

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

August 2001

Staff:

*Jane Orbeton, Senior Analyst
Julie Read Marsh, Legislative Analyst*

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*

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**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

**120th Legislature
First Regular Session**

**Summary Of Legislation Before The Joint Standing Committees
August 2001**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session. 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 considered by the 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:

CARRIED OVER..... *Bill Carried Over to Second Regular Session*
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*
NOT PROPERLY BEFORE THE BODY..... *Ruled out of order by the presiding officers; bill died*
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 First Regular Session (unless otherwise specified in a particular law) is **September 21, 2001**.

David E. Boulter, Director
Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Health and Human Services

LD 168

An Act Concerning Standardized Contracts for Long-term Care Services

PUBLIC 279

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOVETT	OTP-AM	H-379

LD 168 proposed to repeal a provision of Public Law 1999, chapter 731, "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001," that gave the Department of Human Services authority to develop and adopt rules to require the use of standardized contracts to be used for long-term care services between service providers and consumers.

Committee Amendment "A" (H-379) proposed to strike that part of the bill that would have repealed the requirement that the Department of Human Services develop a standardized contract for long-term care services.

This amendment proposed to add to the bill statutory language regarding contracts for assisted living services. It proposed to add a fiscal note.

Enacted law summary

Public Law 2001, chapter 279 authorizes the Department of Human Services to develop and adopt rules to require the use of standardized contracts to be used for assisted living services.

LD 172

Resolve, to Ensure Comprehensive and Accurate Medical Eligibility Assessments

RESOLVE 54

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE TURNER	OTP-AM	H-660

LD 172 proposed to require the Department of Human Services to amend the rules regarding medical eligibility assessments under the Medicaid program and state long-term care programs in order to ensure that the assessments are comprehensive and accurate. The rules would have required that in completing the assessment the nurse assessor exercise professional judgment and consider documentation, observation and interviews with the consumer, family members, direct care staff, the consumer's physician and other individuals as determined to be appropriate. The rules would have required the nurse assessor to document in the record of the assessment consideration of all relevant information. Rules adopted pursuant to this resolve would be major substantive rules.

Committee Amendment "A" (H-660) proposed to replace the language of the resolve. It proposed to strike the emergency language. It proposed to clarify the language requiring the exercise of professional judgment by nurse assessors performing medical eligibility determination assessments for long-term care.

Joint Standing Committee on Health and Human Services

Enacted law summary

Resolve 2001, chapter 54 requires the Department of Human Services to amend the rules regarding medical eligibility assessments under the Medicaid program and state long-term care programs in order to ensure that the assessments are comprehensive and accurate. The rules must provide that in completing the assessment the nurse assessor exercises professional judgment and considers documentation, observation and interviews with the consumer, family members, direct care staff, the consumer's physician and other individuals as determined to be appropriate. Rules adopted pursuant to this resolve are major substantive rules.

LD 173 **Resolve, Directing the Department of Human Services to Amend the Rules Regarding Congregate Housing** **ONTP**

<u>Sponsor(s)</u> KANE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 173 proposed to direct the Department of Human Services to review and amend the rules regarding congregate housing to ensure compliance with Public Law 1999, chapter 731, Part BBBB. Particular attention would have been given to health, frailty, need or acuity level, performance standards and the use and impact of consumer satisfaction surveys. By October 15, 2001, the department would have been required to report to the Joint Standing Committee on Health and Human Services on the congregate housing rules and any action that had been taken with regard to the rules.

See also LD 853.

LD 177 **An Act Regarding Child Abuse and Neglect Investigation** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> FULLER MITCHELL B		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-380
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LD 177 proposed to do the following:

1. Add children's services programs and providers of services funded in whole or in part by the Department of Human Services, Department of Education, Department of Corrections and Department of Mental Health, Mental Retardation and Substance Abuse Services to the settings in which the out-of-home abuse and neglect investigating team may investigate reports of suspected abuse and neglect of children. If one of these departments were involved and did undertake an investigation, the bill would have required the team to investigate the report;
2. Correct a cross-reference regarding confidentiality of information regarding investigations conducted by the Disability Rights Center under the Maine Revised Statutes, Title 5, chapter 511; and