

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

Rep. J. Elizabeth Mitchell, Chair
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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.

worked as certified nursing assistants and about whom annotations have been made for a complaint or conviction on the certified nursing assistant registry.

Enacted law summary

Public Law 1997, chapter 716 comprises the provisions of the bill and Committee Amendment "A". It requires personal care agencies that are not otherwise licensed to register with the Division of Licensing and Certification within the Department of Human Services if the agency employs unlicensed assistive personnel to provide assistance to others in activities of daily living. It prohibits personal care agencies from hiring under a long-term contract or employing permanently as unlicensed assistive personnel individuals who have worked as certified nursing assistants and about whom annotations have been made for a complaint or conviction on the certified nursing assistant registry. It requires the Commissioner of Human Services to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on or before January 1, 1999 on the feasibility of establishing a statewide system for checking the criminal histories of unlicensed assistive personnel and a registry for maintaining records of criminal convictions and substantiated complaints of abuse, neglect or misappropriation of funds in a health care setting by the year 2000.

LD 2241

Resolve, Regarding Legislative Review of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a Major Substantive Rule of the Department of Human Services

**RESOLVE 115
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-1002

LD 2241 proposed to provide for legislative review of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a major substantive rule of the Department of Human Services.

Committee Amendment "A" (H-1002) proposed to authorize final adoption of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Living Facilities contingent on the incorporating of several amendments to the proposed rule by the Department of Human Services prior to its final adoption. The amendments proposed to provide that:

1. An individual other than the resident may voluntarily sign a separate written agreement to guarantee payment;
2. Contracts signed for admission must include a provision requiring at least 60 days' notice prior to changes in rates, responsibilities, services or other items provided in the contract;
3. Residents of congregate housing services programs must give 10 days' notice before relocating to obtain a refund, with exceptions for medical emergencies;
4. Residential care facility administrators will have 18 months from the effective date of the regulations on licensing residential care facility administrators, or from the date of hire, to complete an approved training program or to become licensed;
5. The resident, the resident's legal representative and others chosen by the resident must be actively involved in the development of the service plan for the resident;

6. Assisted living facilities are prohibited from having more than 2 beds per room after January 1, 2002; and
7. Assisted living facilities must develop comprehensive disaster plans.

Enacted law summary

Resolve 1997, chapter 115 comprises the provisions of Committee Amendment “A”. It authorizes final adoption of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Living Facilities provided that several amendments are made to the proposed rule by the Department of Human Services prior to its final adoption. The amendments must provide that:

1. An individual other than the resident may voluntarily sign a separate written agreement to guarantee payment;
2. Contracts signed for admission must include a provision requiring at least 60 days' notice prior to changes in rates, responsibilities, services or other items provided in the contract;
3. Residents of congregate housing services programs must give 10 days' notice before relocating to obtain a refund, with exceptions for medical emergencies;
4. Residential care facility administrators will have 18 months from the effective date of the regulations on licensing residential care facility administrators, or from the date of hire, to complete an approved training program or to become licensed;
5. The resident, the resident's legal representative and others chosen by the resident must be actively involved in the development of the service plan for the resident;
6. Assisted living facilities are prohibited from having more than 2 beds per room after January 1, 2002; and
7. Assisted living facilities must develop comprehensive disaster plans.

The resolve takes effect April 3, 1998.

LD 2251

An Act to Permit Direct Contracting with State Governmental Entities for the Provision of Services to Eligible Participants in Government Health Programs

**PUBLIC 676
EMERGENCY**

Sponsor(s)
DAVIDSON

Committee Report
OTP-AM

Amendments Adopted
H-992

LD 2251 proposed to authorize the Department of Human Services to contract with health care servicing entities. It proposed to require the Department of Human Services to establish standards for the conduct of the health care servicing entity that must be included in any contract between the department and the entity. The bill proposed that the department be required to enter into a memorandum of understanding with the Superintendent of Insurance in order to obtain technical assistance and advice regarding the fiscal integrity of contracting entities. The bill proposed that the department may require reports by the health care servicing entity and would have been allowed