

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH 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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STATE OF MAINE
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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 125th 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 125th 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 360

An Act To Amend the Maine Certificate of Need Act of 2002

PUBLIC 424

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKANE SNOWE-MELLO	OTP-AM MAJ OTP-AM MIN	H-625 H-661 STRANG BURGESS

Under current law, before introducing additional health care services and procedures in a market area, a person must apply for and receive a certificate of need from the Department of Health and Human Services. This bill eliminates that requirement.

Committee Amendment "A" (H-625)

This amendment is the majority report of the committee. The amendment replaces the bill and does the following.

Part A amends certificate of need laws by raising thresholds for review, providing for later threshold increases tied to the Consumer Price Index medical care services index and eliminating the certificate of need requirements for the purchase of replacement equipment. The amendment includes a threshold of \$3,000,000 for capital expenditures for a new health service by a new or existing health care facility. The amendment exempts from the requirement of a certificate of need process certain capital expenditures by health care facilities that have been certified by the Efficiency Maine Trust as cost-effective and requires the trust to develop and implement a process for certification.

Part B amends the certificate of need laws by increasing the threshold for nursing facility projects, providing for later threshold increases tied to the Consumer Price Index, limiting MaineCare budget neutrality requirements and the MaineCare nursing facility funding pool to apply solely to projects that propose to add additional nursing facility beds to the total inventory of beds within the State, making other changes to certificate of need laws and clarifying that projects need to comply with the principles of the Maine Quality Forum only when such standards are directly applicable to nursing facility projects.

Part C requires the Department of Health and Human Services to amend its rules on certificate of need by January 1, 2012 to permit applications to be filed at any time, rather than on a cycle, and to allow applicants to waive having a technical assistance meeting. It also requires the Department of Health and Human Services to convene a stakeholder group to review certificate of need laws and rules.

Part D shortens by half the time periods in the laws on the application and review processes for certificate of need.

Part E adds an appropriations and allocations section.

Part F adds an effective date of February 15, 2012 except that the provision requiring the Department of Health and Human Services to amend its rules to permit certificate of need applications to be filed at any time takes effect December 1, 2011 and the provision requiring the department to convene a stakeholder group takes effect October 1, 2011.

Committee Amendment "B" (H-626)

This amendment is the minority report of the committee. The amendment replaces the bill and does the following.

Part A amends certificate of need laws by raising thresholds for review, providing for later threshold increases tied to the Consumer Price Index medical care services index and eliminating the certificate of need requirements for the purchase of replacement equipment. The amendment includes a threshold of \$1,000,000 for capital expenditures for

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a new health service by a new or existing health care facility. The amendment exempts from the requirement of a certificate of need process certain capital expenditures by health care facilities that have been certified by the Efficiency Maine Trust as cost-effective and requires the trust to develop and implement a process for certification.

Part B amends the certificate of need laws by increasing the threshold for nursing facility projects, providing for later threshold increases tied to the Consumer Price Index, limiting MaineCare budget neutrality requirements and the MaineCare nursing facility funding pool to apply solely to projects that propose to add additional nursing facility beds to the total inventory of beds within the State, making other changes to certificate of need laws and clarifying that projects need to comply with the principles of the Maine Quality Forum only when such standards are directly applicable to nursing facility projects.

Part C requires the Department of Health and Human Services to amend its rules on certificate of need by January 1, 2012 to permit applications to be filed at any time, rather than on a cycle, and to allow applicants to waive having a technical assistance meeting. It also requires the Department of Health and Human Services to convene a stakeholder group to review certificate of need laws and rules.

Part D shortens by half the time periods in the laws on the application and review processes for certificate of need.

Part E adds an appropriations and allocations section.

Part F adds an effective date of February 15, 2012 except that the provision requiring the Department of Health and Human Services to amend its rules to permit certificate of need applications to be filed at any time takes effect December 1, 2011 and the provision requiring the department to convene a stakeholder group takes effect October 1, 2011.

House Amendment "A" To Committee Amendment "A" (H-661)

This amendment lowers the threshold of capital expenditures for which a new health care facility other than a nursing facility must obtain a certificate of need from \$10,000,000 to \$3,000,000. This amendment reinforces the authority of the Department of Health and Human Services to approve the conversion of nursing facility beds to residential care beds and the delicensing, selling and transferring of nursing facility beds. It requires the department to determine that any increase in residential care costs for the MaineCare program are offset by reductions in nursing facility costs. It eliminates the costs for the committee amendment and the need for appropriations and allocations.

Enacted Law Summary

Public Law 2011, chapter 424 does the following.

Part A amends certificate of need laws by raising thresholds for review, providing for later threshold increases tied to the Consumer Price Index medical care services index and eliminating the certificate of need requirements for the purchase of replacement equipment. The law includes a threshold of \$3,000,000 for capital expenditures for a new health service by a new or existing health care facility. The law exempts from the requirement of a certificate of need process certain capital expenditures by health care facilities that have been certified by the Efficiency Maine Trust as cost-effective and requires the trust to develop and implement a process for certification.

Part B amends the certificate of need laws by increasing the threshold for nursing facility projects, providing for later threshold increases tied to the Consumer Price Index, limiting MaineCare budget neutrality requirements and the MaineCare nursing facility funding pool to apply solely to projects that propose to add additional nursing facility beds to the total inventory of beds within the State, making other changes to certificate of need laws and clarifying that projects need to comply with the principles of the Maine Quality Forum only when such standards are directly applicable to nursing facility projects. The law reinforces the authority of the Department of Health and Human Services to approve the conversion of nursing facility beds to residential care beds and the delicensing, selling and transferring of nursing facility beds. It requires the department to determine that any increase in residential care costs for the MaineCare program are offset by reductions in nursing facility costs.

Joint Standing Committee on Health and Human Services

Part C requires the Department of Health and Human Services to amend its rules on certificate of need by January 1, 2012 to permit applications to be filed at any time, rather than on a cycle, and to allow applicants to waive having a technical assistance meeting. It also requires the Department of Health and Human Services to convene a stakeholder group to review certificate of need laws and rules.

Part D shortens by half the time periods in the laws on the application and review processes for certificate of need.

Part E adds an appropriations and allocations section.

Part F adds an effective date of February 15, 2012 except that the provision requiring the Department of Health and Human Services to amend its rules to permit certificate of need applications to be filed at any time takes effect December 1, 2011 and the provision requiring the department to convene a stakeholder group takes effect October 1, 2011.

**LD 376 Resolve, To Complete the Timely and Appropriate Redesign of Shared Living Services for Adults with Intellectual Disabilities and Autism **RESOLVE 30
EMERGENCY****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STUCKEY	OTP-AM	H-81

This resolve requires the Department of Health and Human Services to complete the redesign of shared living and other home foster care services for adults with cognitive and intellectual disabilities and autism by April 15, 2011.

Committee Amendment "A" (H-81)

This amendment replaces the resolve. It requires the Department of Health and Human Services to continue to work on the redesign of its shared living program and to report on its progress to the Joint Standing Committee on Health and Human Services by September 1, 2011 and December 15, 2011.

Enacted Law Summary

Resolve 2011, chapter 30 requires the Department of Health and Human Services to continue to work on the redesign of its shared living program and to report on its progress to the Joint Standing Committee on Health and Human Services by September 1, 2011 and December 15, 2011.

Resolve 2011, chapter 30 was passed as an emergency measure effective May 9, 2011.

LD 388 An Act To Allow a Personal Representative To Obtain a Copy of a Death Certificate and To Direct the Department of Health and Human Services To Amend Its Rules Governing Vital Records Fees **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNAPP SULLIVAN	ONTP	

This bill allows a personal representative to obtain a copy of the death certificate of the person who made the will designating that personal representative. It also directs the Department of Health and Human Services, Maine