

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

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

November 2020

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STATE OF MAINE

129TH LEGISLATURE
FIRST REGULAR SESSION



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 129th 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 129th Legislature is Thursday, September 19, 2019. 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

Committee Amendment "A" (H-252)

This amendment, which is the majority report of the committee, replaces the appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-162)

This amendment removes the emergency preamble and emergency clause, changes the date by which the reimbursement rate increase must start to October 1, 2019 and reduces the appropriation for fiscal year 2019-20 due to the delayed start.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

LD 775

Resolve, To Authorize the Department of Health and Human Services To Amend Its Rules for Eligibility for Community Support Services

RESOLVE 117

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICH L MOORE M	OTP-AM ONTP	H-403 H-699 GRAMLICH L

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. During the Second Regular Session the resolve was recalled from the Governor's desk and, as described in this summary, was acted upon without reference to committee.

This bill directs the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17, Community Support Services to include access to services to persons who have a diagnosis of bipolar disorder, major depressive disorder, panic disorder or post-traumatic stress disorder.

Committee Amendment "A" (H-403)

This amendment, which is the majority report of the committee, strikes and replaces the bill with a resolve. It directs the Department of Health and Human Services to amend its rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17, Community Support Services concerning eligibility criteria for services under that section. It requires the department to report to the Joint Standing Committee on Health and Human Services by January 15, 2020 on the rulemaking process, proposed and provisionally adopted rules and justification for the adoption of the proposed rules. It authorizes the committee to report out legislation regarding the subject matter of the rules.

House Amendment "A" To Committee Amendment "A" (H-699)

This amendment removes the mandate that the Department of Health and Human Services amend its rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17, Community Support Services, instead authorizing the department to amend the rule. This amendment also requires the department to report, by January 15, 2021, to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the following:

1. Whether the department amended the rule and, if so, the justification for the changes;
2. Data regarding eligibility criteria and the number of applicants for community support services under the rule, including the number initially accepted and rejected and, of those rejected, how many appealed and were accepted after appeal; and

Joint Standing Committee on Health and Human Services

3. Whether the department is meeting the intended purpose of the rule and its plan for communicating to providers how the department plans to ensure the provision of community support services pursuant to the rule.

The joint standing committee is authorized to report out legislation based on the department's report to the First Regular Session of the 130th Legislature.

Enacted Law Summary

Resolve 2019, chapter 117 authorizes the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17, Community Support Services to include access to services to persons who have a diagnosis of bipolar disorder, major depressive disorder, panic disorder or post-traumatic stress disorder. It also requires the department to report, by January 15, 2021, to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the following:

1. Whether the department amended the rule and, if so, the justification for the changes;
2. Data regarding eligibility criteria and the number of applicants for community support services under the rule, including the number initially accepted and rejected and, of those rejected, how many appealed and were accepted after appeal; and
3. Whether the department is meeting the intended purpose of the rule and its plan for communicating to providers how the department plans to ensure the provision of community support services pursuant to the rule.

The joint standing committee is authorized to report out legislation based on the department's report to the First Regular Session of the 130th Legislature.

LD 803 An Act To Create 4 Regional Mental Health Receiving Centers

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C BELLOWS S		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill establishes four crisis intervention centers regionally throughout the State that will be operated and maintained by the Department of Health and Human Services. It requires the crisis intervention centers to provide treatment 24 hours a day, seven days a week and to provide sufficient staffing. It provides that the Department of Health and Human Services must adopt rules that include the certification of the crisis intervention centers; the location of the crisis intervention centers to ensure regional accessibility throughout the State; admission and discharge standards; requirements for notice of a person's admission; availability of and patients' access to treatment; the staffing model, with specific descriptions of staffing levels, roles and responsibilities; and patient rights protections; and that, to the extent possible, the rules must be consistent with the Maine Revised Statutes, Title 5, chapter 511; Title 34-B, chapter 1, subchapter 8; and Title 34-B, chapter 3, subchapter 4.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.