

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

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

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STATE OF MAINE

129TH LEGISLATURE
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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

- 2. Establishes the Marijuana Testing Facility Certification Fund as an Other Special Revenue Funds account within the Maine Center for Disease Control and Prevention; and
- 3. Requires marijuana testing facilities under the Maine Medical Use of Marijuana Act, like testing facilities under the adult use laws, to be certified by the Maine Center for Disease Control and Prevention.

Public Law 2019, chapter 354 was enacted as an emergency measure effective June 18, 2019.

LD 1758 **An Act To Clarify and Amend MaineCare Reimbursement Provisions for Nursing and Residential Care Facilities**

HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM	S-265 S-368 BREEN C

This bill is emergency legislation amending statutory and unallocated provisions to require the Department of Health and Human Services to amend the department's rules regarding MaineCare reimbursement of nursing facility and residential care facility costs, including:

- 1. Clarifying and requiring additional cost-of-living adjustments to reimbursed costs based upon:
 - A. The costs paid by nursing facilities for goods and services required to provide patient care;
 - B. The forecasted increase in the skilled nursing facility market basket index for the coming federal fiscal year published by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services; and
 - C. Any further changes to the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index or market basket index projections over the payment year when the department is carrying out cost report audits and determining final prospective rates pursuant to department rules regarding costs related to resident care under principles of reimbursement for nursing facilities during the payment year;
- 2. Clarifying and amending nursing facility reimbursement provisions enacted in Public Law 2017, chapter 460 regarding a 10% special supplemental wage allowance by:
 - A. Requiring the allowance to include contract labor and requiring an additional 10% wage allowance in state fiscal year 2019-20 and incorporating both requirements into a rebasing of the reimbursement rates in future years;
 - B. Prohibiting department rules that require a nursing facility to ensure or otherwise demonstrate that the increase in rates applies only to wages and benefits;
 - C. Changing the low-cost, high Medicaid facility supplemental payment by removing the low-cost requirement; and
 - D. Providing a supplemental allowance of 60¢ per reimbursed MaineCare resident day for each 1% over 70% MaineCare occupancy to nursing facilities with specialty medical-psychiatric beds or units and to nursing facilities that provide intensive acquired brain injury rehabilitation services; and
- 3. Clarifying and amending residential care facility reimbursement provisions enacted in Public Law 2017, chapter

Joint Standing Committee on Health and Human Services

460 regarding a 10% special supplemental wage allowance by:

- A. Requiring the allowance to include contract labor and requiring an additional 10% wage allowance in state fiscal year 2019-20 and incorporating both requirements into a rebasing of the reimbursement rates in future years;
- B. Prohibiting department rules that require a residential care facility to ensure or otherwise demonstrate that the increase in rate applies only to wages and benefits; and
- C. Requiring reimbursement rates for allowable direct care, personal care services and routine care costs to be adjusted yearly for inflation.

Committee Amendment "A" (S-265)

This amendment removes the sections of the bill that require additional cost-of-living adjustments to nursing facilities and residential care facilities and supplemental allowances for facilities with a high proportion of MaineCare residents and facilities with specialty beds. It retains the requirements for the 10% one-time supplemental payment provided in Public Law 2017, chapter 460, Part B to nursing facilities and residential care facilities to continue in successive years until rebasing incorporates the increase, but the amendment removes the retroactive requirement to include contract labor. It retains the requirement to grant an additional 10% increase that is carried forward until rebasing incorporates the increase, but it removes the language relating to requiring increases to go to routine care cost components of the rates. It removes the specific prohibition upon the Department of Health and Human Services to require a nursing facility or residential care facility to demonstrate how increased reimbursement is applied to wages and benefits to direct care workers but specifies that the increased reimbursement is not limited to only wages and wage-related costs. It removes the retroactivity section of the bill but retains the emergency provision of the bill. It adds an appropriations and allocations section.

Senate Amendment "B" To Committee Amendment "A" (S-368)

This amendment directs the Department of Health and Human Services to amend its rules to determine, of the funds provided in the bill, the proportional amount to be distributed to each provider based on the supplemental allowances and additional special wage allowances established in the bill as amended by Committee Amendment "A". This amendment also replaces the appropriations and allocations section.

LD 1760 An Act To Support Children's Healthy Development and School Readiness

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T GIDEON S		

This bill creates the First 4 ME Early Care and Education Program under the Department of Health and Human Services to provide comprehensive, high-quality early child care and education services for at-risk children under six years of age who have not entered kindergarten and the children's parents by funding projects that integrate comprehensive resources and services with traditional center-based and family child care settings. The projects are sponsored by coalitions of stakeholders, providers and other community members within the communities that the projects serve. Each project is led and coordinated by a community contractor who staffs the project's operations and contracts with community providers to provide health care, education or parenting services, which may include services provided in a licensed child care center or by a licensed family child care provider, in a home visit or by an individual providing services to a family member within the individual's or family member's residence. The community contractor employs or contracts with community coaches who train and provide support to community providers. This bill also directs the department to request proposals for up to 10 pilot projects to implement the program and to report to the Legislature on the progress of the pilot projects toward the objectives, goals and