

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2017

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session 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 date for non-emergency legislation enacted in the First Regular Session of the 128th Legislature is Wednesday, November 1, 2017. 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

a pharmacy for collection prior to dispensation of the second prescription. The department must recommend to dispensers that patients are provided with guidance on proper disposal of the first opioid prescription.

The third required modification is to allow for dispensers to provide an early refill of a prescription before the refill date if, in the judgment of the dispenser, the early refill does not represent a pattern of early refill requests by the individual.

The fourth required modification is to allow for dispensers to contact prescribers by telephone to verify and document information about prescriptions.

The fifth required modification is to establish a process for a dispenser who receives a prescription for an opioid medication from an out-of-state prescriber that does not comply with department rules. The dispenser may fill the prescription if the dispenser records an oral confirmation with the validity of the prescription from the out-of-state prescriber and documents any missing information such as diagnosis code, exemption code and acute or chronic pain notation and the dispenser makes a reasonable effort to determine that the oral confirmation came from the prescriber or prescriber's agent, which may include a telephone call to the prescriber's telephone number listed in a telephone directory or other directory.

The sixth required modification is to delay the requirement for dispensers to provide information to the Prescription Monitoring Program on the exemption code and ICD-10 code until July 1, 2018, and allow the Department of Health and Human Services to approve waivers after July 1, 2018 for dispensers who are unable with good cause to comply with the requirement.

Enacted Law Summary

Resolve 2017, chapter 16 provides for legislative review of portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program and Prescription of Opioid Medications, a major substantive rule of the Department of Health and Human Services that was filed outside the legislative rule acceptance period.

Resolve 2017, chapter 16 was finally passed as an emergency measure effective June 19, 2017.

LD 1364

Resolve, Regarding 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

**RESOLVE 17
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

S-164 BRAKEY E

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.

Senate Amendment "A" (S-164)

This amendment specifies that the Legislature does not authorize final adoption of the portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services. The provisionally adopted rule was approved by the Legislature as part of Resolve 2017, chapter 6, making approval pursuant to this resolve unnecessary (see LD 458).

Enacted Law Summary

Resolve 2017, chapter 17 prohibits the final adoption of the portions of Chapter 101: MaineCare Benefits Manual,

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Chapter III, Section 97: Private Non-Medical Institution Services proposed in this rule. The rule approved by the Legislature as part of Resolve 2017, chapter 6, made approval pursuant to this resolve unnecessary.

Resolve 2017, chapter 17 was finally passed as an emergency measure effective June 20, 2017.

LD 1367 Resolve, To Support Family-directed Housing Initiatives and Alternative Programming for Individuals with Disabilities in Underserved Areas ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R LANGLEY B	ONTP	

This resolve requires the Department of Health and Human Services to work with community partners to develop pilot projects for residential facilities that each serve up to 10 individuals with intellectual disabilities eligible for services under its rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 20, 21 or 29 or other applicable sections for the population's needs. It requires that the department support private fund-raising by the local communities and develop contracts with local entities to determine admission standards, make referrals and either directly provide day-to-day services or contract for them. It requires that the department consider the need to increase reimbursement under MaineCare for applicable services to counter high costs in underserved rural areas. The department must report by January 1, 2020, on the progress of the pilot projects, number of facilities created, number of individuals served, expenditures, cost comparisons and outcome measures together with any recommendations regarding applicability of the pilot projects as a model for similar future projects around the State.

LD 1374 Resolve, Directing the Department of Health and Human Services To Assess and Improve the Availability of Child Care Services CARRIED OVER

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

This resolve directs the Department of Health and Human Services to restore consistent scheduled meetings of the Child Care Advisory Council and directs the department to contract with a third party to conduct a study to assess the availability of child care in the State, to engage in cost modeling to determine the cost of child care and to develop a system to support child care providers and parents. It directs the department to report to the Second Regular Session of the 128th Legislature no later than February 1, 2018.

This resolve was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1375 An Act To Prevent Overdose Deaths and Infectious Diseases by Establishing Safer Drug Use Facilities Accepted Majority (ONTP) Report

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

This bill directs the Department of Health and Human Services to certify two facilities in the State to provide safe and secure locations for people to self-administer previously obtained drugs. The bill requires the facilities to have health care personnel and other trained staff, to provide information concerning drug overdoses and diseases associated with drug use, to administer first aid or other medications in case of an overdose and to provide referrals to other services clients of the facilities may need. The bill immunizes from arrest or prosecution clients and staff