

# 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*

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**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](http://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:

<i>CARRIED OVER</i> .....	<i>Bill Carried Over to Second Regular 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 &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</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/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</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>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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>Bill held by Governor</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 First Regular Session (unless otherwise specified in a particular law) is **September 21, 2001**.

*David E. Boulter, Director*  
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## Joint Standing Committee on Health and Human Services

This bill was carried over to the Second Regular Session of the 120<sup>th</sup> Legislature.

**LD 905**                      **An Act to Amend Laws Governing Children's Mental Health Services Regarding the Informal Grievance Process**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART KANE	ONTP	

LD 905 proposed to amend the laws governing children's mental health services to allow sufficient time for mediation and discussion to reach resolution between parties in dispute. Under current law, the informal grievance process must include a written decision within one week of filing or, if mediation is requested, within two weeks of filing. This bill would have required that the process commence within five working days of filing.

**LD 916**                      **Resolve, Authorizing the Department of Human Services to Establish a Prescription Drug Reimportation Program**                      **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE TREAT	OTP-AM    MAJ ONTP        MIN	H-383

LD 916 proposed to direct the Department of Human Services to establish a prescription drug reimportation program.

**Committee Amendment "A" (H-383)** is the majority report of the committee. It proposed to amend the resolve to authorize the Department of Human Services to establish a prescription drug reimportation program. This authorization would be contingent upon the department obtaining approval from the federal Department of Health and Human Services for the State to establish a prescription drug reimportation program and would be further contingent upon cost savings to be realized by the citizens of the State as a result of the operation of the reimportation program. In operating the program, the State would not act as a distributor of prescription drugs. It proposed to add a fiscal note to the resolve.

See Public Law 2001, chapter 439, Part QQQ.

**LD 917**                      **Resolve, Regarding Reimbursement for Optometrists Under the Medicaid Program**                      **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER FERGUSON	OTP-AM	H-490

## Joint Standing Committee on Health and Human Services

LD 917 proposed to direct the Department of Human Services, Bureau of Medical Services by rule in the Maine Medical Assistance Manual to treat optometrists as physicians for purposes of Part B Supplemental Medicaid Insurance involving Medicare-eligible and Medicaid-eligible individuals.

**Committee Amendment "A" (H-490)** proposed to rewrite the resolve to direct the Department of Human Services, Bureau of Medical Services to amend the rules regarding reimbursement of optometrists to reimburse them for services provided to persons whose care is paid for in part by Medicaid and in part by Medicare without any decrease due to application of crossover claims rules. This amendment proposed to add an appropriation section, an allocation section and a fiscal note to the resolve.

See Public Law 2001, chapter 439, Part RRR.

**LD 920**                      **Resolve, to Require Medicaid Reimbursement for Independent Living Services and Skills Training Provided to Nursing Facility Residents Returning to the Community**                      **ONTP**

<u>Sponsor(s)</u> SCHNEIDER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 920 proposed to direct the Department of Human Services to adopt rules to amend its state plan to provide Medicaid reimbursement to licensed independent living specialists who provide independent living services to nursing facility residents who have established a plan for relocating back to the community.

**LD 921**                      **Resolve, to Create a State-run Pharmacy Benefits Manager**                      **RESOLVE 38**

<u>Sponsor(s)</u> LEMOINE TREAT	<u>Committee Report</u> OTP-AM    MAJ ONTP        MIN	<u>Amendments Adopted</u> H-251
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LD 921 proposed to authorize the Department of Human Services to establish a position of state-run pharmacy benefits manager.

**Committee Amendment "A" (H-251)** proposed to amend the resolve by authorizing the Department of Human Services to undertake the functions of pharmacy benefits management. It proposed to require the department to report to the Joint Standing Committee on Health and Human Services regarding any actions taken by the department with regard to the functions of pharmacy benefits management. The report would include recommendations for future action by the department and information on necessary action by the Legislature. The amendment proposed to add a fiscal note to the resolve.

### *Enacted law summary*

Resolve 2001, chapter 38 authorizes the Department of Human Services to undertake the functions of pharmacy benefits management. It requires the department to report to the Joint Standing Committee on Health and Human