

# MAINE STATE LEGISLATURE

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



Summaries of bills, adopted amendments and laws enacted or finally passed

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

July 2011

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND  
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

*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; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE* ..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT* ..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY* ..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public Law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125<sup>th</sup> Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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

**LD 303      An Act To Improve Hospital Transparency      ONTP**

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

This bill makes medical organizations that receive over \$250,000 annually in public funds for medical services subject to the freedom of access laws.

**LD 332      Resolve, Regarding Legislative Review of Portions of Chapter 11: Rules      RESOLVE 96  
Governing the Controlled Substances Prescription Monitoring      EMERGENCY  
Program, a Major Substantive Rule of the Department of Health and  
Human Services**

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

This resolve provides for legislative review of portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, a major substantive rule of the Department of Health and Human Services.

**Enacted Law Summary**

Resolve 2011, chapter 96 provides for legislative review of portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, a major substantive rule of the Department of Health and Human Services.

Resolve 2011, chapter 96 was passed as an emergency effective June 21, 2011.

**LD 346      An Act Regarding Pharmacy Reimbursement in MaineCare      PUBLIC 458**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS DIAMOND	OTP-AM MAJ ONTP MIN	H-563 S-345 ROSEN R

This bill requires the Department of Health and Human Services to reimburse pharmacies for dispensing covered brand name and generic drugs under the MaineCare program based on a formula that includes calculated wholesale acquisition cost plus 6.7% and a dispensing fee of \$3.35 per prescription and allows the department to adopt routine technical rules. The formula applies to drugs dispensed under the MaineCare program on or after September 26, 2011.

**Committee Amendment "A" (H-563)**

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

This amendment is the majority report of the committee. This amendment replaces the bill. The amendment:

1. Authorizes pharmacies to charge MaineCare members copayments for prescription drugs dispensed and allows pharmacies to refuse to dispense if copayments are not paid as long as certain procedures are in place and are followed by the Department of Health and Human Services and the pharmacies;
2. Adds a provision requiring notice to MaineCare members of copayment requirements;
3. Provides an effective date for the statutory changes upon amendment and federal approval of the Medicaid state plan but no earlier than October 1, 2011;
4. Directs the Department of Health and Human Services to review the cost of dispensing a prescription drug under the MaineCare program, to review other information available on pharmacy reimbursement and to report by January 15, 2012 to the Joint Standing Committee on Health and Human Services with recommendations regarding the dispensing fee; and
5. Adds an appropriations and allocations section.

### **Senate Amendment "A" To Committee Amendment "A" (S-345)**

This amendment strikes the appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2011, chapter 458 amends MaineCare pharmacy benefits for MaineCare members, making the pharmacy copay mandatory by enacting the following:

1. Authorizing pharmacies to charge MaineCare members copayments for prescription drugs dispensed and allowing pharmacies to refuse to dispense if copayments are not paid as long as certain procedures are in place and are followed by the Department of Health and Human Services and the pharmacies;
2. Adding a provision requiring notice to MaineCare members of copayment requirements;
3. Providing an effective date for the statutory changes upon amendment and federal approval of the Medicaid state plan but no earlier than October 1, 2011; and
4. Directing the Department of Health and Human Services to review the cost of dispensing a prescription drug under the MaineCare program, to review other information available on pharmacy reimbursement and to report by January 15, 2012 to the Joint Standing Committee on Health and Human Services with recommendations regarding the dispensing fee.

**LD 353      An Act Regarding Agencies Contracted by the Department of Health  
and Human Services To Provide Regulatory Oversight and Billing  
Services**

**ONTP**

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

This bill requires the Department of Health and Human Services to adopt rules regarding contracts for regulatory oversight and billing services for service providers to require proof that the contractor has obtained financial securitization for all financial obligations, even if the contractor ceases doing business.