

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
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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

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: RESOLVE 104
MaineCare Benefits Manual, Chapter III, Section 97, Private EMERGENCY
Non-Medical Institution Services, a Major Substantive Rule of the
Department of Health and Human Services**

<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 ONTP
Outcomes by Incorporating Increased Access to Dental Services for
Adults through MaineCare's Care Management and Coordination
Initiatives**

<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 Veto Sustained
Living and Disability**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PETERSON KATZ	OTP-AM ONTP	H-705

Joint Standing Committee on Health and Human Services

This resolve establishes the Blue Ribbon Commission on Independent Living and Disability.

Committee Amendment "A" (H-705)

This amendment, which is the majority report of the committee, changes the membership of the Blue Ribbon Commission on Independent Living and Disability. It removes four members of the public from the membership in the resolve and replaces them with a representative of a business that is a model work place for individuals with disabilities, a representative of a statewide association of providers of services for individuals with intellectual disabilities and autism, a representative of a program serving individuals with disabilities who are members of a federally recognized Indian tribe and a representative of a statewide association of adults with developmental disabilities and autism.

Joint Order, H.P. 1361 incorporates the substance of the LD 1757 resolve and amendment, removing appointing authority for the Governor and representatives of the Department of Health and Human Services and the Office of the Attorney General. Joint Order, H.P. 1361 was passed by the Legislature.

LD 1759 Resolve, Implementing the Recommendations of the Commission To Study the Incidence of and Mortality Related to Cancer ONTP

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

This resolve extends the Commission To Study the Incidence of and Mortality Related to Cancer and requires a report by December 15, 2014. The resolve also directs the Commissioner of Health and Human Services, in conjunction with the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services and the Commissioner of Education, to convene a working group to develop a long-term, evidenced-based strategy to prevent obesity as a significant risk factor for cancer.

**LD 1776 An Act To Implement the Recommendations of the Commission To Study Long-term Care Facilities PUBLIC 594
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-497 S-559 HILL

This bill implements the recommendations of the Commission To Study Long-term Care Facilities. The bill requires the Department of Health and Human Services to amend its rules governing reimbursement for nursing facilities under the MaineCare program with regard to facility base year, peer group upper limits, administrative and management cost ceiling, personnel health insurance costs, cost-of-living adjustments, supplemental payments for nursing facilities whose MaineCare residents constitute more than 70% of their residents and increased acuity for dementia. The bill requires the Department of Health and Human Services to collect amounts overpaid to nursing facilities and private nonmedical institutions under the category of cost of care and to correct the computer problems that are leading to the overpayments. The bill requires the first \$10,000,000 of collected overpayments to be used to fund nursing facility reimbursement under the amended rules. The bill also establishes two study commissions: the Commission To Continue the Study of Long-term Care Facilities and the Blue Ribbon Commission on Long-term Care. No later than October 15, 2014, the Commission To Continue the Study of Long-term Care Facilities is required to submit a report that includes its findings and recommendations, including suggested legislation, to the Blue Ribbon Commission on Long-term Care and to the Joint Standing Committee on Health and Human Services. The joint standing committee may report out a bill regarding the subject matter of the report to the First Regular Session of the 127th Legislature. No later than November 5, 2014, the Blue Ribbon