

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.

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residents constitute more than 70% of their residents and increased acuity for dementia. The law states that the rate of reimbursement for nursing facilities that results from amending the rules to reflect rebasing the nursing facility's base year may not result for any nursing facility in a rate of reimbursement that is lower than the rate in effect on April 1, 2014. The law requires that the rules regarding the principles of reimbursement for nursing facilities must be amended in Sections 91 and 91.1 to provide for ongoing, annual rate changes beginning July 1, 2014 to adjust for inflation and to set the inflation adjustment cost-of-living percentage change in nursing facility reimbursement each year in accordance with the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index. The law 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 law establishes the Commission To Continue the Study of Long-term Care Facilities. 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 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.

The law provides funding for the first year of the rate provisions based on collections of cost-of-care overpayments in excess of amounts projected to be saved in developing and reporting budget information to the Legislature or the Governor. The law caps the actual rate increases to be provided in each of the next three fiscal years based on the amount appropriated by the Legislature to fund those increases. The law requires the department to carry over any debts collected in fiscal year 2014-15 in excess of \$13,000,000 to fiscal year 2015-16 to provide additional funding. The law requires the department to report bimonthly beginning in July 2014 and ending in June 2016 to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on the department's efforts to collect the debt arising from cost-of-care overpayments.

Public Law 2013, chapter 594 was enacted as an emergency measure effective May 1, 2014.

LD 1779

An Act Relating to Nursing Facility and Inpatient Hospice Patients and Medical Marijuana Use

PUBLIC 520

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LACHOWICZ HICKMAN	OTP-AM	S-430

This bill allows a qualifying patient to use forms of marijuana or prepared marijuana that are not smoked, including, but not limited to, vaporized marijuana, edible marijuana and tinctures and salves of marijuana, in an inpatient hospice or nursing facility and to keep forms of marijuana or prepared marijuana that are not smoked in that qualifying patient's room. The qualifying patient is not required to obtain a registry identification card in order to use a form of marijuana or prepared marijuana that is not smoked in the inpatient hospice or nursing facility.

Committee Amendment "A" (S-430)

This amendment replaces the bill. It allows a hospice provider facility or nursing facility to allow a qualifying patient to use prepared marijuana for medical use without requiring the facility to be named as a primary caregiver or the qualifying patient to obtain a registry identification card as long as the prepared marijuana is used in a form that is not smoked. The amendment allows a hospice provider facility or nursing facility to adopt a policy that restricts or prevents the use or storage of marijuana by qualifying patients residing within the facility.

Enacted Law Summary

Public Law 2013, chapter 520 allows a hospice provider facility or nursing facility to allow a qualifying patient to use prepared marijuana for medical use without requiring the facility to be named as a primary caregiver or the qualifying patient to obtain a registry identification card as long as the prepared marijuana is used in a form that is

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not smoked. It allows a hospice provider facility or nursing facility to adopt a policy that restricts or prevents the use or storage of marijuana by qualifying patients residing within the facility.

LD 1794 An Act To Cancel the No-bid Alexander Group Contract To Produce Savings in Fiscal Year 2013-14 Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH CRAVEN	OTP-AM ONTP	H-684 H-760 FARNSWORTH

This bill prohibits the Department of Health and Human Services from expending or transferring funds to the Alexander Group, Inc. for the performance of a comprehensive evaluation of the safety net programs administered by the department or a review or analysis of the department's programs, processes, practices or potential reforms or for any other consulting services, and it deappropriates and deallocates unexpended funds that are encumbered for this project.

Committee Amendment "A" (H-684)

This amendment, which is the majority report of the committee, incorporates a fiscal note.

House Amendment "A" (H-760)

This amendment strikes the emergency preamble and the emergency clause.

LD 1815 An Act To Require a Work Search for Job-ready Applicants for Benefits under the Temporary Assistance for Needy Families Program Accepted Majority (ONTP) Report

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

This bill creates a work search requirement for job-ready applicants to the Temporary Assistance for Needy Families program. Before assistance is granted, an applicant must apply in writing for three separate advertised jobs and provide verifiable documentation to the Department of Health and Human Services, if considered job-ready.

LD 1820 Resolve, Directing the Department of Health and Human Services To Develop a Report with Data on Out-of-state Access to Temporary Assistance for Needy Families Program Benefits Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU A BURNS	OTP-AM OTP-AM	H-792

This bill prohibits a recipient of benefits under the Temporary Assistance for Needy Families program from using an electronic benefits transfer card, or EBT card, outside of Maine, either at an automated teller machine or for an electronic point of sale transaction.

Committee Amendment "A" (H-792)

This amendment, which is the majority report of the committee, replaces the bill with a resolve. It requires the Department of Health and Human Services to develop a report on out-of-state access to Temporary Assistance for