

# 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:

*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*  
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# Joint Standing Committee on Health and Human Services

**LD 1363**                      **An Act to Reduce Medical Errors and Improve Patient Health**                      **CARRIED OVER**

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

LD 1363 proposed to establish the Maine Health Care Quality Improvement Center to improve the quality of health care provided to patients, increase patient safety and reduce medical errors. The bill proposed to create a mandatory reporting system for medical errors and events and incidents injurious to patients that involve health care facilities designating these events and incidents "sentinel events."

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

**LD 1367**                      **Resolve, to Ensure Access to Care for Breast and Cervical Cancer for Medicaid Recipients**                      **ONTP**

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

LD 1367 proposed to require the Department of Human Services to amend its rules regarding reimbursement under the Medicaid program to provide for reimbursement for qualified care for breast and cervical cancer by January 1, 2002. These rules would be routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

See Part II Budget, LD 855, Public Law 2001, chapter 439, Part TT.

See also LD 243.

**LD 1384**                      **An Act to Make Active Public Health Investigation Records Confidential**                      **PUBLIC 407**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM    MAJ ONTP        MIN	H-591

LD 1384 proposed to designate all records related to active public health investigations, surveillance and research as confidential.

**Committee Amendment "A" (H-591)** is the majority report of the Joint Standing Committee on Health and Human Services. It proposed to provide the department with discretion to withhold epidemiologic investigation

## Joint Standing Committee on Health and Human Services

records containing information about an identifiable individual from inspection and copying by the public during the data collection phase of the investigation in which the information was collected. The department's decision refusing the inspection and copying would not be reviewable. The amendment proposed to retain in the bill the restriction on the release of records even if the subject of the records provides written authorization; this restriction would apply until the data collection phase is completed.

### *Enacted law summary*

Public Law 2001, chapter 407 provides the Department of Human Services with discretion to withhold epidemiologic investigation records containing information about an identifiable individual from inspection and copying by the public during the data collection phase of the investigation in which the information was collected. The department's decision refusing the inspection and copying is not reviewable. The law restricts the release of records even if the subject of the records provides written authorization; this restriction applies until the data collection phase is completed.

**LD 1386**

**An Act Relating to Low-cost Prescription Drugs**

**ONTP**

Sponsor(s)  
MICHAEL

Committee Report  
ONTP

Amendments Adopted

LD 1386, a concept draft pursuant to Joint Rule 208, proposed the following changes to the laws governing low-cost prescription drugs:

1. Creating the Maine Consumer Purchasing Agency and authorizing them to form any buying pool with individuals, companies, associations, pharmacies, states or state agencies for the purpose of purchasing prescription drugs approved by the federal Food and Drug Administration directly from any company in the world; and
2. Allowing any individual, company, association or pharmacy or pharmacy group to purchase prescription drugs approved by the federal Food and Drug Administration directly from any company in the world.

**LD 1401**

**An Act to Amend the Health Care Facility Immunization Laws**

**PUBLIC 185**

Sponsor(s)  
KANE

Committee Report  
OTP-AM

Amendments Adopted  
H-241

LD 1401 proposed to amend the law regarding immunization requirements for health care workers to ensure:

1. An adequate, updated and consistent definition of "health care facility";
2. Consistent wording and requirements for health care workers seeking exemption from one or more immunizations, including consistency with federal Occupational Safety and Health Administration requirements for hepatitis B; and