to change the reporting requirements of the program. It would have required the department to seek a waiver from the federal Department of Health and Human Services if necessary to achieve the purposes of the amendment.

The amendment would have added a fiscal note to the bill.

Enacted law summary

Public Law 1995, chapter 692 comprises the provisions of the Committee Amendment and the bill. The law establishes a -2year extension of the transitional medical assistance program under Medicaid beginning February 1, 1997. It requires the payment of premiums equal to 3% of a family's income, minus child care costs, beginning in the 7th month of transitional assistance for those entering the transitional medical assistance program on or after February 1, 1997 whose average gross monthly earnings less average monthly child care costs are more than 100% of the federal poverty guidelines. It clarifies current law establishing eligibility for the program at 185% of the federal poverty guidelines. It gives the department rule-making authority with respect to premiums paid by those entering the transitional medical assistance program prior to February 1, 1997 and gives the department rule-making authority to change the reporting requirements of the program. It requires the department to seek a waiver from the federal Department of Health and Human Services if necessary to achieve the purposes of the law. Some provisions take effect February 1, 1997.

LD 1835

An Act to Provide for Assisted Living Services

PUBLIC 670

Sponsor(S)	Committee Report OTP-AM	Amendments Adopted S-544 S-552
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LD 1835 is the report of the Assisted Living Task Force, a task force created by the First Regular Session of the 117th Legislature, in Public Law 1995, chapter 362. The bill proposed to enact a number of provisions, as follows.

1. Part A proposed to change to the statutes on residential care facilities and repeal and replace Maine Revised Statutes, Title 22, chapter 1457-A with chapter 1665, "Assisted Living Programs." The various types of assisted living programs are defined, including residential care facilities and congregate housing facilities, as are the types of services they may provide. This Part proposed to authorize the Commissioner of Human Services to adopt rules for assisted living programs in consultation with providers, advocates and consumer representatives. It would have made changes to the congregate housing services laws, extending the Act to cover younger adults with disabilities as well as the elderly. It proposed to eliminate the process of certification of congregate housing services programs, replacing it with a process of optional licensing for assisted living providers that offer personal care assistance and mandatory licensing for assisted living providers that offer personal care assistance including administration of medication and nursing services. It proposed to make changes to the licensing laws, set fees and set fire safety requirements.
2. Part B proposed to add assisted living facilities to the facilities that come under the jurisdiction of the long-term care ombudsman. It proposed to set forth requirements for shared staffing in assisted living programs, residential care facilities and long-term care facilities. It would have extended residents' rights laws to assisted living programs. It would have allowed 2-year licenses

for congregate housing services programs. It proposed to require the State Board of Nursing to adopt rules allowing certified nursing assistants to work under the supervision of a registered professional nurse in a facility providing assisted living services.

3. Part C proposed to amend the provisions of law regarding the Maine Health and Higher Educational Facilities Authority Act to reflect the definition of assisted living adopted in the other provisions of the bill. It would have made changes that allow professional nurses to coordinate and oversee patient care services provided by unlicensed personnel.

4. Part D proposed to require the Commissioner of Human Services, the Commissioner of Mental Health and Mental Retardation and the State Board of Nursing to develop recommendations for standardization of educational courses and utilization of unlicensed assistive personnel who administer medications in long-term care facilities. It would have required the Commissioner of Human Services to review laws and rules on residential care facilities and assisted living programs and to make recommendations for legislative changes. It also would have established a general effective date of January 1, 1997. The fire safety requirements would have taken effect on October 1, 1996. The provisions requiring reports to the Joint Standing Committee on Human Resources would have taken effect July 15, 1996.

Committee Amendment "A" (S-544) is the Majority Report. It replaced the bill. It would have retained most of the provisions of the bill, with the following exceptions.

1. It would have deleted section A-3, which was substantially similar to section B-4, a technical change only.

2. It would have added definitions for mobile nonambulatory residents of residential care facilities and residential care.

3. It would have reorganized provisions on rulemaking, licensure, fees and fire safety for congregate housing services programs and residential care facilities.

4. It would have clarified that fire safety inspections apply to licensed congregate housing facilities.

5. It would have prohibited the Department of Human Services from instituting case mix reimbursement in residential care facilities until July 1, 1997, and would have required a report on the issue to the Joint Standing Committee on Human Resources by January 1, 1997.

6. It would have added an appropriation and a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (-S552) proposed to delete a set of quotation marks.

Enacted law summary

Public Law 1995, chapter 670 comprises the provisions of Committee Amendment "A" and Senate Amendment "A". It makes 3 grammatical changes in the provisions for voting by absentee ballot. It repeals the statutory provisions on congregate housing for the elderly. It enacts a new chapter on assisted living programs, which may be offered in congregate housing or residential care settings and which may require a license depending on the type of assisted living services provided. The law requires the Commissioner of Human Services to adopt rules for

assisted living services programs in consultation with the long-term care ombudsman program, consumer representatives and providers of assisted living services programs.

The law reorganizes provisions on rulemaking, licensure, fees and fire safety for congregate housing services programs and residential care facilities.

The law adds assisted living facilities to the facilities that come under the jurisdiction of the long-term care ombudsman. A substantially similar provision was deleted from LD 1806, which was enacted as Public Law 1995, chapter 696, because this provision was included in this law.

The law clarifies that fire safety inspections apply to licensed congregate housing facilities.

The law requires the Commissioner of Human Services to review the laws and rules on residential care, long-term care and assisted living, including asset and income treatment and spousal support. It requires a report to the Joint Standing Committee on Human Resources by January 1, 1997.

By October 1, 1996 it requires the Commissioner of Human Services, the Commissioner of Mental Health and Mental Retardation and the State Board of Nursing to report to the Joint Standing Committee on Human Resources on recommendations for standardization of educational courses and utilization of unlicensed assistive personnel who administer medications in long-term care facilities.

It prohibits the Department of Human Services from instituting case mix reimbursement in residential care facilities until July 1, 1997, and requires a report on the issue to the Joint Standing Committee on Human Resources by January 1, 1997.

It amends the definition of professional nursing to include coordination and oversight of patient care services by unlicensed assistive personnel. It requires the State Board of Nursing to adopt rules for the application of that provision to nursing practice. A substantially similar provision was deleted from LD 1806, which was enacted as Public Law 1995, chapter 696, because this provision was enacted in this law.

**LD 1863 An Act to Improve the Provisions of Mental Health
Services to Patients Residing in the Community**

INDEF PP

Sponsor(s)

LEMKE

TUTTLE

Committee Report

ONTP - unofficial vote. See text.

Amendments Adopted

LD 1863 proposed to ensure the proper treatment of patients in the community with serious mental illness or disorder by requiring that, prior to recommending discharge of a patient from a state institution, the Department of Mental Health and Mental Retardation prepare an individual plan that specifies that patient's needs, arrange for delivery of needed services and ensure that funds are available for the services. The plan would have been required to be signed by all agencies that would provide the services to the patient. This bill was never actually referred to committee. The Human Resources Committee heard the bill, having advertised it by LR number (LR3078) and worked it on March 13. The committee voted unanimously Ought Not to Pass. On March 29 the bill was indefinitely postponed, pending referral, in the House. On March 30 it received a similar vote in the Senate.