

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



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

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

June 2012

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STATE OF MAINE

125TH LEGISLATURE
SECOND REGULAR SESSION



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 Second 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.

<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; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation 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>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 125th Legislature is Thursday, August 30, 2012. 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

Part D eliminates as a separate and distinct office the Office of Adult Mental Health Services.

Part E eliminates the Office of Advocacy and directs the department to contract with an agency to provide services to individuals with intellectual disabilities and autism.

Part F directs the commissioner to review the current organizational structure, systems and operations of the department and restructure the department in order to improve and streamline services. Part F also requires the commissioner and the State Budget Officer to provide a report to the joint standing committees of the Legislature having jurisdiction over health and human services matters and appropriations and financial affairs outlining the progress towards the new organizational structure and any transferred amounts.

Part G makes appropriations and allocations to support this restructuring and authorizes the State Budget Officer to transfer positions, appropriations and allocations between accounts and line categories by financial order upon approval of the Governor.

Committee Amendment "A" (S-533)

This amendment is the majority report of the committee. The amendment clarifies that the authority of the Commissioner of Health and Human Services to restructure the Department of Health and Human Services is limited to actions to achieve the enacted provisions. The amendment corrects errors in the designation of fiscal years, requires the report from the Commissioner of Health and Human Services and the State Budget Officer by December 1, 2012 and requires another report by June 30, 2013. The amendment corrects appropriations and allocations in Part G. The amendment to Part G keeps as departmental personnel the intensive case managers who are connected to correctional facilities. The amendment retains the provisions of the bill that eliminate the positions of departmental personnel who are intensive case managers for adult mental health clients of the department and contract out that service.

This amendment also amends certain sections of the bill to incorporate changes to the laws in Public Law 2011, chapters 477 and 542.

Senate Amendment "A" To Committee Amendment "A" (S-541)

This amendment restores 21 positions in the Mental Health Services - Community program and restores 4 positions associated with the restructuring of the Department of Health and Human Services, Office of Substance Abuse and Office of Adult Mental Health Services.

House Amendment "A" To Committee Amendment "A" (H-934)

This amendment restores 21 positions in the Mental Health Services - Community program and restores 4 positions associated with the restructuring of the Department of Health and Human Services, Office of Substance Abuse and Office of Adult Mental Health Services.

This bill was not enacted. The provisions of the bill were included in the second DHHS supplemental budget, LD 1746, enacted as Public Law 2011, chapter 657, Parts AA to FF.

LD 1888

An Act To Strengthen the State's Ability To Investigate and Prosecute Misuse of Public Benefits

PUBLIC 687

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCORMICK	OTP-AM MAJ OTP-AM MIN	S-542 S-608 ROSEN R

Joint Standing Committee on Health and Human Services

This bill provides successor liability for all health care providers in the MaineCare program; prohibits misuse of public benefits instruments; authorizes administrative recovery of improperly received municipal general assistance and MaineCare benefits; bans the use of electronic benefits transfer system benefits at liquor stores, gambling facilities and adult entertainment businesses; criminalizes the trafficking of electronic benefits by making the unauthorized transfer or possession of electronic benefits devices a Class D crime; conforms Maine law to federal requirements regarding suspension of payments to MaineCare providers upon determination of a credible allegation of fraud; and adds 8 Fraud Investigator and 2 Office Associate II positions to the Department of Health and Human Services, Office of Family Independence.

Committee Amendment "A" (S-542)

This amendment is the majority report of the committee. The amendment removes from the bill a provision regarding the scope of administrative hearings with regard to appeals of suspensions of payments for credible allegations of fraud. The amendment adds a provision on confidentiality. The amendment authorizes the Department of Health and Human Services to adopt by rule a procedure for expedited relief from suspension of payments. The amendment revises the requirement on adoption of rules and requires rules to define "credible allegation of fraud" and to provide exception and appeal procedures as required by and in accordance with the requirements of federal law and regulations. The amendment narrows the definition of "overpayment" with respect to certain public assistance program benefits. The amendment provides that the provisions concerning credible allegations of fraud and MaineCare provider payment suspensions are repealed if Section 6402(h)(2) of the federal Patient Protection and Affordable Care Act of 2010 and 42 Code of Federal Regulations, Part 455 are invalidated by the United States Supreme Court.

Senate Amendment "A" To Committee Amendment "A" (S-608)

This amendment delays the funding for the positions provided in Committee Amendment "A" until January 1, 2013, and adjusts the appropriations and allocations section accordingly.

Enacted Law Summary

Public Law 2011, chapter 687 establishes successor liability for all health care providers in the MaineCare program; prohibits misuse of public benefits instruments; authorizes administrative recovery of improperly received municipal general assistance and MaineCare benefits; bans the use of electronic benefits transfer system benefits at liquor stores, gambling facilities and adult entertainment businesses; criminalizes the trafficking of electronic benefits by making the unauthorized transfer or possession of electronic benefits devices a Class D crime; conforms Maine law to federal requirements regarding suspension of payments to MaineCare providers upon determination of a credible allegation of fraud; and adds 8 Fraud Investigator and 2 Office Associate II positions to the Department of Health and Human Services, Office of Family Independence effective January 1, 2013.

LD 1902 Resolve, Regarding Legislative Review of Chapter 30: Maine Uniform Accounting and Auditing Practices for Community Agencies, a Major Substantive Rule of the Department of Health and Human Services

**RESOLVE 157
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM MAJ
OTP MIN

H-914

This resolve provides for legislative review of Chapter 30: Maine Uniform Accounting and Auditing Practices for Community Agencies, a major substantive rule of the Department of Health and Human Services.

Committee Amendment "A" (H-914)

This amendment is the majority report of the committee. The amendment provides that the rule is approved only if it