

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

STAFF:

JANE ORBETON, SENIOR ANALYST
ANNA BROOME, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
&
CHRIS NOLAN
OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1635

MEMBERS:

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SEN. NICHI S. FARNHAM
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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

Enacted Law Summary

Public Law 2011, chapter 144 amends the Radon Registration Act by updating the lead agency name, clarifying who the act applies to and making new construction comply with the Maine Uniform Building and Energy Code.

LD 636 An Act To Ensure Proper Health Information Management

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT	ONTP MAJ OTP MIN	

This bill requires a hospital, beginning January 1, 2012, to employ a certified director of health information management.

LD 646 An Act To Ensure the Safety of Children in the MaineCare Program Who Are Prescribed Antipsychotic Medications

Carried Over

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

This bill provides specific requirements for the provision of antipsychotic medications to children in the MaineCare program. It provides for uses approved and for uses not approved by the United States Department of Health and Human Services, Food and Drug Administration. It provides for documentation in the child's health care record and for monitoring for effectiveness and side effects. It directs the Department of Health and Human Services to adopt routine technical rules to implement the new requirements.

Committee Amendment "A" (H-408)

This amendment replaces the bill with a resolve establishing a committee to consider the current case management and coordination of care for children who are prescribed antipsychotic medications and to make recommendations for improvement in the care of such children. The Department of Health and Human Services is required to report the committee's findings and recommendations to the Joint Standing Committee on Health and Human Services not later than January 15, 2012.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 654 An Act To Amend the Occupational Disease Reporting Laws

PUBLIC 337

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

Joint Standing Committee on Health and Human Services

This bill amends the laws governing occupational disease reporting to clarify who must report occupational diseases to the Department of Health and Human Services to be consistent with the mandated reporters designated in the rules for notifiable diseases and conditions adopted under the Maine Revised Statutes, Title 22, section 802. The bill also revises the confidentiality provision to allow the identification of the site of employment where an occupational disease has occurred to the Department of Labor, Bureau of Labor Standards.

Enacted Law Summary

Public Law 2011, chapter 337 amends the laws governing occupational disease reporting to clarify who must report occupational diseases to the Department of Health and Human Services to be consistent with the mandated reporters designated in the rules for notifiable diseases and conditions adopted under the Maine Revised Statutes, Title 22, section 802. It also revises the confidentiality provision to allow the identification of the site of employment where an occupational disease has occurred to the Department of Labor, Bureau of Labor Standards.

LD 674 An Act To Authorize the Department of Health and Human Services To ONTP
Administratively Suspend or Revoke Facility Licenses

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

This bill authorizes the Department of Health and Human Services to administratively suspend or revoke a license, after notice and opportunity for a hearing is given to a licensee, when the licensee fails to comply with applicable licensing laws and rules. This bill does not apply to emergency suspensions and revocations of a license for which the department seeks a court order. The bill retains the statutory alternative that allows the department, at its discretion, to initiate court action to suspend or revoke a license when a licensee fails to comply with applicable licensing laws and rules. The bill applies to licenses for residential care facilities, assisted housing programs, drug treatment and mental health centers, children's residential treatment, child placing agencies, child care facilities, family child care, nursery schools, adult day care programs, residential mental health and substance abuse treatment facilities and children's homes, which includes family and specialized foster homes and shelters.

LD 678 Resolve, To Improve Health Outcomes for MaineCare Members in ONTP
Managed Care

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK CRAVEN	ONTP	

This resolve directs the Department of Health and Human Services to provide financial incentives to managed care organizations and persons who contract to deliver managed care to MaineCare members for reducing avoidable use of hospital emergency department services.