

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2013

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*Rep. Jane P. Pringle temporarily appointed for the duration of the absence of Rep. Matthew Peterson on the Health and Human Services Committee

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th 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 126th Legislature is October 9, 2013. 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 536 An Act To Improve the Efficiency of Use of MaineCare Funds

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING-SPITZ CRAVEN	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the law and direct the Department of Health and Human Services to amend its rules to ensure that a person who has applied for MaineCare coverage is discharged from the hospital to a rehabilitation facility promptly as appropriate to that person's medical condition. The purpose of the bill will be to ensure appropriate care in the appropriate setting and to decrease inappropriate hospital use.

LD 537 An Act To Help Maine Residents Receive Private Health Care Insurance

**ACCEPTED
MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY HAMPER	ONTP OTP-AM	

This bill provides that, as a condition of eligibility for MaineCare, individuals must apply for enrollment in an employer's group health plan. The bill makes clear that the employer's group health plan is the primary coverage and any MaineCare benefits are secondary.

Committee Amendment "A" (H-367)

This amendment is the minority report of the committee. This amendment strikes the bill but retains and reallocates the provision prohibiting an individual from accepting anything of value in exchange for not enrolling in the individual's employer's group health plan.

LD 538 An Act To Align Costs Recognized for Transfer of Nursing Facilities and Residential Care Facilities with Ordinary Commercial and Government Contracting Standards

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON HAMPER	OTP-AM ONTP	

This bill provides that, to align treatment of long-term care providers with other government contractors and typical private transactions, MaineCare depreciation recapture from sellers of nursing facilities and residential care facilities does not apply to any sales on or after July 1, 2012.

Committee Amendment "A" (H-516)

This amendment is the majority report of the committee. This amendment provides a new methodology under the MaineCare program for calculating recapture of depreciation upon the sale of a nursing facility. The amendment requires the Department of Health and Human Services to apply for a state plan amendment to enable the use of the new methodology and makes the effective date of the provision of law that establishes the new methodology contingent upon the approval by the United States Department of Health and Human Services, Centers for Medicare

Joint Standing Committee on Health and Human Services

and Medicaid Services of the state plan amendment. The amendment also provides a new methodology for recapturing depreciation upon the sale of residential care facilities for which reimbursement for room and board costs, including depreciation, is provided by the Department of Health and Human Services. The methodology is similar to the methodology used for nursing facilities.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 539 An Act To Ensure Parity in the Ability To Counsel Patients ONTP

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

This bill adds licensed clinical professional counselors to the list of persons who may provide counseling to a minor in connection with the minor's decision regarding pregnancy.

LD 579 Resolve, To Clarify and Improve the Eligibility Process for Services for Persons with Intellectual Disabilities or Autism ONTP

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

This resolve directs the Department of Health and Human Services to undertake a process to update the criteria for eligibility for services for persons with intellectual disabilities or autism. The resolve directs the department to convene a stakeholder group to develop a guide to the application and eligibility process. The resolve directs the department to adopt routine technical rules relating to the department's intellectual disabilities complex case committee. The resolve designates both sets of rules as routine technical rules and requires adoption of the rules by January 1, 2014.

LD 597 An Act To Inform Persons of the Options for the Treatment of Lyme Disease PUBLIC 340

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRIGGS CRAVEN	OTP-AM OTP-AM	H-184 H-453 BRIGGS

This bill directs the Maine Center for Disease Control and Prevention to include on its publicly accessible website information about different alternatives for the treatment of Lyme disease. The bill also requires the center to include information about treatment guidelines recommended by the Infectious Diseases Society of America, which represents physicians, scientists and other health care professionals who specialize in infectious diseases, and the International Lyme and Associated Diseases Society, an international nonprofit multidisciplinary medical society. The bill directs the center to work with health care professionals to inform patients about different alternatives for the treatment of Lyme disease.

Committee Amendment "A" (H-184)

This amendment, which is the majority report of the committee, replaces the bill. It requires any health care