

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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:

Sen. Judy Paradis, Chair
Sen. Susan W. Longley
Sen. Betty Lou Mitchell

Rep. J. Elizabeth Mitchell, Chair
Rep. Joseph E. Brooks
Rep. Elaine Fuller
Rep. Thomas J. Kane
Rep. Wendy Pieh
Rep. Michael W. Quint
Rep. Glenys P. Lovett
Rep. Jeffery G. Joyner
Rep. Tarren R. Bragdon
Rep. Lois A. Snowe-Mello

Staff:

Jane Orbeton, Legislative Analyst

Office of Policy and Legal Analysis
Room 101/107/135, 13 State House Station
Augusta, ME 04333
(207)287-1670



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
 Telephone: (207) 287-1670
 Fax: (207) 287-1275

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.

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

to provide the Superintendent of Insurance with access to documents filed by the entity and adopt such rules as are necessary for the administration of contracts with health care servicing entities.

The bill also proposed to grant the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services the same authority regarding health care servicing entities as that granted the Department of Human Services.

This bill proposed to exempt health care servicing entities from licensure and other requirements of the Maine Insurance Code for those activities undertaken in conjunction with any contract between the entity and the Department of Human Services or the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Committee Amendment "A" (H-992) proposed to add the issue of access to services to issues that are proposed to be the subject of standards for health care servicing entities.

Enacted law summary

Public Law 1997, chapter 676 comprises the provisions of the bill and Committee Amendment "A". It authorizes the Department of Human Services to contract with health care servicing entities. It requires the Department of Human Services to establish standards for the conduct of the health care servicing entity. Those standards must be included in any contract between the department and the entity. The department is 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 department may require reporting by the health care servicing entity, provide the Superintendent of Insurance with access to documents filed by the entity and adopt such rules as are necessary for the administration of contracts with health care servicing entities. It grants the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services the same authority regarding health care servicing entities as that granted the Department of Human Services.

It exempts health care servicing entities from licensure and other requirements of the Maine Insurance Code for those activities undertaken in conjunction with any contract between the entity and the Department of Human Services or the Department of Mental Health, Mental Retardation and Substance Abuse Services. The law takes effect April 2, 1998.

LD 2261 An Act to Implement the Recommendations of the Commission to PUBLIC 689
Study the Certificate of Need Laws

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-968

LD 2261 proposed to simplify the certificate of need process for health care facilities and health care services.

Committee Amendment "A" (H-968) proposed to amend the definition of "health care facility" so that the offices of dentists as well as the offices of physicians are exempt from the definition. It also proposed to add a fiscal note to the bill.

Enacted law summary