

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
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

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
&
CHRISTOPHER NOLAN
OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1635

MEMBERS:

SEN. MARGARET M. CRAVEN, CHAIR
SEN. COLLEEN M. LACHOWICZ
SEN. JAMES M. HAMPER

REP. RICHARD R. FARNSWORTH, CHAIR
REP. JANE P. PRINGLE*
REP. PETER C. STUCKEY
REP. KATHERINE W. CASSIDY
REP. ANN E. DORNEY
REP. DREW M. GATTINE
REP. DEBORAH J. SANDERSON
REP. RICHARD S. MALABY
REP. HEATHER W. SIROCKI
REP. CAROL A. MCELWEE
REP. HENRY JOHN BEAR

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

STATE OF MAINE

126TH LEGISLATURE
FIRST REGULAR SESSION



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

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

Joint Standing Committee on Health and Human Services

be obtained through the publicly accessible website of the Maine Health Data Organization.

Enacted Law Summary

Public Law 2013, chapter 332 requires 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 law exempts pharmacists from the consumer information requirements. The law adds a requirement that the prices must be accompanied by the applicable standard medical codes listed by diagnosis. The law requires health care practitioners to make available written information on health claims data that may be obtained through the publicly accessible website of the Maine Health Data Organization.

**LD 1014 An Act To Improve Law Enforcement Access to Prescription
Monitoring Program Data**

**ACCEPTED
MINORITY
(ONTP) REPORT**

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

This bill is a product of the Maine Prescription Drug Abuse Task Force established by the Governor and the Attorney General through Executive Order 2012-002. This bill allows a law enforcement agency access to prescription monitoring program information only for an active law enforcement investigation. Information provided to a law enforcement agency remains confidential and must be safeguarded in the same manner as other investigative information.

Committee Amendment "A" (H-343)

This amendment is the majority report of the committee. This amendment retains the intent and effect of the bill but limits the context of a request for information from the Controlled Substances Prescription Monitoring Program by law enforcement to an active investigation involving a prescription drug offense. This amendment requires the Department of Health and Human Services, in consultation with the Attorney General, to adopt routine technical rules regarding the manner of communicating requests for information from the program.

**LD 1029 Resolve, Directing the Department of Health and Human Services To
Amend Its Rules Pertaining to a Request for Mental Health Records**

ONTP

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

Current rules of the Department of Health and Human Services allow a recipient of mental health services or the recipient's parent or legal guardian to review the recipient's mental health records within a reasonable amount of time. This resolve directs the department to amend its rules to allow for reviewing those records on a daily basis.