

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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STAFF:

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

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

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.

Joint Standing Committee on Health and Human Services

Enacted Law Summary

Public Law 2009, chapter 606 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 law prohibits selling flavored nonpremium cigars, while exempting cigars previously exempted by the Attorney General.

LD 1544 An Act To Amend the Laws Governing the Maine Health Data Processing Center and the Maine Health Data Organization

PUBLIC 613

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP-AM	H-787

This bill amends the laws governing the Maine Health Data Processing Center to remove the phrase "Maine Health Information Center" and replace it with "Onpoint Health Data," the new name of the organization. It modifies the composition of the Board of Directors of the Maine Health Data Processing Center.

It restructures the laws governing reports produced by the Maine Health Data Organization and removes the requirement that the organization publish a notice of the availability of these reports at least once per year in the 3 daily newspapers of the greatest general circulation published in the State.

It also clarifies what constitutes an undisputed health care claim submitted by a health care provider or health care facility to a carrier and specifies fields in the claim that must be filled. The language also stipulates that if the claim does not conform to the requirements and does not contain any one of the required fields, the provider or facility may not request payment directly from the insured and must resubmit the claim to the carrier.

Committee Amendment "A" (H-787)

This amendment prohibits the Board of Directors of the Maine Health Data Organization and the Attorney General from assessing fines, initiating enforcement actions or seeking injunctive relief against a payor that has submitted claims data for any billing provider data element contained in the claim furnished by the provider or any service provider data element when associated with the billing provider elements, or that has failed to meet the thresholds for these data elements. This provision is repealed July 1, 2011. The amendment establishes a working group to work on issues regarding submission of data to the Maine Health Data Organization. By November 15, 2010, the working group must report to the Joint Standing Committee on Health and Human Services with a plan to resolve the service and provider issues and with an implementation schedule. This amendment deletes language in the bill that relates to requirements for an undisputed claim.

Enacted Law Summary

Public Law 2009 chapter 613 amends the laws governing the Maine Health Data Processing Center to remove the phrase "Maine Health Information Center" and replace it with "Onpoint Health Data," the new name of the organization. It modifies the composition of the Board of Directors of the Maine Health Data Processing Center. It restructures the laws governing reports produced by the Maine Health Data Organization and removes the requirement that the organization publish a notice of the availability of these reports at least once per year in the three daily newspapers of the greatest general circulation published in the State. This law prohibits the Board of Directors of the Maine Health Data Organization and the Attorney General from assessing fines, initiating enforcement actions or seeking injunctive relief against a payor that has submitted claims data for any billing provider data element contained in the claim furnished by the provider or any service provider data element when associated with the billing provider elements, or that has failed to meet the thresholds for these data elements. This