

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



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

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

May 2014

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**STATE OF MAINE**  
126<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION  
**LEGISLATIVE DIGEST OF BILL SUMMARIES AND**  
**ENACTED LAWS**

The *Digest* is arranged 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.

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 Second Regular Session of the 126<sup>th</sup> Legislature is August 1, 2014. 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 1584      Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 21: Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services**

**RESOLVE 84  
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
|                   | OTP                     |                           |

This resolve provides for legislative review of portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 21: Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autistic Disorder, a major substantive rule of the Department of Health and Human Services.

**Enacted Law Summary**

Resolve 2013, chapter 84 provides for legislative review and approval of portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 21: Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autistic Disorder, a major substantive rule of the Department of Health and Human Services.

Resolve 2013, chapter 84 was finally passed as an emergency measure effective February 26, 2014.

**LD 1592      An Act To Improve and Modernize the Authority of Local Health Inspectors**

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| COOPER<br>CRAVEN  | ONTP                    |                           |

This bill directs the Department of Health and Human Services to train local health inspectors to perform limited inspections for health and safety violations of establishments such as restaurants and lodging places. The bill requires a local health inspector who performs an inspection and finds a health and safety violation that poses an imminent threat to the public health and welfare to order the immediate and temporary closing of the establishment. The bill provides that an order to temporarily close an establishment issued by a local health inspector remains in effect until the department issues an order requiring the establishment to remain closed or allowing the establishment to reopen. The bill provides that an inspection conducted by a local health inspector and an order issued pursuant to that inspection do not affect the requirement of a determination of compliance with state licensing requirements every two years as required by current law. The bill requires the department to adopt routine technical rules to implement the new training provision.

**LD 1594      Resolve, To Review and Make Recommendations on Challenges, Gaps and Inefficiencies in Maine's Emergency Crisis Hotline and "Warm Line" Services**

**Veto Sustained**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DORNEY<br>CRAVEN  | OTP-AM<br>ONTP          | H-683<br>H-745 DORNEY     |

## *Joint Standing Committee on Health and Human Services*

This resolve requires the Commissioner of Health and Human Services to combine all of the Department of Health and Human Services' toll-free emergency crisis telephone lines under one toll-free crisis call-in number to be staffed by trained personnel who will assist callers or refer callers to other services as appropriate 24 hours per day, seven days per week. Any money saved must be used to fund a public information advertisement campaign to inform the public about the new toll-free crisis call-in number.

### **Committee Amendment "A" (H-683)**

This amendment is the majority report of the committee. This amendment replaces the resolve with a resolve directing the Department of Health and Human Services to convene a working group. The working group is required to review the current system for emergency crisis hotline and so-called warm line services and review the report entitled "Peer and Crisis Services" prepared by the Consumer Council System of Maine for the department's Office of Substance Abuse and Mental Health Services and incorporate suggestions from the report in the working group's findings and recommendations. The working group is required to review the benefits and costs of a single easily identifiable telephone number and triage and dispatch system, make recommendations for emergency crisis services hotline and "warm line" services and determine the necessary staffing. The working group is also required to report its findings and recommendations to the department, and the department is required to report those findings and recommendations, together with any necessary legislation, to the Joint Standing Committee on Health and Human Services by November 4, 2014 or by the date that the department issues a new request for proposals for emergency crisis services in 2014, whichever date comes first.

### **House Amendment "A" To Committee Amendment "A" (H-745)**

This amendment amends Committee Amendment "A." The amendment removes the emergency preamble and emergency clause and changes the date by which the working group must convene from April 1, 2014 to no later than two weeks after adjournment of the Second Regular Session of the 126th Legislature.

### **LD 1595     An Act To Preserve Access to Nursing Home Care by Correcting Chronic Shortfalls in MaineCare Reimbursement**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

| <u>Sponsor(s)</u>     | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| FARNSWORTH<br>PATRICK |                         |                           |

This bill provides for an increase in MaineCare payments to nursing homes to address a chronic shortfall between audited MaineCare allowable costs and payments for those costs; implements a pay-for-performance program to reward strong performance by nursing homes; and provides for a supplemental payment for facilities at which a high percentage of patients are MaineCare patients.

The Department of Health and Human Services is authorized to adopt emergency rules to take effect retroactively to July 1, 2014 for the establishment of the supplemental MaineCare payments to nursing homes that serve a high percentage of MaineCare residents.

The bill also appropriates state funds and allocates matching federal funds for this increase in MaineCare reimbursement to nursing facilities in the 2014-2015 biennium. See LD 1776 for nursing facilities reimbursement issues.