

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2019

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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 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

8. It adds an appropriations and allocations section.

This amendment was not adopted.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1548 Resolve, To Promote Quality and Transparency in the Provision of RESOLVE 106
Services by Assisted Housing Programs That Provide Memory Care

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N	OTP-AM	S-142 S-346 BREEN C

This resolve requires the Department of Health and Human Services to contract with the University of Southern Maine's Edmund S. Muskie School of Public Service to conduct a study to determine the amount of time assisted housing program staff devote to meeting the needs of residents in assisted housing programs, with a focus on residents with Alzheimer's disease or dementia. It requires the department to amend certain provisions in the department's rule governing the licensing and functioning of assisted housing programs. It requires the department to establish a work group to review department rules governing training for direct care staff in Alzheimer's or dementia care units and other memory care units to determine the adequacy of the training.

Committee Amendment "A" (S-142)

This amendment requires the Department of Health and Human Services to issue a request for proposals to conduct the time study. It also requires the Department of Health and Human Services to submit a report, together with recommendations and suggested legislation, to the Joint Standing Committee on Health and Human Services describing the department's activities and actions regarding the time study and of the Alzheimer's and dementia care and other memory care work group established to review training of direct care staff. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-346)

This amendment requires the State Controller to transfer \$355,501 from available balances in Other Special Revenue Funds accounts within the Department of Professional and Financial Regulation to the General Fund unappropriated surplus at the close of fiscal year 2019-20. The amendment also requires the Commissioner of Professional and Financial Regulation to determine from which accounts the funds will be transferred so that the sum equals \$355,501 and to notify the State Controller and the Joint Standing Committee on Appropriations and Financial Affairs of the amounts to be transferred from each account on or before June 30, 2020.

Enacted Law Summary

Resolve 2019, chapter 106 requires the Department of Health and Human Services to issue a request for proposals for a contract to conduct a time study to determine the amount of time assisted housing program staff devote to meeting the needs of residents in assisted housing programs, with a focus on residents with Alzheimer's disease or dementia. The time study is funded by available balances in Other Special Revenue Funds accounts within the Department of Professional and Financial Regulation.

Resolve 2019, chapter 106 also requires the Department of Health and Human Services to amend certain provisions in the department's rule governing the licensing and functioning of assisted housing programs and to establish a work group to review department rules governing training for direct care staff in Alzheimer's or dementia care units and other memory care units to determine the adequacy of the training. The department shall submit a report, together with recommendations and suggested legislation, to the Joint Standing Committee on Health and Human Services describing the department's activities and actions regarding the time study and of the Alzheimer's and

Joint Standing Committee on Health and Human Services

dementia care and other memory care work group established to review training of direct care staff.

LD 1577 An Act To Assist Nursing Homes in the Management of Facility Beds

CARRIED OVER

Sponsor(s)

PERRY A

Committee Report

OTP-AM

Amendments Adopted

H-350

This bill restores the ability of nursing facilities to voluntarily reduce the number of their licensed beds and then later increase the number of their licensed beds to the prior level after obtaining a certificate of need and meeting certain conditions. It modifies the process to obtain certificate of need approval to reopen reserved beds. Applications that seek to reopen reserved beds must be approved if the projected incremental costs of reopening and operating the reopened beds are consistent with the facility's costs of operating its other beds. Applicants are not required to demonstrate that any increases in MaineCare costs are offset by other MaineCare savings. The costs of ongoing operation of both the restored beds and the complement of facility beds at the time the reserved beds are reopened must be recognized as allowable costs and incorporated into the facility's MaineCare payment rates.

The bill requires the Department of Health and Human Services to include in its calculation of reimbursement for services provided by a nursing facility the cost incurred by the facility for a medical director.

The bill requires the cost incurred by a nursing facility for the acquisition, use and maintenance of computer or cloud-based software systems to be included as a fixed cost.

The bill requires the Department of Health and Human Services to amend its rules governing adult family care services to provide reimbursement for up to 30 bed hold days per calendar year when a resident is absent from a facility.

The bill requires the Department of Health and Human Services to amend its rules governing principles of reimbursement for nursing facilities to include the cost of health insurance for employees attributable to MaineCare residents as a fixed cost.

The bill requires the department to amend these rules to include reimbursement for 50% of a nursing facility's charges for a maximum of six months for a newly admitted resident who is determined to be financially ineligible for MaineCare after the resident is admitted to the nursing facility and the charges remain unpaid after reasonable efforts are made by the nursing facility to collect the debt based on these charges.

Committee Amendment "A" (H-350)

This amendment removes from the bill the sections related to bed hold days, health insurance and bad debt and adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1595 An Act To Enhance the Child Welfare Ombudsman Program

ONTP

Sponsor(s)

MASTRACCIO A
GRATWICK G

Committee Report

ONTP

Amendments Adopted