

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
126TH 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 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

3. It adds privacy protections to prevent the release of protected health information for individuals with HIV and individuals undergoing mental health or substance abuse treatment.
4. It requires the Board of Directors of the Maine Health Data Organization to adopt rules to ensure privacy and security protections of data that are equivalent to the requirements in the federal Health Insurance Portability and Accountability Act of 1996.
5. It requires the Board of Directors of the Maine Health Data Organization to provide a definition of "breach" and notifications regarding breaches that are equivalent to the requirements in the federal Health Insurance Portability and Accountability Act of 1996. It requires a breach to be reported to the joint standing committee of the Legislature having jurisdiction over health and human services matters within 30 days of the breach.
6. It requires the Board of Directors of the Maine Health Data Organization to develop rules to establish a complaints procedure for individuals who believe their protected health information has been released inappropriately.
7. It prohibits the Maine Health Data Organization from collecting any clinical data that are different from the data the organization collects as of March 1, 2014 without rulemaking. These rules are major substantive rules.
8. It adds an effective date so that the sections limiting the collection of clinical data and granting rule-making authority go into effect 90 days after adjournment and the rest of the Act goes into effect upon final adoption of major substantive rules.

Enacted Law Summary

Public Law 2013, chapter 528 allows for the release of protected health information by the Maine Health Data Organization under certain conditions. It prevents the release of protected health information for individuals with HIV and individuals undergoing mental health or substance abuse treatment. It requires the Board of Directors of the Maine Health Data Organization to adopt rules to ensure privacy and security protections of data that are equivalent to the requirements in the federal Health Insurance Portability and Accountability Act of 1996. It requires the Board of Directors of the Maine Health Data Organization to provide a definition of "breach" and notifications regarding breaches that are equivalent to the requirements in the federal Health Insurance Portability and Accountability Act of 1996 and it requires a breach to be reported to the joint standing committee of the Legislature having jurisdiction over health and human services matters within 30 days of the breach. It requires the Board of Directors of the Maine Health Data Organization to develop rules to establish a complaints procedure for individuals who believe their protected health information has been released inappropriately. It prohibits the Maine Health Data Organization from collecting any clinical data that are different from the data the organization collects as of March 1, 2014 without rulemaking; these rules are major substantive rules. It adds an effective date so that the sections limiting the collection of clinical data and granting rule-making authority go into effect 90 days after adjournment and the rest of the Act goes into effect upon final adoption of major substantive rules.

LD 1745 An Act To Preserve Maine's Long-term Care Facilities

**Died On
Adjournment**

Sponsor(s)

CASSIDY
BURNS

Committee Report

OTP-AM

Amendments Adopted

H-690

This bill provides funds to give MaineCare Appendix C private nonmedical institutions a 2 percent cost-of-living rate increase in funding.

Joint Standing Committee on Health and Human Services

Committee Amendment "A" (H-690)

This amendment strikes and replaces the appropriations and allocations section of the bill.

LD 1748	Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services	RESOLVE 104 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-724

This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a major substantive rule of the Department of Health and Human Services. The rule eliminates the reimbursement rate for PNMI Appendix D, Model 3 facilities as part of the elimination of the Infant Mental Health Program.

Committee Amendment "A" (H-724)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2013, chapter 104 provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a major substantive rule of the Department of Health and Human Services. The rule eliminates the reimbursement rate for PNMI Appendix D, Model 3 facilities as part of the elimination of the Infant Mental Health Program.

Resolve 2013, chapter 104 was finally passed as an emergency measure effective April 8, 2014.

LD 1749	An Act To Create Greater Cost Efficiency and Improve Health Outcomes by Incorporating Increased Access to Dental Services for Adults through MaineCare's Care Management and Coordination Initiatives	ONTP
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE CRAVEN	ONTP	

This bill allows for MaineCare coverage of preventative or restorative dental services to persons 21 years of age or older if the service is referred by the individual's health home provider or other department-authorized provider and the service is determined to prevent the need for more costly care. The bill requires the Department of Health and Human Services to adopt routine technical rules to provide the coverage and reimbursement.

LD 1757	Resolve, To Establish the Blue Ribbon Commission on Independent Living and Disability	Veto Sustained
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PETERSON KATZ	OTP-AM ONTP	H-705