

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
HEALTH AND HUMAN SERVICES

MAY 1998

MEMBERS:

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Sen. Susan W. Longley
Sen. Betty Lou Mitchell

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ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
May 1998

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

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:

- CON RES XXX*..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE*.....Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES*.....House & Senate disagree; bill died
- DIED IN CONCURRENCE*.....One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT*.....Action incomplete when session ended; bill died
- EMERGENCY*.....Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE*.....Bill failed to get majority vote
- FAILED MANDATE ENACTMENT*.....Bill imposing local mandate failed to get 2/3 vote
- INDEF PP*.....Bill Indefinitely Postponed
- ONTP*..... Ought Not To Pass report accepted
- OTP ND*..... Committee report Ought To Pass In New Draft
- OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title
- P&S XXX*..... Chapter # of enacted Private & Special Law
- PUBLIC XXX*..... Chapter # of enacted Public Law
- RESOLVE XXX*..... Chapter # of finally passed Resolve
- UNSIGNED*.....Bill held by Governor
- VETO SUSTAINED*.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

Committee Amendment "A" (H-912) proposed to correct a typographical error in the bill and added a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 658 comprises the provisions of the bill and Committee Amendment "A". It requires a state license for end-stage renal disease facilities including an annual survey. It allows the Medicare survey to be deemed to meet state rules, thereby avoiding duplication of the survey process.

LD 2152

An Act Regarding the Medicaid Program

PUBLIC 795

<u>Sponsor(s)</u> FULLER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1090 S-734 MICHAUD
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LD 2152 proposed to enact procedures and methodologies for the Department of Human Services to enforce the medical child support requirements that were imposed by the federal Omnibus Budget Reconciliation Act of 1993.

In addition, this bill proposed to clarify the nature of the Department of Human Services' right to recoup Medicaid benefits out of personal injury awards or settlements by explicitly identifying that right as a statutory lien on the proceeds of such awards or settlements. This bill proposed to clarify that the department's lien may not be reduced to reflect any pro rata share of attorney's fees or litigation costs.

This bill also proposed to change language to recognize that, for estate recovery cases, criteria developed by the Department of Human Services would govern how a hardship waiver request would be reviewed.

Committee Amendment "A" (H-1090) proposed to retain the provisions of the bill and add 2 provisions that clarify language in the existing statutes on transitional Medicaid. It proposed to authorize the Department of Human Services to implement the provisions of the federal Balanced Budget Act of 1997 to establish a Medicaid buy-in program for persons with disabilities who work and appropriated funds for that coverage. It proposed to repeal a provision of law that requires the Department of Human Services to assess pharmacies by prescriptions filled under the Medicaid program because the department intended to charge the assessments via rulemaking in the Maine Medical Assistance Manual. The amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-734) proposed to reduce the amount of funding provided to cover the costs associated with a Medicaid buy-in program for certain people with disabilities. It also proposed to direct the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop a comprehensive statewide plan to address the need for mental health facilities as a safety net to the community-based system of services.

Enacted law summary

Public Law 1997, chapter 795 comprises the provisions of the bill, Committee Amendment "A" and Senate Amendment "A". The law enacts procedures and methodologies for the Department of Human Services to enforce the medical child support requirements that were imposed by the federal Omnibus Budget Reconciliation Act of 1993. It clarifies the nature of the Department of Human Services' right to recoup Medicaid benefits out of personal injury awards or settlements by explicitly identifying that right as a statutory lien on the proceeds of such

awards or settlements. It states that the department's lien may not be reduced to reflect any pro rata share of attorney's fees or litigation costs. The law provides that the hardship waiver criteria developed by the Department of Human Services govern how a hardship waiver request will be reviewed.

The law also clarifies existing law on transitional Medicaid.

The law authorizes the Department of Human Services to implement the provisions of the federal Balanced Budget Act of 1997 to establish a Medicaid buy-in program for persons with disabilities who work and appropriates funds for that coverage.

The law repeals a provision of law that requires the Department of Human Services to assess pharmacies by prescriptions filled under the Medicaid program because the department intends to charge the assessments via rulemaking in the Maine Medical Assistance Manual.

The law directs the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop a comprehensive statewide plan to address the need for mental health facilities as a safety net to the community-based system of services.

LD 2153 An Act Concerning Rural Hospital Care ONTP

<u>Sponsor(s)</u> PARADIS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2153 proposed to exempt rural hospitals with fewer than 100 licensed acute care beds from the requirement to obtain a certificate of need prior to increasing the number of hospital beds in the facility.

LD 2156 Resolve, to Ensure the Safety of Maine Children with Mental Health Problems ONTP

<u>Sponsor(s)</u> HARRIMAN KANE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2156 proposed to require the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to enter into a memorandum of understanding granting to the Department of Mental Health, Mental Retardation and Substance Abuse Services programmatic and fiscal authority, effective July 1, 1998, regarding children's mental health services under the Medicaid program.

See also the committee bill, LD 2295.