

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

July 2006

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Maine State Legislature



Office of Policy and Legal Analysis Office of Fiscal and Program Review

122nd Maine Legislature Second Regular 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 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 (Pocket Veto).....	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 August 23, 2006.

Joint Standing Committee on Health and Human Services

Department of Health and Human Services, Bureau of Health to prepare an advisory poster on the dangers of mercury in certain fish to pregnant and nursing women, which would be required to be posted in supermarkets.

LD 1949 **Resolve, To Ensure Financial Management at the Department of Health and Human Services** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO PINGREE	OTP-AM	S-546

LD 1949, presented as a concept draft pursuant to Joint Rule 208, proposed to require that the Department of Health and Human Services establish program accounts in a more detailed fashion to ensure that funding and spending are accurately assigned to the appropriate account and program.

Committee Amendment “A” (S-546) proposed to replace the resolve and to create the Department of Health and Human Services Financial Management Work Group. It proposed that the work group would be required to develop a plan to assist the Department of Administrative and Financial Services, the Department of Health and Human Services and the Legislature in making informed budgetary decisions, providing for effective and efficient program operations and ensuring adequate financial reporting by the Department of Health and Human Services. It proposed to require the work group to present a report including recommendations for legislation to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services by March 30, 2007. It proposed to require the Department of Health and Human Services to prepare and present a plan, which would be implemented in time to prepare the budget for the 2010-2011 biennium, to the 2 committees by March 30, 2008. It proposed to authorize the 2 committees to report out legislation related to the adjustment or realignment of accounts and programs as well as any legislation necessary to fully implement the plan.

LD 1951 **An Act To Establish Guidelines and Criteria for Audits Conducted by the Department of Health and Human Services** **PUBLIC 588 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TARDY	OTP-AM	H-933

LD 1951 proposed changes to the practices governing audits of health care and community service providers conducted by the Department of Health and Human Services. It proposed to require the department to apply changes in interpretation prospectively, allow the reimbursement of certain compensation costs and apply industry standards when determining reasonableness of costs. It proposed to require the department to publish all informal review decisions and appeals decisions. It proposed making the office that hears appeals of MaineCare payments independent of the department by January 1, 2007.

Committee Amendment “A” (H-933) proposed to replace the bill and to change some of the practices governing audits of health care providers and other community services conducted by the Department of Health and Human Services. The amendment proposed to require the department to apply revised audit interpretations prospectively and to post final audit interpretations or decisions on the department’s website. It proposed to require the department to amend its rules governing reimbursement, contracting, grants, payments, cost reports and audits by

Joint Standing Committee on Health and Human Services

December 15, 2006. It proposed criteria that the department's audit staff would be required to consider when determining the reasonableness of costs, including employee compensation and benefits costs, as well as new time frames for informal review decisions and appeals. It proposed to require the department to study the methods of cost reimbursement and to report its findings and make recommendations to the Joint Standing Committee of Health and Human Services by January 1, 2007. It proposed to require studies on the timing of audits and providers' training and technical assistance needs and to report the findings and make recommendations to the Joint Standing Committee on Health and Human Services by January 15, 2008. It proposed to allow the committee to report out legislation to accomplish the recommendations of the reports.

Enacted law summary

Public Law 2005, chapter 588 changes some of the practices governing audits of health care providers and other community services conducted by the Department of Health and Human Services. The law requires the department to apply revised audit interpretations prospectively and to post final audit interpretations or decisions on the department's website. It requires the department to amend its rules governing reimbursement, contracting, grants, payments, cost reports and audits by December 15, 2006. It provides criteria that the department's audit staff must consider when determining the reasonableness of costs, including employee compensation and benefits costs, as well as new time frames for informal review decisions and appeals. It requires the department to study the methods of cost reimbursement and to report the findings and make recommendations to the Joint Standing Committee of Health and Human Services by January 1, 2007. It also requires studies on the timing of audits and providers' training and technical assistance needs and requires the Department of Health and Human Services to report the findings and make recommendations to the Joint Standing Committee on Health and Human Services by January 15, 2008. It allows the committee to report out legislation to accomplish the recommendations of the reports.

Public Law 2005, chapter 588 was enacted as an emergency measure effective April 14, 2006.

LD 1959

An Act To Guarantee Access to Medically Necessary Medications during the Implementation of the Medicare Part D Prescription Drug Program

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN PINGREE	ONTP	

LD 1959 proposed to direct the Department of Health and Human Services to report 2 weeks after the effective date of the bill and thereafter bimonthly until January 30, 2007 on the status of implementation of the Medicare Part D prescription drug program to the Joint Standing Committee on Health and Human Services. The bill proposed appropriations and allocations for outreach under the MaineCare program and the elderly low-cost drug program and proposed to direct the Department of Health and Human Services to establish a Medicare Part D emergency fund 90 days from January 1, 2006 that would provide continued coverage of drugs that were currently provided through MaineCare or the elderly low-cost drug program. The bill also proposed to direct the Department of Health and Human Services to study all options available for using the federal State Pharmacy Assistance Program and to present the results to the Joint Standing Committee on Health and Human Services by April 1, 2006.

For related legislation see the supplemental budget, LD 1968, PL 2005, chapter 519, part AAA.