

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



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

JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES

April 2010

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STATE OF MAINE

124TH LEGISLATURE
SECOND 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 Second 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:

<i>CARRIED OVER</i>	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 124th Legislature is Monday, July 12, 2010. 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

are overseen by the Maine Vaccine Board. The program costs associated with vaccines for children covered by health insurance carriers and 3rd-party administrators are funded by assessments on those entities. Any costs associated with vaccines for children covered by the United States Department of Health and Human Services, Centers for Disease Control and Prevention, Vaccines for Children Program are the responsibility of the State. Assessments are deposited into the fund, which does not lapse, to be used only for the purposes of the Universal Childhood Immunization Program. The board is required to report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

Enacted Law Summary

This law establishes the Universal Childhood Immunization Program to provide all children 18 years of age or younger in the State with access to a uniform set of vaccines. The program is administered by the Department of Health and Human Services for the purposes of optimizing public and private resources and lowering the cost of providing immunizations to children by leveraging contract prices for vaccines established through the United States Department of Health and Human Services, Centers for Disease Control and Prevention. The program and the Childhood Immunization Fund are overseen by the Maine Vaccine Board. The program costs associated with vaccines for children covered by health insurance carriers and 3rd-party administrators are funded by assessments on those entities. Any costs associated with vaccines for children covered by the United States Department of Health and Human Services, Centers for Disease Control and Prevention, Vaccines for Children Program are the responsibility of the State. Assessments are deposited into the fund, which does not lapse, to be used only for the purposes of the Universal Childhood Immunization Program. The board is required to report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

LD 1464

An Act To Amend Licensing, Certification and Registration Requirements for Health Care Providers and Other Facilities

PUBLIC 621

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES	OTP-AM	H-593

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

This bill requires licensed, certified or registered providers to secure a criminal background check prior to hiring or placing a person who will have direct contact with a consumer. Providers will pay for the criminal background checks. Some providers are currently required by statute to obtain criminal background checks, and this bill adds several more providers, including hospitals, nursing facilities, ambulatory surgical facilities, intermediate care facilities for persons with mental retardation, assisted housing programs, children's homes, end-stage renal disease facilities, drug treatment centers, child placing agencies, hospice programs, agencies and facilities providing mental health services, temporary nurse agencies and nursery schools. This bill authorizes the Department of Health and Human Services to investigate complaints against temporary nurse agencies and provides enforcement mechanisms for violations. This bill requires the department to use income from penalties to improve the quality of care for residents of long-term care facilities.

Committee Amendment "B" (H-593)

This amendment changes from October 1, 2009 to October 1, 2010 the date on which the new requirement of performing criminal background checks on new employees will take effect.

Enacted Law Summary

Public Law 2009, chapter 621 requires licensed, certified or registered providers to secure a criminal background check prior to hiring or placing a person who will have direct contact with a consumer beginning October 1, 2010. Providers will pay for the criminal background checks. Some providers are currently required by statute to obtain

Joint Standing Committee on Health and Human Services

criminal background checks, and this bill adds several more providers, including hospitals, nursing facilities, ambulatory surgical facilities, intermediate care facilities for persons with mental retardation, assisted housing programs, children's homes, end-stage renal disease facilities, drug treatment centers, child placing agencies, hospice programs, agencies and facilities providing mental health services, temporary nurse agencies and nursery schools. This law authorizes the Department of Health and Human Services to investigate complaints against temporary nurse agencies and provides enforcement mechanisms for violations. This law requires the department to use income from penalties to improve the quality of care for residents of long-term care facilities.

**LD 1507 An Act To Ensure Fairness in Penalties for Administrative Errors in the
Long-term Care Assessment Process**

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A BRANNIGAN	OTP-AM	H-782

This bill amends the laws governing the rules of the Department of Health and Human Services for medical eligibility for coverage in nursing facilities and for private, nonmedical and board and care institutions, which provide, among other services, residential care services for the aged and disabled. It requires that for both types of facilities, to the extent the department establishes penalties or denies reimbursement when a facility is late or misses a deadline for obtaining an assessment of a resident's need for services, the department may not deny reimbursement and may not impose a penalty greater than 20 percent of total reimbursement unless it is proven that the resident, if timely assessed, would not have been eligible for continuing services.

Committee Amendment "A" (H-782)

This amendment removes from the bill provisions applicable to private, nonmedical and board and care institutions. The amendment requires the department's MaineCare reimbursement rules applicable to nursing facilities to allow 2 late assessment referrals without denial of reimbursement. This amendment also adds an appropriations and allocations section.

**LD 1542 An Act To Make Maine's Laws Consistent with the Federal Family
Smoking Prevention and Tobacco Control Act**

PUBLIC 606

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A BRANNIGAN	OTP-AM MAJ ONTP MIN	H-776

This bill revises existing prohibitions on the sale of flavored tobacco products to make Maine law consistent with the new federal Family Smoking Prevention and Tobacco Control Act, which bans the sale of flavored cigarettes. This bill also simplifies enforcement of the ban on flavored tobacco products.

Committee Amendment "A" (H-776)

This amendment is the majority report of the committee. This amendment revises the bill, which amends existing prohibitions on the sale of flavored tobacco products to make Maine law consistent with the new federal Family Smoking Prevention and Tobacco Control Act. The amendment retains the prohibition on selling flavored nonpremium cigars, while exempting cigars previously exempted by the Attorney General. The amendment deletes the bill's repeal of portions of the current law regarding an Attorney General website and transfer of funds to restore lost revenues to the General Fund.