

MAINE STATE LEGISLATURE

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STATE OF MAINE
130TH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

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

December 2021

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LD 822 An Act To Affirm That Food Seeds Are a Necessity in Maine

ENACTED LAW SUMMARY

Public Law 2021, chapter 175 adds seeds to the definitions of "necessities" in the law in Title 10 prohibiting profiteering during supply disruptions.

LD 837 An Act To Amend the Child and Family Services and Child Protection Act

ENACTED LAW SUMMARY

Public Law 2021, chapter 176 combines the provisions in LD 837 with those in two other Department of Health and Human Services bills regarding the child protection system, LDs 760 and 762. The law:

1. Amends the definition of "abuse or neglect" and enacts a definition for "child sex trafficking" within the Child and Family Services and Child Protection Act to ensure the State is in compliance with the federal Child Abuse Prevention and Treatment Act, as amended by Public Law 115-271;
2. Amends definitions in the Child and Family Services and Child Protection Act to update cross-references and to ensure the Department of Health and Human Services has the authority to intervene in situations involving truancy under the Maine Revised Statutes, Title 20-A when truancy is the result of neglect by a person responsible for the child; and
3. Provides clarifying language in the Child and Family Services and Child Protection Act regarding what may be considered a child protective record for purposes of disclosure. This change allows the Department of Health and Human Services to determine that documents in child protective records that were not originated by the department are not child protective records for the purposes of disclosure.

LD 854 An Act To Ensure Continued Health-related Services for Children To Access Education

ENACTED LAW SUMMARY

Public Law 2021, chapter 227 provides reimbursement under MaineCare for health-related services provided to children from birth to five years of age that are necessary to access education. The law requires the Department of Health and Human Services to adopt a new rule that is consistent with federal law to implement the reimbursement of health-related services. The initial rule is major substantive and any subsequent rules are routine technical. The major substantive rule must be provisionally adopted and submitted to the Legislature for review no later than

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January 13, 2023. It requires stakeholder groups to be convened as necessary and prior to rule-making activity.

Public Law 2021, chapter 227 was enacted as an emergency measure effective June 16, 2021.

LD 869 Resolve, Directing the Department of Health and Human Services To Review the Progressive Treatment Program and Processes by Which a Person May Be Involuntarily Admitted to a Psychiatric Hospital or Receive Court-ordered Community Treatment

ENACTED LAW SUMMARY

Resolve 2021, chapter 60 directs the Commissioner of Health and Human Services to convene a stakeholder group of interested parties to review the progressive treatment program under the Maine Revised Statutes, Title 34-B, section 3873-A and to review for efficiency and effectiveness the processes by which a person may be involuntarily admitted to a psychiatric hospital or receive court-ordered community treatment pursuant to Title 34-B, chapter 3, subchapter 4, article 3. The commissioner is directed to submit a report with recommendations to the Joint Standing Committee on Health and Human Services no later than December 1, 2021. The committee may report out legislation to the Second Regular Session of the 130th Legislature related to the recommendations of the report.

Resolve 2021, chapter 60 was finally passed as an emergency measure effective June 15, 2021.

LD 958 Resolve, Directing the Department of Health and Human Services To Conduct a Review of Rules Governing In-home Personal Care Assistance Services

ENACTED LAW SUMMARY

Resolve 2021, chapter 117 requires the Department of Health and Human Services to review its statutory and regulatory authority over home care agencies that provide direct care services in the home to assist individuals with the activities of daily living and instrumental activities of daily living. The review must examine whether the department has sufficient oversight and enforcement authority over agencies, employees and independent contractors and caregivers to ensure the appropriate quality and safety of individuals receiving home care services. The department is directed to include providers, consumers, direct care workers, the long-term care ombudsman and other interested parties in the review process. The department shall submit a report, no later than January 15, 2022, to the Joint Standing Committee on Health and Human Services with recommendations. The committee is authorized to report out legislation related to the report. The resolve includes an appropriation to increase an existing contract to ensure successful research, coordination, facilitation and report writing.