

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

neutrality requirements by delicensing beds under common ownership or acquiring beds from other nursing facilities. It charges the Department of Health and Human Services with working with stakeholders to identify possible methods for creating more flexibility in the laws governing nursing facility projects that are subject to MaineCare budget neutrality requirements.

LD 1261 **Resolve, To Require the Department of Health and Human Services To Provide Cost-of-living Adjustments for Nursing Facilities and Certain Medical and Remedial Private Nonmedical Institutions **ONTP****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L MARRACHE	ONTP	

This resolve requires the Department of Health and Human Services to provide nursing facilities and residential care facilities with cost-of-living adjustments in fiscal years 2009-10 and 2010-11. The adjustment must be 3 percent for nursing facilities where 80 percent or more of the facility's annual resident days are covered by MaineCare. A 1.5 percent adjustment must be provided for all other nursing and residential care facilities. This bill also has an appropriations and allocations section.

LD 1262 **An Act To Restrict Gifts to Health Care Practitioners from Pharmaceutical and Medical Device Manufacturers **Carried Over****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT		

This bill:

1. Prohibits most gifts and payments to health care practitioners from pharmaceutical and medical device manufacturers;
2. Includes medical devices in the definition of "prescription drug" for the purposes of requirements involving a pharmaceutical manufacturer's giving of gifts to health care practitioners and reporting marketing expenses;
3. Establishes requirements for pharmaceutical manufacturers' giving sample products to health care practitioners;
4. Requires the Department of Health and Human Services to report a pharmaceutical manufacturer's gifts and payments per health care practitioner instead of in the aggregate;
5. Limits the confidentiality of pharmaceutical manufacturers' reporting information to trade information protected by state and federal law;
6. Requires the Department of Health and Human Services to post the department's annual report regarding a pharmaceutical manufacturer's marketing expenses on a publicly accessible portion of the department's website; and
7. Allows the Department of Health and Human Services to raise the fees of pharmaceutical manufacturers to cover reasonable costs of the department.

Joint Standing Committee on Health and Human Services

This bill was carried over to any special or regular session of the 124th Legislature by Joint Order, H. P. 1053.

LD 1263 An Act To Amend the Laws Concerning Child Abuse and Neglect Councils

PUBLIC 204

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EATON DAMON	OTP-AM	H-260

This bill adds the word "prevention" when referring to child abuse and neglect councils in the State and changes the name of the Maine Association of Child Abuse and Neglect Councils to the Maine Child Abuse Prevention Councils. It clarifies that child abuse and neglect prevention councils are to prevent abuse and neglect through the provision of family-strengthening programs, including, but not limited to, public awareness activities, child safety education, parent education, support and information for parents, training for professionals and referral to services.

Committee Amendment "A" (H-260)

This amendment removes the requirement for the Maine Child Abuse Prevention Councils to advise the Department of Health and Human Services on the distribution of grants or funds before grants or funds are awarded.

Enacted Law Summary

Public Law 2009, chapter 204 adds the word "prevention" when referring to child abuse and neglect councils in the State and changes the name of the Maine Association of Child Abuse and Neglect Councils to the Maine Child Abuse Prevention Councils. It clarifies that child abuse and neglect prevention councils are to prevent abuse and neglect through the provision of family-strengthening programs, including, but not limited to, public awareness activities, child safety education, parent education, support and information for parents, training for professionals and referral to services. It removes the requirement for the Maine Child Abuse Prevention Councils to advise the Department of Health and Human Services on the distribution of grants or funds before grants or funds are awarded.

LD 1276 An Act To Ensure That High-quality Services Are Provided to Behavioral Health Clients

ONTP

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

This bill requires a private behavioral health care practitioner who contracts with or is reimbursed by the Department of Health and Human Services for providing services to a client to be affiliated with a nationally accredited organization that provides oversight of the practitioner and sets standards for best practices and quality assurance, including standards governing crisis services and provision of coverage when a practitioner is unavailable or, if the private behavioral health care practitioner is not so affiliated, to meet these same standards.