

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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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 969 Resolve, Directing the Department of Health and Human Services To Reduce and Limit the Adult Developmental Services Waiting Lists by Implementing a More Efficient, Responsive and Individualized Model of Service Delivery

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STUCKEY CRAVEN	OTP-AM	H-431

This resolve requires the Department of Health and Human Services to request approval from the federal Centers for Medicare and Medicaid Services to amend the MaineCare waivers for Section 21, Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder, and Section 29, Support Benefits for Adults with Intellectual Disabilities or Autistic Disorder, to permit the reimbursement for the use of appropriate electronic technology as a means of reducing the costs of supporting people currently being served. It also requires the department to apply to the Centers for Medicare and Medicaid Services to amend the Section 29 waiver to add as a covered service home support as an option under the current service cap. Home support is direct support provided to a member in the member's home by a direct support professional to improve and maintain the member's ability to live as independently as possible in the member's own home and primarily consists of personal assistance, such as preparing meals, cleaning and personal care. Upon the granting of the amended waivers, the department is required to undertake rulemaking to amend the Section 21 and 29 rules to reflect the changes in the waiver. Any savings from the use of electronic technology and the provision of home support services must be used to serve additional people on Sections 21 and 29 waiting lists.

The resolve also requires the Department of Health and Human Services to report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Appropriations and Financial Affairs on the status of the recommendations of the adult developmental services working group formed pursuant to Public Law 2011, chapter 477, Part W, section 1. The department is required to develop a plan to incorporate the recommendations of the working group, including specific steps and a timeline with a goal that current and future waiting lists do not exceed 6 months.

Committee Amendment "A" (H-431)

This amendment changes the deadline for the Department of Health and Human Services to submit the application for 2 MaineCare waivers from July 1, 2013 to October 1, 2013. This amendment also changes the goal of a maximum of 6 months for current and future waiting lists to a maximum of 6 months for future waiting lists.

See also LD 8.

LD 986 Resolve, To Establish the Commission To Study Long-term Care Facilities

**RESOLVE 78
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS MAKER	OTP-AM	S-201 S-325 GOODALL

This resolve establishes the Commission To Study Long-term Care Facilities. The commission has 13 members and is required to report by December 4, 2013.

Committee Amendment "A" (S-201)

The resolve establishes the Commission To Study Long-term Care Facilities. This amendment changes the

Joint Standing Committee on Health and Human Services

membership of the commission so that it consists of 7 Legislators, one representative of a nursing facility, 2 representatives of long-term care facilities, one director of a long-term care ombudsman program, one person representing a municipality and one person representing the Governor's office or the Governor's administration. This amendment adds to the duties of the commission duties derived from 3 bills that were before the Joint Standing Committee on Health and Human Services, Legislative Document 928, Legislative Document 1245 and Legislative Document 1246. The amendment authorizes the chairs of the commission to establish subcommittees composed of interested persons, including representatives of nursing facilities with a high percentage of residents whose care is reimbursed through the MaineCare program, individuals with specialized knowledge in implementing an acuity-based staffing system, individuals with expertise in acuity-based reimbursement systems, a representative of an agency that provides services to the elderly and any other persons with experience or interest in nursing facility care. The amendment directs the commission to submit a report with findings and recommendations to the 126th Legislature by December 4, 2013.

Senate Amendment "A" To Committee Amendment "A" (S-325)

This amendment modifies the membership of the Commission To Study Long-term Care Facilities to reduce the number of Legislators from 7 to 5 and adds an emergency preamble and emergency clause.

Enacted Law Summary

Resolve 2013, chapter 78 establishes the Commission To Study Long-term Care Facilities. The membership of the commission consists of 7 legislators, one representative of a nursing facility, 2 representatives of long-term care facilities, one director of a long-term care ombudsman program, one person representing a municipality and one person representing the Governor's office or the Governor's administration. The duties of the commission are derived from 3 bills that were before the Joint Standing Committee on Health and Human Services, Legislative Document 928, Legislative Document 1245 and Legislative Document 1246. The chairs of the commission are authorized to establish subcommittees composed of interested persons, including representatives of nursing facilities with a high percentage of residents whose care is reimbursed through the MaineCare program, individuals with specialized knowledge in implementing an acuity-based staffing system, individuals with expertise in acuity-based reimbursement systems, a representative of an agency that provides services to the elderly and any other persons with experience or interest in nursing facility care. The resolve directs the commission to submit a report with findings and recommendations to the 126th Legislature by December 4, 2013.

See also LD 928, 1245 and 1246.

Resolve 2013, chapter 78 was finally passed as an emergency measure effective July 16, 2013.

LD 990 An Act To Require Public Disclosure of Health Care Prices

PUBLIC 332

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODBURY	OTP-AM	S-202

This bill requires health care practitioners to maintain and make available to clients a price list of their most frequently provided services and procedures. The prices stated are the prices charged to a patient when there is no insurance coverage or when reimbursement by an insurance company is denied.

Committee Amendment "A" (S-202)

This amendment retains the provisions of the bill that require a health care practitioner to maintain and make available to clients a price list of the health care practitioner's most frequently provided services and procedures. The amendment exempts pharmacists from the consumer information requirements. The amendment adds a requirement that the prices must be accompanied by the applicable standard medical codes listed by diagnosis. The amendment requires health care practitioners to make available written information on health claims data that may