

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH 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
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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 HOUSESHouse & 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
EMERGENCYenacted 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 126th 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

entering the out-of-home setting of the abuse or neglect.

6. It amends the laws governing the investigative duties of the out-of-home abuse and neglect investigating team and clarifies the duty of the team to eliminate the collection of redundant information to the extent possible. It specifies that the team must complete an investigation of issues involving licensure within six months from the start of the investigation in most cases. It requires the team to include relevant professionals outside the Department of Health and Human Services or service center as members of the team for investigations of schools or other settings that provide supervisory care for children. It specifies that, in the case of an allegation of abuse and neglect outside of the home of a child in a facility or by a person not subject to licensure by the department, the team must refer the case to the agency or department charged with the responsibility to conduct a separate investigation to determine if licensure or certification action is necessary.

Committee Amendment "A" (H-667)

This amendment replaces the bill with a resolve directing the Department of Health and Human Services to convene a working group to review current laws and the scope of departmental authority with respect to the abuse and neglect of children, to identify gaps in the safety net to protect children from abuse and neglect and to make recommendations to strengthen the protection of children from abuse and neglect. The amendment requires the department to submit a report on behalf of the working group to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services by November 5, 2014.

Enacted Law Summary

Resolve 2013, chapter 99 directs the Department of Health and Human Services to convene a working group to review current laws and the scope of departmental authority with respect to the abuse and neglect of children, to identify gaps in the safety net to protect children from abuse and neglect and to make recommendations to strengthen the protection of children from abuse and neglect. The resolve requires the department to submit a report on behalf of the working group to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services by November 5, 2014.

Resolve 2013, chapter 99 was finally passed as an emergency measure effective April 2, 2014.

LD 1686

An Act To Address Preventable Deaths from Drug Overdose

**PUBLIC 579
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON CRAVEN	OTP-AM OTP-AM	H-712 S-527 HAMPER

This bill authorizes the prescription, possession and administration of opioid antagonists under certain circumstances and provides criminal and civil immunities for such prescription, possession and administration; provides for Medicaid coverage of naloxone hydrochloride using existing resources; authorizes standing orders and collaborative practice agreements for the dispensing of opioid antagonists; provides for an annual report on unintentional drug overdose; and directs the Department of Health and Human Services to make grants from existing resources for various drug overdose prevention projects.

Committee Amendment "A" (H-711)

This amendment is the majority report of the committee. The amendment strikes the emergency preamble and emergency clause. Like the bill, the amendment defines "opioid antagonist" and "opioid-related drug overdose" and authorizes emergency medical personnel to administer opioid antagonists, but the amendment adds a provision authorizing law enforcement officers and municipal firefighters to administer intranasal opioid antagonists. Like the bill, the amendment allows the prescribing and dispensing of an opioid antagonist to a person at risk of an opioid-related drug overdose and to a person who may be in a position to assist an individual experiencing an

Joint Standing Committee on Health and Human Services

opioid-related drug overdose and allows such persons to possess and administer opioid antagonists, but the amendment removes the provisions regarding liability. It clarifies the provision in the bill that provides an exemption from pharmacy license requirements for a person who stores or dispenses an opioid antagonist under a standing order from an appropriate health care professional to provide that the person must be employed by an organization that provides a significant level of services to persons who are actively using drugs or have a history of actively using drugs. Like the bill, the amendment allows collaborative practice between a pharmacist and a health care professional with respect to opioid antagonist therapy, but the amendment expands the provision to include all opioid antagonists, not just naloxone hydrochloride. It removes the provisions of the bill that require the Department of Health and Human Services to make grants from existing resources for drug overdose education projects, to publish an annual report on unintentional drug overdose fatalities in the State and to add naloxone hydrochloride to the department's Medicaid drug formulary.

Committee Amendment "B" (H-712)

This amendment is the minority report of the committee. This amendment clarifies language in the emergency preamble. This amendment retains the provision of the bill that defines "opioid antagonist." This amendment provides that emergency medical personnel may, in accordance with policies applicable to the performance of their duties, administer opioid antagonists in accordance with the provisions of the Maine Revised Statutes, Title 32, chapter 2-B. This amendment authorizes law enforcement officers in accordance with policies adopted by a law enforcement agency and municipal firefighters in accordance with policies adopted by a municipality to administer intranasal opioid antagonists. This amendment strikes provisions of the bill pertaining to grants for drug overdose education projects, an annual report on unintentional drug overdose fatalities in the State, immunity for prescribing, possessing and administering opioid antagonists, Medicaid coverage for opioid antagonists, pharmacy licensure and collaborative practice.

Senate Amendment "A" To Committee Amendment "B" (S-527)

This amendment does the following.

1. It allows certain emergency medical personnel, law enforcement officers and municipal firefighters to administer naloxone hydrochloride.
2. It allows prescribers to prescribe naloxone hydrochloride to persons at risk of an opioid-related drug overdose and members of their family.
3. It allows a family member to possess and administer the drug in the event of a suspected opioid-related drug overdose.

Enacted Law Summary

Public Law 2013, chapter 579 allows the following persons to possess and administer naloxone hydrochloride to a person believed to be experiencing an opioid-related drug overdose: (1) a law enforcement officer in conformance with policies adopted by the law enforcement agency if the law enforcement officer has been trained in administering the drug, (2) a municipal firefighter in conformance with policies adopted by the municipality if the firefighter has been trained in administering the drug, and (3) a family member who was prescribed the drug or who was provided the drug by the individual who was prescribed the drug.

Public Law 2013, chapter 579 was enacted as an emergency measure effective April 29, 2014.