

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

July 2009

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# STATE OF MAINE

124<sup>TH</sup> 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 124<sup>th</sup> 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 124<sup>th</sup> 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 1464 An Act To Amend Licensing, Certification and Registration Requirements for Health Care Providers and Other Facilities**

**Carried Over**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES		H-364

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.

This bill was carried over by Joint Order, H.P. 1053 to any special or regular session of the 124th Legislature due to action of the Joint Standing Committee on Appropriations and Financial Affairs.

**Committee Amendment "A" (H-364)**

This amendment adds an appropriations and allocations section.

**LD 1490 An Act Regarding the Transfer of Patient Health Care Information through an Electronic Health Information Exchange**

**PUBLIC 387  
EMERGENCY**

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

This bill is emergency legislation.

This bill amends the law on the confidentiality of patient health care information by adding a health information exchange to the provision that allows health care practitioners and health care facilities to disclose information to agents, employees and contractors of practitioners and facilities to carry out the usual and customary activities relating to the delivery of health care and for the purposes of billing, risk management, quality assurance, utilization review and peer review. The bill provides an opt-out mechanism for individuals.

It authorizes the MaineCare program to transfer that same information for the purposes of diagnosis, treatment or care of MaineCare members while retaining protection for sensitive health information that is controlled by other provisions of state or federal law and providing an opt-out mechanism for members.

This bill requires a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2011.

## *Joint Standing Committee on Health and Human Services*

See LD 563. See biennial budget, LD 353, Public Law 2009, chapter 213 which provides funding for a statewide demonstration of an electronic health information exchange in the Bureau of Medical Services 0129 account of \$1,000,000 General Fund funds in FY10 and \$700,000 federal ARRA funds in FY10.

### **Enacted Law Summary**

Public Law 2009, chapter 387 amends the law on the confidentiality of patient health care information by adding a health information exchange to the provision that allows health care practitioners and health care facilities to disclose information to agents, employees and contractors of practitioners and facilities to carry out the usual and customary activities relating to the delivery of health care and for the purposes of billing, risk management, quality assurance, utilization review and peer review. The law provides an opt-out mechanism for individuals.

It authorizes the MaineCare program to transfer that same information for the purposes of diagnosis, treatment or care of MaineCare members while retaining protection for sensitive health information that is controlled by other provisions of state or federal law and providing an opt-out mechanism for members.

This law requires a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2011.

Public Law 2009, chapter 387 was enacted as an emergency measure effective June 12, 2009.