

# 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 1496 proposed to require the Department of Human Services to use funds from a congregate housing services program, to the extent available, to fund the 75 units of occupied low-income affordable congregate housing that are funded by the United States Department of Housing and Urban Development's HOPE for Elderly Independence Demonstration Program funds that terminate in September 2001.

**LD 1499**                      **Resolve, Directing the Department of Human Services to Adopt Rules Regarding the Reimbursement of Podiatrists**                      **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> SAVAGE C		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-237
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LD 1499 proposed to direct the Department of Human Services to include podiatrists in the group of health care providers who are exempt from reimbursement reductions imposed by the department with respect to its liability for Medicare Part B deductible and coinsurance charges.

**Committee Amendment "A" (S-237)** proposed to add an appropriation, an allocation and a fiscal note to the resolve.

See Public Law 2001, chapter 439, Part FFFF.

**LD 1506**                      **An Act to Ban Powdered Latex Gloves**                      **ONTP**

<u>Sponsor(s)</u> PENDLETON ANDREWS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1506 proposed to prohibit hospitals, nursing facilities, doctors' and dentists' offices and other health care facilities from permitting the use of powdered latex gloves in those facilities.

**LD 1510**                      **An Act to Study Long-term Care, Home and Community-based Care, Reimbursement Issues and Staffing Issues**                      **PUBLIC 284**

<u>Sponsor(s)</u> MARTIN KANE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-206
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LD 1510 proposed to address and resolve certain inconsistent provisions in the certificate of need law governing nursing facilities and in the principles of reimbursement governing both nursing facilities and residential care facilities that adversely affect facilities that replace prior existing facilities.

## Joint Standing Committee on Health and Human Services

The bill proposed to require the department to amend the existing nursing facility and residential care facility principles of reimbursement to ensure that:

1. The total actual cost of nursing staff, other direct staff and other direct and routine care costs that are within approved department staffing patterns would be fully reimbursed by the Medicaid system;
2. That no upper limits, caps, state median rates or other cost or payment limitations set forth in the principles of reimbursement would be applied to limit the payment to these facilities, so long as the underlying costs had been approved by the certificate of need process in the case of nursing facility beds or have otherwise been approved by the department in the case of residential care facility beds; and
3. That interim and final per diem rates and total Medicaid payments made to these replacement facilities would fully recognize these approved costs both initially and on an ongoing basis.

**Committee Amendment "A" (S-206)** proposed to replace the bill. It proposed to change the title. It proposed to substitute for the provisions of the bill a study by the Long-term Care Implementation Committee. This study, which would result in a report to the Joint Standing Committee on Health and Human Services by February 1, 2002, would address issues of home and community-based care, reimbursement under the Medicaid program and staffing issues. The amendment proposed to add to the duties of the Long-term Care Implementation Committee.

