

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
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**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

10. The Department of Health and Human Services' burden of proof for a violation of the Act is a preponderance of the evidence.

The bill also includes an appropriations and allocations section.

The substance of this bill was incorporated in LD 1539.

LD 1148 An Act To Safeguard the Rights of Private Child Care Businesses

**Died Between
Houses**

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

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

This bill provides that the State may not prohibit the expulsion of a child from or compel the attendance of a child at an independently operated, privately owned child care facility except to remedy unlawful discrimination under the Maine Human Rights Act.

LD 1162 An Act To Reduce the Incidence of Obesity and Chronic Disease in Maine

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N HAMANN S	OTP-AM OTP-AM	S-380 S-420 LIBBY N

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session. The bill was then carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides for reimbursement under the MaineCare program for medical nutritional therapy provided by physicians, licensed dietitians and dietitian nutritionists and reimbursement for obesity treatment medication.

Committee Amendment "A" (S-380)

This amendment is the majority report of the committee. It provides funding for reimbursing medical nutritional therapy services from the Fund for a Healthy Maine. It removes the requirement for MaineCare to reimburse for obesity treatment medication. It identifies the specific conditions for which medical nutritional therapy services are reimbursed and adds gastrointestinal conditions to the list. It removes dietitian nutritionists and clarifies that physicians and dietitians providing medical nutritional therapy services must be licensed by their professional licensing boards.

Committee Amendment "B" (S-381)

This amendment is the minority report of the committee. It provides funding for reimbursing medical nutritional therapy services from the Fund for a Healthy Maine for one year. It removes the requirement for MaineCare to reimburse for obesity treatment medication. It identifies the specific conditions for which medical nutritional therapy services are reimbursed and adds gastrointestinal conditions to the list. It removes dietitian nutritionists and clarifies that physicians and dietitians providing medical nutritional therapy services must be licensed by their professional licensing boards.

Joint Standing Committee on Health and Human Services

Senate Amendment "A" To Committee Amendment "A" (S-420)

This amendment allows medical nutritional therapy that is reimbursed under the MaineCare program to be provided by licensed nurse practitioners.

LD 1177 An Act To Create an Appeals Process for Child Care Providers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A ESPLING E	ONTP	

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

This bill establishes the Child Care Appeal Review Panel to review disputes related to the licensing and certification of child care facilities, family child care providers and nursery schools, including revocations, suspensions, denials, demotions to conditional status, rule compliance issues and denials of requests for alternative compliance methods but not including child abuse and neglect investigations. The review panel members are appointed by the Governor for five-year terms. The director of the division of licensing and regulatory services within the Department of Health and Human Services is the chair of the panel but does not vote. The Office of the Attorney General provides legal counsel. The department and facility are required to abide by decisions made by the review panel.

LD 1188 An Act To Facilitate MaineCare-Funded Assisted Living by Providing a Cost-of-living Adjustment to Private Nonmedical Institutions and Adult Family Care Homes

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R	ONTP OTP-AM	H-330

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 provides funds to the Department of Health and Human Services to give adult family care homes, residential care facilities and certain private nonmedical institutions a 4% cost-of-living rate increase for the state fiscal year ending June 30, 2018 and an additional cost-of-living increase for the state fiscal year ending June 30, 2019 based on a projected increase in the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index. Annual cost-of-living adjustments are to be provided by rule for each fiscal year thereafter in accordance with the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index.

Committee Amendment "A" (H-330)

This amendment, which is the minority report of the committee, removes from the bill the 4% increase in fiscal year 2017-18 for reimbursement for adult family care homes, residential care facilities and certain private nonmedical institutions. It includes a reimbursement increase of 2.1% in fiscal year 2018-19. It establishes an annual increase beginning in fiscal year 2019-20 using the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, Long-Term Care Hospital Market Basket change as published in the Federal Register.

The substance of this bill was incorporated into Public Law 2017, chapter 460.