

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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JANE ORBETON, SENIOR ANALYST
ELIZABETH COOPER, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE

124TH LEGISLATURE
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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 1302 An Act To Prohibit Full-time State Employees from Enrollment in
MaineCare**

ONTP

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

This bill provides that full-time employees of the State are not eligible to receive services under the laws governing the MaineCare program.

LD 1303 An Act To Improve the General Assistance Program

ONTP

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

This bill changes the general assistance reimbursement rate methodology, which has been in place since 1991. It replaces the 50 percent/90 percent option with a flat reimbursement of 80 percent of all general assistance. The bill raises the temporary maximum levels of assistance to 150 percent of the applicable existing housing fair market rents. The bill also makes an ongoing General Fund appropriation of \$8,800,000 for general assistance reimbursement to cities and towns to bring funding to levels appropriate to meet the needs of people experiencing economic hardship.

The Joint Standing Committee on Health and Human Services requests by letter that the Department of Health and Human Services review the general assistance program, the concepts presented in LD 1303 and LD 1375, and amount of funding needed to adequately fund the general assistance needs of the State. The letter asks the department to make recommendations to the Joint Standing Committee on Health and Human Services by February 15, 2010.

LD 1339 An Act To Improve Oversight of Pharmaceutical Purchasing

Carried Over

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

This bill requires pharmacy benefits managers to register with the Department of Professional and Financial Regulation, Bureau of Insurance before entering into any contracts for pharmacy benefits management in the State. The bill also sets forth standards for audits conducted by pharmacy benefits managers. The bill requires the State Auditor to develop audit procedures to ensure state agencies that have pharmacy benefits management contracts are compliant with state law relating to pharmacy benefits management and prescription drug rebates. The bill also expands the privacy provisions applicable to pharmacy benefits managers to ensure that patient prescription information, even deidentified information, is not used directly by the pharmacy benefits manager or sold by or transferred to others for use in pharmaceutical marketing or by insurance companies in making benefits decisions.

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. This bill was carried over to await federal legislation, so as not to interfere with litigation and to allow the Bureau of Insurance time to consider a system for registering pharmacy benefit managers.

LD 1340 An Act To Protect Consumers' Health Information Records

ONTP

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

This bill concerns the confidentiality of health care information. This bill:

1. Asserts that medical records in the possession of a health care practitioner are the property of the patient and limits the costs a health care practitioner may recoup for providing electronic medical records;
2. Creates a definition of "business associate" of a health care practitioner and applies health care information confidentiality provisions to a business associate;
3. Excepts from the definition of "health care" the activity of communicating with a patient for the purpose of selling or using a product or service in most circumstances;
4. Allows business associates of a health care practitioner to obtain or create health care information only pursuant to a written contract with the health care practitioner;
5. Requires the written authorization from an individual for the sale or payment for the individual's health care information with certain exceptions;
6. Limits the ability of a health care practitioner or business associate to pay or be paid for the exchange of health care information concerning the sale or use of a product or service;
7. Clarifies that a health care practitioner or business associate is subject to the Notice of Risk to Personal Data Act in case of a security breach of health care information;
8. Requires the Department of Health and Human Services to designate an individual in the department to advise health care practitioners, business associates and individuals and to create educational material about the provisions of health care information confidentiality;
9. Clarifies that the provisions concerning the sale of health care information do not prevent a pharmacist from recouping costs in communicating with individuals to reduce medication errors and to improve patient safety; and
10. Requires the Department of Health and Human Services to study and report to the Joint Standing Committee on Health and Human Services on what health care information can be exchanged without authorization after removing individuals' identifiable information and what must require authorization.