

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

STAFF:

ANNA BROOME, SENIOR LEGISLATIVE ANALYST
ERIN DOOLING, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla/>
AND
LUKE LAZURE, SENIOR LEGISLATIVE ANALYST
OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1635

MEMBERS:

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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

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

This resolve directs the Department of Health and Human Services to file an application with the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services for a demonstration waiver to allow for reimbursement of medically tailored food and nutrition interventions when a health care provider determines that certain elements of nutrition or foods based upon a nutrition plan developed by a licensed dietitian are necessary for a patient's health. This resolve also directs the Department of Health and Human Services to file the application by October 1, 2019 with the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to request that home-delivered meals be reimbursable under MaineCare as directed by Resolve 2015, chapter 54.

LD 1377 An Act To Enhance and Improve the Maine Developmental Services Oversight and Advisory Board and To Establish the Aging and Disability Mortality Review Panel CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C	OTP-AM	H-604

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill establishes the Panel To Review Deaths of and Serious Injuries to Persons with Intellectual Disabilities or Autism. The panel consists of 14 members, including a panel coordinator who is an employee of the Department of Health and Human Services, Maine Center for Disease Control and Prevention and is a registered nurse. The panel coordinator must review all cases of death of and serious injury to persons with intellectual disabilities or autism receiving adult developmental services and determine those that require further review by the panel. Other individuals may refer cases to the panel, and the panel may choose additional cases from the list of cases provided by the panel coordinator. The panel has access to records necessary for the review. The panel must provide reports to the Commissioner of Health and Human Services and the Maine Developmental Services Oversight and Advisory Board with findings and recommendations. The panel is required to provide reports to the Legislature on an annual basis and may provide trend analyses to the Legislature as necessary. Legislative reports are public documents.

The bill also makes changes to the laws governing the Maine Developmental Services Oversight and Advisory Board. It requires disclosure of final reports of investigations pursuant to the Adult Protective Services Act to the board and to the guardian of the person receiving adult developmental services who is the subject of the investigation. It provides the executive director with direct access to client records maintained by the Department of Health and Human Services and to medical examiner reports and records of department investigations into suspicious deaths of persons with intellectual disabilities or autism. It shifts administration of the board's budget to the Department of Administrative and Financial Services. It clarifies the appointment process for members of the board.

Committee Amendment "A" (H-604)

This amendment replaces the bill. It establishes the Aging and Disability Mortality Review Panel to review deaths of and serious injuries to all adults receiving home-based and community-based services under a waiver approved by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services rather than a panel to review only deaths of or injuries to adults with intellectual disabilities or autism. It removes most of the changes to the Maine Developmental Services Oversight and Advisory Board in the bill. It keeps the provisions related to moving the budget of the board from the Department of Health and Human Services to the Department of

Joint Standing Committee on Health and Human Services

Administrative and Financial Services and related to the disclosure of adult protective investigations of individuals with intellectual disabilities or autism to the board. The amendment also adds an appropriations and allocations section.

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 1399 An Act To Improve Oral Health and Access to Dental Care for Maine Children

PUBLIC 546

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICH L MOORE M	OTP-AM	H-249 S-343 BREEN C

This bill was passed to be enacted by the Legislature and held by the Governor at the end of the First Regular Session. It became law without signature at the beginning of the Second Regular Session.

This bill establishes within the Department of Health and Human Services one Oral Health Coordinator position in the oral health program within the Maine Center for Disease Control and Prevention, rural health and primary care division to lead the State's work on oral health; one Planning and Research Associate II position in the rural health and primary care division within the Maine Center for Disease Control and Prevention tasked with data analysis, performance management reporting and program planning and evaluation; and one Early Periodic Screening Diagnosis and Treatment Dental Coordinator position in the Office of MaineCare Services. The bill also provides funding to expand preventive oral health services provided in schools through the oral health program within the Maine Center for Disease Control and Prevention, rural health and primary care division to all schools in the State and a half-time Office Assistant II position to provide logistical and administrative support for that expansion.

Committee Amendment "A" (H-249)

This amendment makes the following changes to the bill.

1. It replaces the appropriations and allocations section to remove the funding to expand preventive oral health services provided in schools.
2. It removes the descriptions of the responsibilities of two positions created in the bill to provide the Department of Health and Human Services flexibility.
3. It removes the interim report on the oral health program.
4. It requires a report on the status of the oral health program rather than on the expansion of the program since the funding to expand the program has been removed.

Senate Amendment "A" To Committee Amendment "A" (S-343)

This amendment requires the Department of Health and Human Services, when completing the report on oral health care services provided in schools, to include methods for utilization and maximization of Medicaid funding for oral health staff positions and school-based services. This amendment also changes the date for submission of the report to February 15, 2020 and removes the funding for new positions in the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

Enacted Law Summary

Public Law 2019, chapter 546 requires the Department of Health and Human Services to report on the status of the