

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

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:

SEN. EARLE L. MCCORMICK, CHAIR
SEN. NICHI S. FARNHAM
SEN. MARGARET M. CRAVEN

REP. MEREDITH N. STRANG BURGESS, CHAIR
REP. LESLIE T. FOSSEL
REP. RICHARD S. MALABY
REP. BETH A. O'CONNOR
REP. DEBORAH J. SANDERSON
REP. HEATHER W. SIROCKI
REP. MARK W. EVES
REP. MATTHEW J. PETERSON
REP. LINDA F. SANBORN
REP. PETER C. STUCKEY

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

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

Joint Standing Committee on Health and Human Services

is amended to reflect that restricted revenue is income from organizations and individuals that require the funds to be used for a specific purpose within a program and unrestricted revenue is revenue from funding sources to a community agency that is not restricted for a particular purpose within a program by the donor. The rule must reflect that revenue that has been designated to a specific program, but not for a specific purpose, is considered unrestricted revenue.

Enacted Law Summary

Resolve 2011, chapter 157 approves the major substantive rule if it is amended to reflect that restricted revenue is income from organizations and individuals that require the funds to be used for a specific purpose within a program and unrestricted revenue is revenue from funding sources to a community agency that is not restricted for a particular purpose within a program by the donor. The rule must reflect that revenue that has been designated to a specific program, but not for a specific purpose, is considered unrestricted revenue.

Resolve 2011, chapter 157 was finally passed as an emergency measure effective April 18, 2012.

LD 1909 An Act To Simplify the Certificate of Need Process and Lessen the Regulatory Burden on Providers

PUBLIC 648

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill is the report of the Joint Standing Committee on Health and Human Services pursuant to Public Law 2011, chapter 424. It amends the Maine Certificate of Need Act of 2002 as follows.

1. The bill modifies the definition of "person directly affected by a review" to conform to provisions that permit 5 persons in a health service area to request a hearing.
2. The bill standardizes and simplifies the process for submission of a department-approved annual report form on reserved beds. The report must be submitted on or before July 1st of each year. Annual reports may be submitted by an individual facility or on behalf of multiple facilities by a single filing by a department-approved membership organization. This change will eliminate the requirement that facilities submit multiple reports on multiple dates throughout the year on the anniversary date the facility established the bed as a reserved bed.
3. The bill requires divisions within the Department of Health and Human Services that are responsible for licensing and MaineCare reimbursement for nursing facilities and residential care facilities to work cooperatively to review and consider approving transfers between nursing facilities and residential care facilities on an expedited basis and to review and consider approving projects that expand nursing facility bed capacity on an expedited basis. This provision is included because residential care beds are managed by the Bureau of Elder and Adult Services and nursing facility beds are managed by the Division of Licensing and Regulatory Services.
4. The bill clarifies that projects may be reviewed on a competitive basis when the projects propose the same or similar services.
5. The bill permits contacts with the Commissioner of Health and Human Services or the department regarding certificate of need applications and letters of intent as long as these communications are made part of the record.
6. The bill exempts from the Bureau of Insurance actuarial analysis, in addition to nursing facility projects, any project that qualifies for simplified review. The bill removes reference to review cycles, consistent with Public Law 2011, chapter 424.