

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

May 2002

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120th Legislature
Second Regular Session

Summary Of Legislation Before The Joint Standing Committees
May 2002

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 organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number.

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
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
PASSED..... Joint Order passed in both bodies
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 July 25, 2002.

Patrick T. Norton, Interim Director
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Joint Standing Committee on Health and Human Services

LD 1346 **Resolve, to Establish a Commission to Study the Health Care Workforce Shortage** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER PENDLETON	ONTP	

LD 1346 proposed to establish the Commission to Study the Health Care Workforce Shortage to study the labor shortage of health professionals in the State and to report, together with any necessary implementing legislation, to the joint standing committees of the Legislature having jurisdiction over health and human services, labor and education and cultural affairs matters no later than January 1, 2003.

LD 1363 **An Act to Reduce Medical Errors and Improve Patient Health** **PUBLIC 678**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND KANE	OTP-AM	S-527 S-604 GOLDTHWAIT

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."

Committee Amendment "A" (S-527) proposed to establish a sentinel events reporting system for hospitals and other facilities licensed by the Division of Licensing and Certification in the Department of Human Services, but not nursing facilities. The amendment proposed adding 4 positions for one year and proposed General Fund funding.

Senate Amendment "B" (S-604) proposed to reduce the funding to 2 positions for 2 months beginning May 1, 2003. It proposed to delay the effective date of the law to May 1, 2003.

Enacted law summary

Public Law 2001, chapter 678 establishes a sentinel event reporting system to improve the quality of health care provided to patients, increase patient safety and reduce medical errors for hospitals and other facilities licensed by the Division of Licensing and Certification, but not nursing facilities. The effective date is 5/1/03.

LD 1512 **An Act to Increase Long-term Care Options for Low-income Citizens of the State** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS ETNIER	ONTP	

Joint Standing Committee on Health and Human Services

LD 1512 proposed to provide a comprehensive system by which the Department of Human Services would subsidize assisted living arrangements for low-income citizens of the State.

LD 1514 **An Act to Ensure Fairness in the Regulation and Reimbursement of Nursing Facilities** **PUBLIC 600**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN KANE	OTP-AM	S-501

LD 1514 proposed to provide a process for resolving disputes that arise when the department's Division of Licensing and Certification inspects and finds deficiencies in nursing facilities. The bill proposed to require the department to follow the same procedures in the case of deficiencies with respect to state law that are followed in the case of deficiencies with respect to federal law. It also proposed to require the department to study the feasibility of an alternative regulatory scheme for fines and penalties.

The bill proposed to allow facilities with fewer than 60 beds to choose not to participate as Medicare certified skilled nursing facilities.

The bill proposed to address the problem that arises when cost of care determinations affecting particular Medicaid beneficiaries are delayed because information is unavailable to the department and the facility. The bill proposed to prevent the department from imposing on the facility the cost that should be borne by the resident of the facility, when that resident's obligation to pay for a portion of the cost of care changes due to change in circumstances that affects eligibility for coverage.

Committee Amendment "A" (S-501) proposed to allow a nursing facility to decline to admit a prospective resident if the facility lacks qualified staff to meet the person's needs. The nursing facility would retain its obligation to serve its current residents.

Enacted law summary

Public Law 2001, chapter 600 allows nursing facilities to refuse to admit a prospective resident which the facility is unable to serve because of lack of adequate staff. It requires rulemaking to ensure that persons handling the resources of persons in long-term care use those resources responsibly.

LD 1545 **An Act to Increase the Supply of Medical Services to Consumers** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER DUGAY	ONTP MAJ OTP-AM MIN	

LD 1545 proposed to repeal the certificate of need law.