

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter 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 (or Accepted ONTP report).....	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 non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Health and Human Services

This bill appropriates \$2,000,000 to Maine's HealthInfoNet program to fund the creation of a health information exchange and to facilitate the use of electronic medical records. See also the biennial budget, Public Law 2007, chapter 240, page 27 that provides \$265,000 in Fiscal Year 2008 for Maine HealthInfo Net.

This bill is carried over to the Second Regular Session of the 123rd Legislature.

LD 1800 An Act To Amend Licensing and Certification Requirements

**PUBLIC 324
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEWIN	OTP-AM	H-552

This bill makes the following changes to licensing and certification requirements of Department of Health and Human Services. It creates penalties, including injunctive relief, for operating an unregistered personal care agency. The bill creates a cap on civil monetary penalties that the Department of Health and Human Services may impose on unlicensed, uncertified or unregistered entities in response to a decision of the Maine Superior Court in a similar but unrelated case. It creates a maximum 2-year license renewal term for hospitals, nursing facilities, ambulatory surgical facilities and related institutions. It creates penalties, including injunctive relief, for operating without a license or certificate by a long-term care facility, a child care facility, and a family child care provider. It places a time limit on reapplication after denial or revocation of a license for a child care facility or revocation of a certificate for a family child care provider. It defines children in the Department of Health and Human Services laws governing facilities for children and adults as being under 21 years of age to make the provisions consistent with those governing MaineCare, the department's Office of Child and Family Services and special education. It adds to the list of confidential information pursuant to 22 M.R.S.A §7703, sub-§2 information that identifies, directly or indirectly a reference, complainant or reported of suspected licensing violations.

Committee Amendment "A" (H-552)

The amendment defines "placement agency" and "home care services." It requires a placement agency to register with the Department of Health and Human Services. It gives the Department of Health and Human Services the same right of entry and applies the same administrative inspection and license suspension and revocation provisions with respect to placement agencies as apply to personal care agencies. It clarifies that the department's right of entry may extend to any premises and documents of a person, firm, partnership, association, corporation or other entity that the department has reason to believe is operating without a license or a certificate. It clarifies that an owner or person in charge of an unlicensed long-term care facility or child care facility or an uncertified family child care provider may not interfere with or prohibit the interviewing by the department of residents or consumers of services. It clarifies that an owner or operator of an unregistered personal care agency or placement agency may not interfere with, impede or obstruct an investigation by the department, including but not limited to interviewing persons receiving services or persons with knowledge of the agency. It changes the word "subtitle" to "section" and corrects statutory language to clarify that a child care facility license is required before the Department of Education grants approval for a program to contract with one or more Child Development Services System sites.

Enacted Law Summary

Public Law 2007, chapter 324 makes changes to licensing and certification requirements of the Department of Health and Human Services. It requires a placement agency to register with DHHS and defines placement agency and home care services. It creates penalties, including injunctive relief, for operating an unregistered personal care agency or placement agency. The bill creates a cap on civil monetary penalties that the DHHS may impose on unlicensed, uncertified or unregistered entities. The bill creates a maximum 2-year license renewal term for hospitals, nursing facilities, ambulatory surgical facilities and related institutions and allows an initial license to be issued for up to 12 months. It creates penalties, including injunctive relief, for operating without a license or certificate by a long-term care facility, a child care facility, and a family child care provider. The bill places a time limit on reapplication after denial or revocation of a license for a child care facility or revocation of a certificate for

Joint Standing Committee on Health and Human Services

a family child care provider. The bill defines children in laws governing facilities for children and adults as being under 21 years of age to make the provisions consistent with those governing MaineCare, the department's Office of Child and Family Services and special education. It clarifies that the department's right of entry may extend to any premises and documents of a person, firm, partnership, association, corporation or other entity that the department has reason to believe is operating without a license or a certificate. It clarifies that an owner or person in charge of an unlicensed long-term care facility, child care facility, family child care provider, personal care agency or placement agency may not interfere with or prohibit the interviewing by the department of residents or consumers of services.

Public Law, chapter 324 was enacted as an emergency measure effective June 19, 2007.

The bill was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to MRSA Title 1, §434, which requires review and evaluation of new exceptions to laws governing public records.

LD 1801 An Act To Clarify the Definition of Autism

PUBLIC 309

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM	H-381

This bill updates the definition of autism by adopting the most recent version of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders in which "pervasive developmental disorders" are described as including 5 separate conditions and by application of a test to assess the applicant's level of adaptive functional abilities.

Committee Amendment "A" (H-381)

This amendment replaces the bill. The amendment defines autism with respect to adults by reference to the Diagnostic and Statistical Manual of Mental Disorders and by an adaptive behavior score that is at a level of functional impairment as determined by the Department of Health and Human Services.

Enacted Law Summary

Public Law 2007, chapter 309 defines autism with respect to adults by reference to the Diagnostic and Statistical Manual and to an adoptive behavior score that is at a level of functional impairment as determined by the Department of Health and Human Services.

LD 1805 An Act To Preserve Home Care Coordination Services for Long-term Care Consumers Served in the Community

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	OTP-AM	H-309

This bill appropriates and allocates funds on an ongoing basis for home care coordination services for consumers of state-funded and MaineCare-funded home-based care programs.

Committee Amendment "A" (H-309)

This amendment makes minor technical corrections to the format of the appropriations and allocations section.

This bill died on adjournment on the Appropriations Table.