

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

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

Joint Standing Committee on Health and Human Services

provision is repealed July 1, 2011. The law 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.

**LD 1591 An Act To Amend the Maine Certificate of Need Act of 2002
Concerning Right of Entry and Investigation**

**PUBLIC 556
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	OTP-AM	H-720

This bill authorizes the Department of Health and Human Services to enter and inspect a health care facility or other entity subject to the Maine Certificate of Need Act of 2002 when the department has a reasonable basis to suspect that a violation has occurred.

Committee Amendment "A" (H-720)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2009, chapter 556 authorizes the Department of Health and Human Services to enter and inspect a health care facility or other entity subject to the Maine Certificate of Need Act of 2002 when the department has a reasonable basis to suspect that a violation has occurred.

Public Law 2009, chapter 556 was enacted as an emergency measure effective March 26, 2010.

**LD 1592 An Act To Update the Laws Affecting the Maine Center for Disease
Control and Prevention**

PUBLIC 589

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L	OTP-AM MAJ ONTP MIN	H-721

This bill implements the recommendations of an interagency work group on the control of rabies and allocates the responsibilities in various situations for taking possession, quarantine, confinement, testing and euthanasia of certain animals. This bill increases the maximum fees that may be charged with respect to certain documents regarding birth, marriage and death and requires that a portion of these fees be remitted to the Department of Health and Human Services, Maine Center for Disease Control and Prevention. It increases the maximum fee that may be charged for certain plumbing permits. It increases the license fee for certain eating establishments, eating and lodging places, lodging places, recreational camps, youth camps and camping areas and allows the department to collect a transaction fee from a licensee who renews a license electronically. It increases the fee for a voluntary inspection by the department of an electrologist's training, place of practice and equipment. It increases the license fee for micropigmentation practitioners and tattoo and body piercing artists. It provides that fees collected by the department for an inspection of an electrologist's training, place of practice and equipment and license fees for micropigmentation practitioners and tattoo and body piercing artists must be deposited into a special revenue account for health inspections.

Committee Amendment "A" (H-721)