

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON HEALTH AND HUMAN
SERVICES**

July 2009

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STATE OF MAINE

124TH 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 124th Maine Legislature.

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:

| | |
|---|---|
| CARRIED OVER..... | Carried over to a subsequent session of the Legislature |
| 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; bill died |
| ONTP (or Accepted ONTP report)..... | Ought Not To Pass report accepted; bill died |
| 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 |

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. 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

LD 1072 An Act To Provide Support for Children with Special Needs in Adoptive Families

**ACCEPTED ONTP
REPORT**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BOLAND DAMON | ONTP MAJ OTP-AM MIN | |

This bill allows the Department of Health and Human Services to pay an adoption subsidy for a special needs child and, if there is a subsidy, provides for an annual adjustment in accordance with the change in the Consumer Price Index. The bill provides that a subsidy ends when the child reaches 18 years of age or the adoption fails through disruption or dissolution. The bill directs the department to adopt routine technical rules.

LD 1078 An Act To Strengthen Sustainable Long-term Supportive Services for Maine Citizens

PUBLIC 279

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| PETERSON MILLS P | OTP-AM | H-351 |

This bill requires the Department of Health and Human Services to develop a unified system of in-home and community support services, including self-directed care, for adults with long-term care needs who are eligible for services under the Maine Revised Statutes, Title 22, subtitle 5 and Title 34-B, chapter 5, subchapter 3, article 2. The bill does the following.

1. It includes findings and policies related to legislative intent.
2. It adds to Title 22, subtitle 5 definitions for "activities of daily living," "assessment," "consumer," "instrumental activities of daily living," "qualified provider agency," "self-directed care services" and "surrogate."
3. It adds a new chapter for a program of coordinated in-home and community support services for the elderly and disabled adults. The program must be established by July 1, 2010 and include:
 - A. A unified system for intake and eligibility determination, consumer assessment and the development of authorized plans of care for eligible consumers. The program must seek proposals from qualified provider agencies and must provide standardized provider rates and worker wages;
 - B. A single system for the intake and eligibility determination functions of existing programs for in-home and community support services;
 - C. An assessment to be completed by the department with the consumer's physician determining medical eligibility and the department determining the requirements for support services as well as personal care assistant hours needed to maintain the consumer in a home or community-based setting;
 - D. An authorized plan of care for each consumer to be developed by the department; and
 - E. Proposals from qualified provider agencies to provide or coordinate services for the authorized plan of care

Joint Standing Committee on Health and Human Services

solicited by the department.

4. It requires the department to adopt major substantive rules.
5. By January 15, 2010, prior to the implementation of the new program, the bill requires the department to develop a plan, including any necessary legislation for consolidating in-home and community support services that includes:
 - A. An evaluation of self-directed care models authorized in the federal Deficit Reduction Act to examine the possible use of these models in combination or instead of existing programs without diminishing the benefits consumers currently receive;
 - B. A description of the process proposed for consolidating the in-home and community support services including any reorganization or staffing needs for developing the consolidated intake, eligibility and assessment system as well as the assessment methodology and the components of the authorized plan of care; and
 - C. The process and methodology for achieving standardized rates and worker wages.
6. The bill authorizes the Joint Standing Committee on Health and Human Services to report out to the Second Regular Session of the 124th Legislature a bill to implement the plan, if necessary.

Committee Amendment "A" (H-351)

This amendment replaces the bill. It directs the Department of Health and Human Services to undertake a planning process on long-term care, with stakeholder input, every 4 years. It adds to policy statements and findings in the statutes on in-home and community support services for adults with long-term care needs. It adds to the definitions in that section of law, amending some definitions and providing new definitions for "activities of daily living," "consumer assessment," "instrumental activities of daily living," "qualified providers," "self-directed services" and "surrogate." It enacts a new chapter on coordinated in-home and community support services for the elderly and adults with disabilities. It establishes a coordinated program of in-home and community support services for adults with long-term care needs effective July 1, 2010 and directs the department to adopt major substantive rules for the administration of the program. It directs the department to convene a work group to make recommendations on the State's long-term care system and report to the Joint Standing Committee on Health and Human Services by January 15, 2010. It directs the department to submit to the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services any amendments or waivers needed to establish any part of a consolidated program, including a program of consumer-directed care.

Enacted Law Summary

Public Law 2009, chapter 279 directs the Department of Health and Human Services to undertake a planning process on long-term care, with stakeholder input, every 4 years. It adds to policy statements and findings in the statutes on in-home and community support services for adults with long-term care needs. It adds to the definitions in that section of law, amending some definitions and providing new definitions for "activities of daily living," "consumer assessment," "instrumental activities of daily living," "qualified providers," "self-directed services" and "surrogate." It enacts a new chapter on coordinated in-home and community support services for the elderly and adults with disabilities. It establishes a coordinated program of in-home and community support services for adults with long-term care needs effective July 1, 2010 and directs the department to adopt major substantive rules for the administration of the program. It directs the department to convene a work group to make recommendations on the State's long-term care system and report to the Joint Standing Committee on Health and Human Services by January 15, 2010. It directs the department to submit to the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services any amendments or waivers needed to establish any part of a consolidated program, including a program of consumer-directed care.

The Health and Human Services Committee requested from the Department of Health and Human Services a report on long-term care system design by January 15, 2010.