

# 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*  
 Offices Located in the State House, Rooms 101/107/135

# Joint Standing Committee on Health and Human Services

**LD 1569**

**An Act to Support a Continuum of Quality Long-term Care Services**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u> KANE PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-593
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LD 1569 proposed to amend the Maine Registry of Certified Nursing Assistants laws to ensure adequate staffing and coverage in order to allow long-term care providers to obtain timely and accurate information about the certification status of potential nursing assistant employees and any record of past abuse or neglect that would preclude hiring of those individuals.

This bill also proposed to require the Department of Human Services to make several improvements in the system of payment for long-term care, including nursing facility services, residential care facility services and home health care services, in order to fairly reflect the current cost of providing those services efficiently. These improvements would include an overall requirement that the payment system reflect the current costs of efficiently providing necessary long-term care services, base reimbursement rates on the most recently available audited cost figures at least once every 3 years, adjust for inflation using factors that reflect actual increases in operating costs incurred in the State and allow nursing facilities to retain, as an efficiency incentive, savings that they may produce in routine component costs.

This bill proposed to require that the principles of reimbursement provide payment rates that cover total Medicaid allowable costs, without adjusting the definition of such costs to conform to a predetermined budget or appropriation amount.

This bill proposed to require the Department of Human Services to develop and fund a project to develop statistically valid measurements of long-term care quality and require that these statistically valid measurements be applied in a fair and independent manner in implementing any quality incentives as part of the payment system for long-term care. The bill proposed to preclude the department from implementing quality incentives at the expense of full reimbursement of the current costs of providing service.

The bill proposed to require recipients of long-term care coverage to exhaust their own available assets before obtaining public support.

The department would be required to remove the homebound requirement that currently applies to Medicaid home health coverage.

The bill proposed to require the Joint Standing Committee on Health and Human Services to study the current statutory obstacles to allowing a consumer to chose to remain in a single, long-term care setting when changes occur in the level of services needed.

Finally, the bill proposed to require the Department of Human Services to amend its principles of reimbursement rules for both nursing facilities and residential care facilities to remove any provision that reduces the total reimbursement of fixed costs when a facility's occupancy percentage, number of residents served or other measurement of utilization relative to capacity falls below a specified percentage or threshold.

## Joint Standing Committee on Health and Human Services

**Committee Amendment "A" (H-593)** proposed to remove provisions of the bill related to operation of the Certified Nursing Assistant Registry, Medicaid reimbursement for nursing facilities and home health care services, quality standards and processes within the Medicaid long-term care program, transfer of assets and spousal impoverishment protections and an aging-in-place study. The amendment proposed to appropriate \$150,000 per year for technology and staff for the Certified Nursing Assistant Registry. It proposed to add an appropriation section, an allocation section and a fiscal note to the bill.

**LD 1588**                      **An Act to Appropriate Funds for a Study to Determine the Feasibility of a Medical School in Maine**                      **CARRIED OVER**

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

LD 1588 proposed to appropriate money to the University of Maine System to hire Medical Care Development, Inc. to conduct a feasibility study of a medical school in the State.

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

**LD 1603**                      **An Act to Expand Family Life Education in Maine Schools**                      **CARRIED OVER**

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

LD 1603 proposed to direct the Commissioner of Education to take action to enhance family life education for students in kindergarten to high school. The bill appropriates \$750,000 for family life education.

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

**LD 1605**                      **An Act to Control Agency Staffing Costs Affecting Long-term Care**                      **ONTP**

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

LD 1605 proposed to establish a process for registration and rate setting for agencies that provided nursing staff to health care facilities and assisted living facilities.