

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
129<sup>TH</sup> 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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# STATE OF MAINE

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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 129<sup>th</sup> 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 129<sup>th</sup> 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*

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

## *Joint Standing Committee on Health and Human Services*

This bill makes the following changes to the laws governing the ombudsman program that provides ombudsman services to the children and families of the State regarding child welfare services provided by the Department of Health and Human Services.

1. It provides that the program is an independent program operated as a nonprofit organization to provide investigative, oversight and advocacy services on a statewide basis.
2. It requires the program to provide oversight of child welfare practice and policy to ensure the rights and safety of children and their families.
3. It specifies staffing for the program.
4. It provides that the Governor appoints the ombudsman, subject to review by the joint standing committee of the Legislature having jurisdiction over health and human services matters and to confirmation by the Legislature.
5. It provides that the ombudsman serves a seven-year term of office.
6. It requires the ombudsman to submit the ombudsman's budget recommendations, using a format prescribed by the State Budget Officer, as part of the unified current services budget legislation.
7. It provides full-time program employees access to health insurance benefits provided to state employees and retirement benefits provided to state employees.
8. It requires the program to provide services directly to individuals and families and authorizes the program to provide systemwide comment to the department and the joint standing committee of the Legislature having jurisdiction over health and human services matters.
9. It requires the department to inform the ombudsman of any statewide policy or practice changes in child welfare before they take effect.
10. It allows the ombudsman to participate in trainings, studies or policy development activities conducted by the department.
11. It requires the ombudsman to be available to provide information about child welfare issues on a statewide basis to individuals and entities outside the department.
12. It authorizes the ombudsman to disclose confidential information, records or case-specific reports to a joint standing committee, joint select committee or oversight committee of the Legislature meeting in executive session.

**LD 1602      Resolve, Establishing the Working Group on Mental Health**

**RESOLVE 100  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C WARREN C	OTP-AM	S-213 S-310    LIBBY N

This resolve establishes the Working Group on Mental Health to assess the State's capacity to serve Maine citizens with behavioral health needs and propose a comprehensive mental health plan for the State.

**Committee Amendment "A" (S-213)**

This amendment, which is the unanimous report of the committee, changes the membership of the working group.