

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

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

October 2018

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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128th Maine Legislature.

The *Digest* is arranged alphabetically by committee and 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. An appendix provides a summary of relevant session statistics.

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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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

take into consideration reimbursement differentials, grant programs, contracts, professional development, child care and educational training programs and increased infant and toddler care to increase the supply of child care providers participating in steps 3 and 4. The plan must take into account geographic differences in access to quality child care in the State. The department must develop definitions of "disabilities" and "special needs" for infants and toddlers to be used in quality standards. The department is required to provide data on the numbers of children in need of care and child care providers by type, step on the child care quality rating system, geography, numbers served and capacity and any other relevant data. The department is required to submit its report to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 30, 2019. The committee may report out legislation to the First Regular Session of the 129th Legislature.

LD 384 Resolve, To Clarify Reimbursement for Parent-only Programs under the **RESOLVE 47
MaineCare Program**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R MALABY R	OTP-AM	S-397

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to require MaineCare to cover mental health treatment for a child that uses evidence-based practices, to include meetings with the parent of the child without the child present as long as the meetings are focused on the goals of the treatment.

Committee Amendment "A" (S-397)

This amendment replaces the bill with a resolve that requires the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapters II and III, Sections 28, 65 and 90 to clarify that reimbursement is allowable for services provided to parents or guardians of children who are eligible for the MaineCare program but are not present when the service is being provided, as long as the service relates to the child's plan of care and is permitted by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. These services may be provided to parents or guardians individually or in groups. Services reimbursed under these circumstances are evidence-based parenting skills programs.

Enacted Law Summary

Resolve 2017, chapter 47 requires the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapters II and III, Sections 28, 65 and 90 to clarify that reimbursement is allowable for services provided to parents or guardians of children who are eligible for the MaineCare program but are not present when the service is being provided, as long as the service relates to the child's plan of care and is permitted by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. These services may be provided to parents or guardians individually or in groups. Services reimbursed under these circumstances are evidence-based parenting skills programs.

LD 386 An Act To Establish Universal Health Care for Maine **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G HYMANSON P	ONTP	

Joint Standing Committee on Health and Human Services

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish a single-payor, universal health care system in the State. Portions of the system will be based on the single-payor system in place in Vermont and the single-payor proposals submitted previously in Maine and Colorado. The single-payor system proposed in this bill will also be responsive to any changes made on the federal level to the federal Affordable Care Act.

LD 401 An Act To Require Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities

PUBLIC 454

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI H LANGLEY B	OTP-AM ONTP	H-109 S-508 HAMPER J

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill directs the Department of Health and Human Services to provide reimbursement to hospitals other than critical access hospitals for each day after the 10th day that a MaineCare-eligible individual is in the care of a hospital while awaiting placement in a nursing facility. The reimbursement is to be paid prospectively at the statewide average rate per MaineCare member day for nursing facility services. The department is directed to implement this reimbursement for days awaiting placement for a period limited to five years. Reimbursement is limited to a maximum of \$500,000 of combined General Fund funds and federal funds for each year of the five-year period.

Committee Amendment "A" (H-109)

This amendment, which is the majority report of the committee, adds a start date of January 1, 2018, for the department to reimburse a hospital for the days a MaineCare-eligible individual is in the care of the hospital while awaiting placement in a nursing facility and adds language repealing the provision on December 31, 2023.

Senate Amendment "A" To Committee Amendment "A" (S-508)

This amendment delays, from January 1, 2018 to January 1, 2019, the date by which the Department of Health and Human Services must begin reimbursing a hospital for the days a MaineCare-eligible individual is in the care of the hospital while awaiting placement in a nursing facility. It also removes the amounts appropriated and allocated in fiscal year 2017-18 and revises the amounts appropriated and allocated in fiscal year 2018-19. It also makes a technical change to a section number.

Enacted Law Summary

Public Law 2017, chapter 454 directs the Department of Health and Human Services to provide reimbursement to hospitals other than critical access hospitals for each day after the 10th day that a MaineCare-eligible individual is in the care of a hospital while awaiting placement in a nursing facility. The reimbursement is to be paid prospectively at the statewide average rate per MaineCare member day for nursing facility services. The requirement begins January 1, 2019 and is repealed on December 31, 2023.