

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:

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Sen. John L. Martin
Sen. Carol Weston*

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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

Resolve 2003, chapter 134 completes the legislative review of portions of Chapter 16: Foster Home Licensing Rule Regarding Smoking by Foster Parents, a major substantive rule of the Department of Human Services.

This resolve requires the 24-hour time periods in the provisionally adopted rule be changed to 12-hour time periods prior to final adoption.

LD 1867

Resolve, Regarding Legislative Review of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a Major Substantive Rule of the Department of Human Services

**RESOLVE 135
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-882

LD 1867 proposed to provide for legislative review of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a major substantive rule of the Department of Human Services.

Committee Amendment "A" (H-882) proposed to approve the major substantive rules submitted regarding MaineCare rates for private nonmedical institutions provided those rules are amended to use a 25-cent per resident per day rate reduction in the facility-specific routine component of the room-and-board portion of the payment in place of the reduced reimbursement, based on application of a bed-hold day decrease, that had been proposed. The amendment proposed to require wording used to refer to reimbursement related to foreign exchange fellows of professional exchange programs for social workers to be changed: "stipend" must be changed to "contract fee."

The amendment proposed to require the Department of Human Services to adopt emergency rules to implement the rules as approved by the Legislature.

Enacted Law Summary

Resolve 2003, chapter 135 completes the legislative review of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a major substantive rule of the Department of Human Services.

This resolve approves the major substantive rules submitted regarding MaineCare rates for private nonmedical institutions provided those rules are amended to use a 25-cent per resident per day rate reduction in the facility-specific routine component of the room-and-board portion of the payment in place of the reduced reimbursement, based on application of a bed-hold day decrease, that had been proposed. The resolve requires wording used to refer to reimbursement related to foreign exchange fellows of professional exchange programs for social workers to be changed: "stipend" is changed to "contract fee."

Joint Standing Committee on Health and Human Services

The resolve requires the Department of Human Services to adopt emergency rules to implement the rules as approved by the Legislature.

Resolve 2003, chapter 116 was enacted as an emergency measure effective April 22, 2004.

LD 1884

An Act To Strengthen the Enforcement Provisions of the Maine Health Data Organization

PUBLIC 659

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	OTP-AM MAJ	S-475
EARLE	ONTP MIN	

LD 1884 proposed to provide that persons who intentionally or knowingly engage in the unauthorized misuse of individually identifiable health information or data obtained from the Maine Health Data Organization are subject to civil fines up to \$250,000, an amount that is commensurate with the provisions of the federal Health Insurance Portability and Accountability Act of 1996 for the knowing wrongful disclosure of individually identifiable health information. This bill proposed to allow the organization to file a complaint with the Department of Professional and Financial Regulation, Bureau of Insurance seeking disciplinary action against any payor who violates the provisions of Title 22, chapter 1683. The bill proposed that the Attorney General be granted authority to seek injunctive relief for violations of the Maine Health Data Organization statutes or rules, in addition to any other remedies the Board of Directors of the Maine Health Data Organization may pursue.

Committee Amendment "A" (S-475) was the majority report of the committee. The amendment proposed to retain all of the provisions of the bill, designate the enforcement rules as major substantive rules and make organizational changes to the section. The amendment proposed to strengthen the enforcement provisions of the Maine Health Data Organization statutes that are outdated or inconsistent with other sections of the Maine Revised Statutes, Title 22, chapter 1683. The amendment proposed to provide that persons who intentionally or knowingly engage in the unauthorized misuse of individually identifiable health information or data obtained from the organization are subject to civil fines up to \$250,000. The amendment proposed to allow the organization to refer failures to comply with the requirements of the chapter to the appropriate department or licensing board or to the Department of Professional and Financial Regulation, Bureau of Insurance or to file a complaint in Superior Court. The amendment proposed to allow the Attorney General to pursue injunctions or other appropriate remedies for violations of the chapter.

Enacted Law Summary

Public Law 2003, chapter 659 strengthens the enforcement provisions of the Maine Health Data Organization statutes that are outdated or inconsistent with other sections of the Maine Revised Statutes, Title 22, chapter 1683. The law provides that persons who intentionally or knowingly engage in the unauthorized misuse of individually identifiable health information or data obtained from the organization are subject to civil fines up to \$250,000, an amount that is consistent with the provisions of the federal Health Insurance Portability and Accountability Act of 1996 for the knowing wrongful disclosure of individually identifiable health information. The law allows the organization to refer failures to comply with the requirements of the chapter to the appropriate department or licensing board or to the Department of Professional and Financial Regulation, Bureau of Insurance or to file a complaint in Superior Court. The amendment allows the Attorney General to pursue injunctions or other appropriate remedies for violations of the chapter.