

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

May 2004

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Members:

*Sen. Michael F. Brennan, Chair
Sen. John L. Martin
Sen. Carol Weston*

*Rep. Thomas J. Kane, Chair
Rep. Edward R. Dugay
Rep. Margaret M. Craven
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Rep. James J. Campbell, Sr.
Rep. Sarah O. Lewin*

Maine State Legislature



*Office Of Policy And Legal Analysis
Office Of Fiscal And Program Review*

*121st Maine Legislature
Second Regular Session and
Second Special Session*

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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 arranged alphabetically by committee name 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/billsumm.htm).

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
- 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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Health and Human Services

LD 1753

An Act To Improve Quality and Safety in Long-term Care

PUBLIC 634

<u>Sponsor(s)</u> ANDREWS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-817
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LD 1753 proposed to require personal care agencies, adult day care programs and assisted housing programs to obtain criminal history record information and to prohibit these entities from hiring individuals as unlicensed assistive personnel if those individuals have been the subject of a complaint of abuse, neglect or misappropriation of property that has been substantiated by the state survey agency or have been convicted of certain crimes.

Committee Amendment "A" (H-817) proposed to replace the bill and change the title. It proposed to require personal care agencies, home health care providers and adult day care programs to obtain criminal history record information about applicants for positions as unlicensed assistive personnel and prohibit these entities from hiring individuals who have worked as certified nursing assistants and have been the subject of a complaint of abuse, neglect or misappropriation of property that has been substantiated by the state survey agency or who have been convicted of certain crimes. It proposed to prohibit licensed assisted housing programs from hiring as unlicensed assistive personnel persons who are prohibited from employment as certified nursing assistants under the Maine Revised Statutes, Title 22, section 1812-G, subsections 6 and 7. It proposed to provide penalties for a personal care agency that violates the employment requirements contained in the amendment. The amendment proposed to make 3 corrections to long-term care facility law to update language on assisted living programs and residential care facilities. It proposed to direct the Long-term Care Oversight Committee to report by March 1, 2005 to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding conducting criminal history record checks for direct care workers and the establishment of a registry.

Enacted Law Summary

Public Law 2003, chapter 634 requires personal care agencies, home health care providers and adult day care programs to obtain criminal history record information about applicants for positions as unlicensed assistive personnel and prohibits these entities from hiring individuals who have worked as certified nursing assistants and have been the subject of a complaint of abuse, neglect or misappropriation of property that has been substantiated by the state survey agency or who have been convicted of certain crimes. It prohibits licensed assisted housing programs from hiring as unlicensed assistive personnel persons who are prohibited from employment as certified nursing assistants under the Maine Revised Statutes, Title 22, section 1812-G, subsections 6 and 7. It provides penalties for a personal care agency that violates the employment requirements contained in the amendment. The law makes 3 corrections to long-term care facility law to update language on assisted living programs and residential care facilities. It directs the Long-term Care Oversight Committee to report by March 1, 2005 to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding conducting criminal history record checks for direct care workers and the establishment of a registry.