

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> 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

128<sup>TH</sup> 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 128<sup>th</sup> 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 128<sup>th</sup> 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*

**LD 842      Resolve, To Support Home Health Services**

**RESOLVE 61**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E LIBBY N	OTP-AM ONTP OTP-AM	H-728

This resolve 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 resolve 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 resolve directs the Department of Health and Human Services to increase the rates for home health services under the MaineCare Benefits Manual, Chapter II, Section 40 by 30%.

**Committee Amendment "A" (H-727)**

This amendment, which is the majority report of the committee, replaces the resolve. The amendment increases most reimbursement rates by January 1, 2019, for home health services under the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 40 to 80% of the federal Medicare rates for these services. The rates for occupational therapy assistants, physical therapy assistants and speech and language assistants are increased by the same percentage increase as the respective specialists. The rates for clinical social work are increased by 30% over current rates.

**Committee Amendment "B" (H-728)**

This amendment, which is a minority report of the committee, replaces the resolve. The amendment increases most reimbursement rates by January 1, 2019, for home health services under the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 40 to 70% of the federal Medicare rates for these services. The rates for occupational therapy assistants, physical therapy assistants and speech and language assistants are increased by the same percentage increase as the respective specialists. The rates for clinical social work are increased by 30% over current rates.

**Enacted Law Summary**

Resolve 2017, chapter 61 increases reimbursement rates for home health services under the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 40. Beginning January 1, 2019, reimbursement rates for home health services are set at 70% of the federal Medicare rates for services with a Medicare equivalent. Rates for occupational therapy assistants, physical therapy assistants and speech and language assistants are increased by the same percentage increase as the respective specialists. The rates for clinical social work are increased by 30% over current rates.

**LD 898      An Act To Address Mandatory Overtime for Hospital Professionals**

**ONTP**

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

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

This bill prohibits a hospital from requiring employees that provide direct patient care to work more than 12 hours

***Joint Standing Committee on Health and Human Services***

in any 24-hour period. This requirement does not apply to physicians or in cases of a declared emergency. An aggrieved employee may file a complaint with the division of licensing and regulatory services within the Department of Health and Human Services, which must notify the hospital involved. Hospitals must report all instances of mandatory overtime work to the division, which must adopt rules regarding the manner and schedule for this reporting.

**LD 902      Resolve, To Develop MaineCare Reimbursement Rates for Trauma-focused Cognitive Behavioral Therapy      **Died On Adjournment****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R	OTP-AM	H-726

This resolve 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 resolve 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 resolve requires the Department of Health and Human Services to increase the MaineCare reimbursement rates for evidence-based outpatient psychosocial treatments for children to a rate that covers all costs involved with providing the service, including additional training, clears waiting lists and attracts providers to all areas of the State, including underserved rural areas. The resolve also requires the department to cover two additional evidence-based services known as trauma-focused cognitive behavioral therapy and parent management training programs through a request for proposals, using General Fund funds for training and hiring staff. The resolve requires the department and the contracted providers to develop a reimbursement rate for providing the service that is sufficient to allow the continued financial health of the service providers providing these therapies.

**Committee Amendment "A" (H-726)**

This amendment replaces the resolve and changes the title. It requires the Department of Health and Human Services to contract for a third-party independent rate study to develop a separate rate for MaineCare reimbursement for trauma-focused cognitive behavioral therapy to be billed under rule Chapter 101: MaineCare Benefits Manual, Section 65. Currently, this therapy is available as outpatient therapy and home-based and community-based treatment under Section 65. The rate study must take into consideration the costs to providers of delivering the service, including certification and continuing education, quality assurance and continuous quality improvement, the need to attract enough providers to clear waiting lists and serve all areas of the State and the costs to ensure fidelity to the therapy model. The rate study must be completed no later than January 1, 2019, and the department must report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 30, 2019. The department must amend its rules to establish the new rate. The amendment adds an emergency preamble and emergency clause. The amendment also adds an appropriations and allocations section.

The substance of this resolve was incorporated into Public Law 2017, chapter 471.

**LD 966      An Act Regarding Persons with Mental Illness and Substance Use Disorders in Jails and Correctional Facilities      **Died On Adjournment****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R BRAKEY E	OTP-AM	H-700 S-441    DESCHAMBAULT S