

Joint Standing Committee on Health and Human Services

House Amendment "A" to Committee Amendment "A" (H-238), which was not adopted, proposed to prohibit a foster parent from smoking in that foster parent's private residence if that residence is a family foster home when a foster child is present in that residence and may not allow any other person to smoke in that foster parent's private residence when a foster child is present in that residence.

Enacted Law Summary

Private and Special Law 2003, chapter 24 requires the Department of Human Services to adopt rules on smoking in foster homes and in private vehicles of foster parents. The amendment designates the rules as major substantive rules.

LD 57

An Act To Establish the Long-term Care Oversight Committee

**PUBLIC 465
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| KANE PENDLETON | OTP-AM | H-443 S-276 GAGNON |

The law authorizing the Long-term Care Implementation Committee was repealed on January 1, 2003. LD 57 proposed to postpone that repeal until November 1, 2004. It also proposed to add 2 additional reporting dates for the committee to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

Committee Amendment "A" (H-443) proposed to establish a new Long-term Care Oversight Committee to replace the Long-term Care Steering Committee, which is discontinued by the amendment, and the Long-term Care Implementation Committee, which was repealed on January 1, 2003.

Senate Amendment "A" to Committee Amendment "A" (S-276) proposed to clarify several provisions relating to the Long-term Care Oversight Committee. It proposed to provide that members who are Legislators are entitled to the legislative per diem and expenses for service on the committee. It proposed to limit the committee to no more than 4 meetings per year. It proposed to clarify the authority of the committee to introduce a bill each year.

Enacted Law Summary

Public Law 2003, chapter 465 establishes the Long-term Care Oversight Committee to oversee policies and programs in the Department of Human Services with regard to long-term care for adults with disabilities and the elderly. The Committee, composed of 3 legislators and 14 public members, may meet up to 4 times per year and is required to submit an annual report to the Health and Human Services Committee.

Public Law 2003, chapter 465 was enacted as an emergency effective June 18, 2003.

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LD 58

Resolve, to Expand the Choices of People Seeking Mental Health Therapy Under the MaineCare Program

RESOLVE 57

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------------------|-------------------------|---------------------------|
| LAVERRIERE-BOUCHER CATHCART | OTP-AM | H-444 |

LD 58 proposed to provide for direct reimbursement under the MaineCare program for licensed clinical social workers, licensed clinical professional counselors and licensed marriage and family therapists providing mental health services independent of agencies to MaineCare enrollees. The resolve proposed to direct the Department of Human Services to adopt rules to increase the reimbursement rate for these professionals to \$50 per one-hour unit of professional mental health treatment.

Committee Amendment "A" (H-444) proposed to authorize the establishment of a demonstration project to permit a limited number of licensed clinical social workers, licensed clinical professional counselors and licensed marriage and family therapists to directly bill the Department of Human Services for mental health treatment provided to MaineCare members. The amendment proposed to require the demonstration project to be budget-neutral and prohibit it from interfering in the relationships between MaineCare members and their mental health providers. The amendment proposed to add reporting dates of January 15, 2004 and October 30, 2004.

Enacted Law Summary

Resolve 2003, chapter 57 authorizes the establishment of a demonstration project to permit a limited number of licensed clinical social workers, licensed clinical professional counselors and licensed marriage and family therapists to directly bill the Department of Human Services for mental health treatment provided to MaineCare members. The resolve requires the demonstration project to be budget-neutral and prohibits it from interfering in the relationships between MaineCare members and their mental health providers. The resolve requires reporting by January 15, 2004 and October 30, 2004.

LD 59

An Act to Adjust MaineCare Reimbursement Rates

CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| LAVERRIERE-BOUCHER | | |

LD 59 proposes to direct the Department of Human Services to adopt rules to raise reimbursement rates for health care professionals in the MaineCare program by 20% the rates in effect on January 1, 2003, subject to a cap at the usual and customary rates in effect on January 1, 2003.

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LD 61 **An Act to Promote Public Awareness of Parkinson's Disease** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| KANE PENDLETON | ONTP | |

LD 61 proposed to require the Department of Human Services, Bureau of Health to undertake an education initiative regarding Parkinson's disease. The initiative would provide training to a wide variety of health care, public service and law enforcement personnel.

LD 65 **An Act Regarding the Billing for Medical Supplies by a Health Care Provider** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SNOWE-MELLO | ONTP | |

LD 65 proposed to prohibit health care practitioners and health care facilities from billing patients for services or supplies when the health carrier has determined that the services or supplies were not medically necessary or that the services or supplies are not actually used for patient care. The prohibition would apply as of October 15, 2003.

LD 73 **An Act to Make the Children's Ombudsman Program an Independent Office** **CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| LAVERRIERE-BOUCHER BRYANT | | |

LD 73 proposes to remove from the Executive Department the ombudsman program that handles child welfare inquiries and complaints. The bill proposes to maintain the current duties of the ombudsman program.

LD 88 **An Act to Require that Pharmacy Benefit Plan Bids be Solicited from Nonprofit Pharmacy Benefit Managers** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| LEMOINE TREAT | ONTP | |

LD 88 proposed, under certain circumstances, to require the Department of Administrative and Financial Services, Bureau of Human Resources, Division of State Employee Health Insurance and the Department of

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Human Services to seek bids on pharmacy benefits management services from a nonprofit pharmacy benefits management entity for the state employee health insurance program and for a health or pharmacy benefits program administered by the State.

LD 89 **An Act to Prohibit the Use of Juveniles in the Enforcement of the** **ONTP**
Laws Governing the Sale of Tobacco

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| <u>Sponsor(s)</u> SNOWE-MELLO | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
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LD 89 proposed to preclude the State's using juveniles in any tobacco enforcement action. It proposed to direct the Commissioner of Human Services, the Commissioner of Behavioral and Developmental Services, the Commissioner of Public Safety and the Attorney General to jointly develop and implement alternative tobacco enforcement strategies, exclusive of using juveniles for enforcement actions.

LD 95 **Resolve, Directing the Department of Behavioral and** **RESOLVE 17**
Developmental Services To Conduct a Study Regarding a Registry
of Direct Care Workers Working with Persons with Mental
Retardation

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| <u>Sponsor(s)</u> DUDLEY MARTIN | | <u>Committee Report</u> OTP-AM | | <u>Amendments Adopted</u> H-162 |
|---------------------------------------|--|-----------------------------------|--|------------------------------------|

LD 95 proposed to direct the Department of Behavioral and Developmental Services to establish by January 1, 2004 a registry for direct care workers working with persons with mental retardation. Rules adopted pursuant to this resolve would be routine technical rules.

Committee Amendment "A" (H-162) proposed to replace the resolve. It proposed to require the Department of Behavioral and Developmental Services to conduct a study regarding the creation of a registry for direct care workers working with persons with mental retardation and to report the results of its study to the Joint Standing Committee on Health and Human Services by December 1, 2003. It also proposed to add a fiscal note to the resolve.

Enacted Law Summary

Resolve 2003, chapter 17 directs the Department of Behavioral and Developmental Services to conduct a study regarding the creation of a registry for direct care workers working with persons with mental retardation. The law requires the department to report the results of its study to the Joint Standing Committee on Health and Human Services by December 1, 2003.

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LD 96 **Resolve, Regarding the Regulation of Home Day Care and Summer Camps** **ONTP**

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| <u>Sponsor(s)</u> SNOWE-MELLO | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
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LD 96 proposed to direct the Department of Human Services to adopt rules regarding home day care providers and summer camps. The proposed rules were major substantive rules. The rules would change the treatment of infants in the staffing ratios, allow more flexibility in times of shift changes and other unexpected events and make summer camp rules the same as home day care rules.

LD 102 **An Act to Require Disclosure of Retail Prescription Drug Prices** **PUBLIC 375**

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| <u>Sponsor(s)</u> LEMOINE TREAT | | <u>Committee Report</u> OTP-AM MAJ ONTP MIN | | <u>Amendments Adopted</u> H-463 |
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LD 102 proposed to require the label and receipt for the purchase of a prescription drug to disclose the full retail price of the prescription and the cost of any payment required of the patient and any 3rd-party payor.

Committee Amendment "B" (H-463) proposed to remove the requirement that price information be provided on the label, remove the restriction to new prescriptions only and remove the requirement that price information be provided on the receipt. It proposed to require disclosure in writing of the usual and customary price and the payment required of the patient when a prescription is filled. The amendment proposed to apply these requirements January 1, 2006 or when computer software with regard to prescription drug price and patient payment is updated by a pharmacy, whichever occurs first.

Committee Amendment "A" (H-172), which was not adopted, proposed to remove the requirement that price information be provided on the label, remove the restriction to new prescriptions only and remove the requirement that price information be provided on the receipt. It proposed to require disclosure in writing of the usual and customary price and the payment required of the patient when a prescription is filled. The amendment proposed to make these requirements effective January 1, 2004.

Enacted Law Summary

Public Law 2003, chapter 375 requires disclosure in writing by the pharmacist when filling a prescription of the usual and customary price and the payment required of the patient. The law imposes these requirements January 1, 2006 or when computer software with regard to prescription drug price and patient payment is updated by a pharmacy, whichever occurs first.

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LD 112 **An Act Requiring Public Disclosure of Prices Charged by Health Care Providers** **ONTP**

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| <u>Sponsor(s)</u> WOODBURY | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
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LD 112 proposed to require health care practitioners and facilities to disclose the prices charged for the health care services that they provide and prohibit them from billing for those services if they have not disclosed those services and their prices in writing to the patient prior to providing the services. The bill also proposed to require annual reporting of health care services and prices and any discounts made from those prices to the Maine Health Data Organization. The bill proposed to contain an effective date of January 1, 2004.

LD 132 **An Act Requiring Disclosure of Prescription Drug Advertising and Promotional Expenses** **ONTP**

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| <u>Sponsor(s)</u> MAYO RICHARDSON J | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
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LD 132 proposed to require prescription drug manufacturers and labelers whose drugs are dispensed to Maine residents to file annual reports with the Maine Health Data Organization regarding their expenses for advertising and promoting their drugs. The bill proposed to require the Maine Health Data Organization to file an annual report regarding the information filed and a biennial report that contains analysis of information and recommendations. The bill proposed to continue the confidentiality of trade information that is protected under state and federal law. The bill proposed to provide for a fine of \$1,000 for failure to report as required. The bill proposed to provide for rulemaking by the Maine Health Data Organization and contained an effective date of January 1, 2004. (See LD 254.)

LD 135 **An Act to Allow Nursing Homes to Use Leftover Medications** **ONTP**

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| <u>Sponsor(s)</u> BENNETT R | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
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LD 135 proposed to require the Department of Human Services, Bureau of Medical Services to adopt rules for the MaineCare program that allow nursing facilities to use medications that were prescribed for a former resident who has not taken the medications upon discharge. The rules would be required to provide for crediting the MaineCare account of the former resident and charging the MaineCare account of the resident for whom the medications will be used. The rules would be required to be in effect by January 1, 2004.

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LD 143 **Resolve, to Improve Access to Breast and Cervical Cancer Treatment** **ONTP**

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| <u>Sponsor(s)</u> MARTIN BENNETT P | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
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LD 143 proposed to direct the Department of Human Services to adopt rules, which are designated as routine technical rules, for the MaineCare program to improve access to breast and cervical cancer treatment. The rules would broaden eligibility for treatment under the MaineCare program through accepting screening at health centers and presumptive eligibility of the person and the health centers.

LD 147 **An Act to Allow Members of the Maine Public Drinking Water Commission to Serve More than 2 Consecutive Terms** **PUBLIC 191**

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| <u>Sponsor(s)</u> MARTIN MILLETT | | <u>Committee Report</u> OTP | | <u>Amendments Adopted</u> |
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LD 147 proposed to allow members of the Maine Public Drinking Water Commission to serve more than 2 consecutive terms.

Enacted Law Summary

Public Law 2003, chapter 191 allows members of the Maine Public Drinking Water Commission to serve more than 2 consecutive terms.

LD 156 **An Act to Require that Patients in Private Mental Hospitals Be Afforded the Same Rights As Patients in State Mental Institutions** **CARRIED OVER**

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| <u>Sponsor(s)</u> BENNETT R | | <u>Committee Report</u> | | <u>Amendments Adopted</u> |
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LD 156 proposes to require the Department of Human Services to adopt rules for the enhancement and protection of the rights of patients receiving services for the treatment of mental illness from any hospital licensed by the department. It proposes to require that the rules be consistent with those adopted by the Department of Behavioral and Developmental Services to protect the rights of clients receiving services from that department, from a state mental health institute or from a private mental health institution under a contract with the State to receive involuntary patients.

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LD 159 **An Act To Refine the Criteria for Issuing a Certificate of Need** **CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| TURNER DUGAY | | |

LD 159 proposes to require that applications for certificates of need be judged in reference to the state health plan, data from the Maine Health Data Organization and other data available to the Commissioner of Human Services. It proposes to require that particular weight be given to information that the proposed health care services are innovations in high quality health care delivery and that the facility proposing the new health services is designed to provide excellent quality health care.

LD 175 **An Act to Ensure Parity Among Mental Health Professionals Under Medicaid** **CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| PATRICK BRYANT | | |

LD 175 proposed to allow licensed marriage and family therapists to be eligible for Medicaid reimbursement for counseling services whenever licensed professional counselors or licensed clinical professional counselors are eligible for Medicaid reimbursement for those services.

LD 201 **Resolve, To Amend the Laws Governing the Health Care Workforce Leadership council** **RESOLVE 11**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| PERRY A MARTIN | OTP-AM | H-163 |

LD 201 proposes to establish the Health Care Workforce Center to provide an ongoing strategy for the allocation of the State's resources to the health care workforce in this State. The center would develop a strategic plan, convene groups of interested parties to recommend systemic changes and enhance and promote recruitment, recognition and retention of the health care workforce. The center would be directed by an 8-member board.

Committee Amendment "A" (H-163) proposed to amend Resolve 2001, chapter 89, which established the Health Care Workforce Leadership Council. Because members of the council were appointed late, the council was unable to meet the deadline for their interim report. This amendment proposed to set a date for the interim report in November 2003, retain the final report deadline of November 3, 2004 and require that the interim and final reports also address the potential role of and need for a permanent health care workforce council or center.

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Enacted Law Summary

Resolve 2003, chapter 11 amends Resolve 2001, chapter 89, which established the Health Care Workforce Leadership Council. Because members of the council were appointed late, the council was unable to meet the deadline for their interim report. This resolve sets a date for the interim report in November 2003, retains the final report deadline of November 3, 2004 and requires that the interim and final reports also address the potential role of and need for a permanent health care workforce council or center.

LD 220 **Resolve, to Expand Community-based Options for Elderly and Disabled Persons** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| GERZOFSKY EDMONDS | ONTP | |

LD 220 proposed to require the Department of Human Services to submit a waiver application by January 1, 2004 to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to expand community-based options for elderly and disabled persons.

LD 226 **Resolve, to Exempt Bona Fide Education Trust Funds from Family Income for Purposes of Determining Benefits from the Department of Human Services** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| WATSON | ONTP | |

LD 226 proposed to require the Department of Human Services to exempt bona fide education trust funds from the computation of family income when determining eligibility for governmental support for families with children.

LD 227 **An Act to Ban Smoking in Beano and Bingo Halls** **PUBLIC 379**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|------------------------------|---------------------------|
| COWGER MAYO | OTP MAJ ONTP MIN | H-309 DUNLAP |

LD 227 proposed to prohibit smoking in public places where beano or bingo games are being conducted.

House Amendment "B" (H-309) proposed to prohibit smoking in places where beano or bingo games are being conducted, but allow smoking in places where high-stakes beano or bingo games are being conducted by a federally recognized Indian tribe.

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House Amendment "A" (H-241), which was not adopted, proposed to prohibit smoking in places where beano or bingo games are being conducted, but allow smoking in places where high-stakes beano or bingo games are being conducted by a federally recognized Indian tribe.

House Amendment "A" to House Amendment "B" (H-348), which was not adopted, proposed to allow smoking in places where beano or bingo games are being conducted by nonprofit, church-based organizations.

Senate Amendment "A" (S-112), which was not adopted, proposed to prohibit smoking in places where beano or bingo games are being conducted, but allow smoking in places where high-stakes beano or bingo games are being conducted by a federally recognized Indian tribe.

Enacted Law Summary

Public Law 2003, chapter 379 prohibits smoking in places where beano or bingo games are being conducted, but allows smoking in places where high-stakes beano or bingo games are being conducted by a federally recognized Indian tribe.

LD 239

An Act to Elevate the Standards of Foster Parenting in the State

P & S 21

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------------------|-------------------------|---------------------------|
| LAVERRIERE- BOUCHER BRYANT | OTP-AM | H-399 |

LD 239, a concept draft pursuant to Joint Rule 208, proposed to create a vehicle for foster parents to have a voice in decisions made by the Department of Human Services concerning them as foster parents in the State.

Committee Amendment "A" (H-399) proposed to replace the bill and require Department of Human Services' Foster/Adoptive Parent Advisory Committee to report to the Joint Standing Committee on Health and Human Services every 6 months. The amendment also proposed to require the Foster/Adoptive Parent Advisory Committee to have a foster or adoptive parent as one of the cochairs of the committee. The amendment proposed to add a fiscal note to the bill.

Enacted Law Summary

Private and Special Law 2003, chapter 21 specifies that the Department of Human Services must require its Foster/Adoptive Parent Advisory Committee to report to the Joint Standing Committee on Health and Human Services every 6 months. The law also requires the Foster/Adoptive Parent Advisory Committee to have a foster or adoptive parent as one of the cochairs of the committee.

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LD 241 **Resolve, To Require Electronic Transmission of Prior Authorization Requests in the MaineCare Program** **ONTP**

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| <u>Sponsor(s)</u> MARRACHE | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
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LD 241 proposed to require the Department of Human Services to adopt rules that establish a program that gives the department the capability of receiving and responding electronically to requests for services under the MaineCare program from physician offices.

LD 254 **An Act To Require Full Disclosure of Prescription Drug Marketing Costs** **PUBLIC 430**

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| <u>Sponsor(s)</u> KANE TREAT | | <u>Committee Report</u> OTP-AM MAJ ONTP MIN | | <u>Amendments Adopted</u> H-465 |
|------------------------------------|--|---|--|------------------------------------|

LD 254 proposed to require prescription drug manufacturers and labelers whose drugs are dispensed to state residents to file annual reports with the Department of Human Services regarding their expenses for marketing their drugs. The bill proposed to require the department to file an annual report with the Legislature and the Attorney General regarding the information filed and a biennial report that contains analysis of information and recommendations. The bill proposed to continue the confidentiality of trade information that is protected under state and federal law. The bill proposed to provide for a fine of \$10,000 for failure to report as required. The bill proposed to provide for rulemaking by the department and contained an effective date of January 1, 2004.

Committee Amendment "A" (H-465) proposed to exempt from the reporting requirements advertising purchased for a regional or national market, change the fine from \$10,000 to \$1,000 and change the effective date to July 1, 2004. The amendment proposed to add a requirement that the Department of Human Services report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2005 and July 1, 2005 regarding assessment of fees on prescription drug manufacturers and labelers and the use of those fees to support the work of the department.

Enacted Law Summary

Public Law 2003, chapter 430 requires prescription drug manufacturers and labelers whose drugs are dispensed to state residents to file annual reports with the Department of Human Services regarding their expenses for marketing their drugs. The law requires the department to file an annual report with the Legislature and the Attorney General regarding the information filed and a biennial report that contains analysis of information and recommendations. The law continues the confidentiality of trade information that is protected under state and federal law. The law provides for a fine of \$1,000 for failure to report as required. The law provides for rulemaking by the department and contains an effective date of July 1, 2004. The law directs the Department of Human Services to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2005 and July 1, 2005 regarding assessment of fees on prescription drug manufacturers and labelers and the use of those fees to support the work of the department.

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LD 257

An Act To Honor the Intent of Organ Donors

PUBLIC 394

Sponsor(s)
FAIRCLOTH
PENDLETON

Committee Report
OTP-AM

Amendments Adopted
H-445

LD 257 proposed to address organ and tissue donation and transplantation. It proposed to add a short segment on organ and tissue donation and transplantation to the driver's education curriculum and direct the Secretary of State's office to read to applicants for driver's licenses a short statement on organ and tissue donation and to provide an opportunity for the applicant to become a donor. It proposed to direct the Secretary of State to modify its existing database system to maintain the Maine Organ Donor Registry, to establish a volunteer advisory committee and to make registry information available to federally designated organ procurement organizations. The bill proposed to require persons in possession of an advance health care directive to submit the directive to the Maine Organ Donor Registry. It proposed to provide rule-making authority for the Secretary of State. The bill contained the honor-the-intent law, a provision to make clear that donor-expressed intent takes precedence, and specifies the procedures under which a next of kin may override donor intent. The bill proposed to provide that public employees who donate bone marrow are eligible for 7 days of administrative leave for that purpose and public employees who are donors of other tissues and organs are eligible for 30 days of administrative leave for that purpose. This administrative leave would be in addition to any sick leave to which the employee is entitled. The bill contained an effective date of January 1, 2004.

Committee Amendment "A" (H-445) proposed to do the following:

1. It proposed to delete the provision requiring submission of organ donation documents to the Maine Organ Donation Registry;
2. It proposed to delete the provision requiring driver education curricula to contain an organ donation segment and the provision by driver education programs of information on organ donation and the possibility of saving lives through organ donation;
3. It proposed to change the witnessing of organ donation override from 2 witnesses to one and requires discussion with an organ procurement organization instead of the hospital;
4. It proposed to require the Secretary of State's personnel to make available organ donation materials instead of reading them to the applicant;
5. It proposed to require the Maine Organ Donor Registry to accept information from those persons who indicate their intent to donate through the Office of the Secretary of State;
6. It proposed to require the Secretary of State to make available to driver education schools information regarding organ and tissue donation;
7. It proposed to add an allocation in fiscal year 2004-05 of \$20,000 from the Highway Fund for the Maine Organ Donor Registry; and

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8. It proposed to provide an effective date of July 1, 2004.

This law was proposed to take effect July 1, 2004.

Enacted Law Summary

Public Law 2003, chapter 394 states the general rule to honor the intent of a person who has indicated the intention to be an organ donor after death. The law provides a mechanism for overriding that intention. The law requires the Secretary of State's Office to provide information on organ donation to applicants drivers licenses and driving schools and, upon completion of a new computer system, to maintain the Maine Organ Donor Registry. The law becomes effective July 1, 2004.

LD 281 Resolve, Regarding the Operation of the Maine Registry of Certified Nursing Assistants RESOLVE 96

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| BUNKER | OTP-AM MAJ | H-542 |
| STANLEY | ONTP MIN | S-292 CATHCART |

LD 281 proposed to require rulemaking to improve the operation of the Maine Registry of Certified Nursing Assistants and to improve access to information in the registry.

Committee Amendment "A" (H-542) was the majority report of the committee. The amendment proposed to replace the resolve. It proposed to delete the portions of the resolve pertaining to InforME and the portions pertaining to access to criminal history record information. It proposed to retain the provision on payment for criminal history record checks for the Maine Registry of Certified Nursing Assistants. It proposed to require the Department of Public Safety to amend the rules regarding criminal history record checks to grant free access to the Maine Registry of Certified Nursing Assistants. It proposed to require rulemaking by the Department of Education on including the cost of the first record check in a course fee. It proposed to require a series of reports to the Legislature from the Department of Human Services on information about national record checks and fingerprint-based checks. The amendment proposed to add an appropriations and allocations section for the Department of Public Safety for costs associated with processing background checks.

Senate Amendment "A" to Committee Amendment "A" (S-292) proposed to remove the requirement that the Department of Public Safety amend the rules regarding criminal history record checks to grant free access to the Maine Registry of Certified Nursing Assistants. The amendment also proposed to include a General Fund appropriation to reflect the lower costs that the department will incur to process background checks for new certified nursing assistants.

Enacted Law Summary

Resolve 2003, chapter 96 requires the Department of Public Safety to adopt rules providing free access to criminal history record information for the Maine Registry of Certified Nursing Assistants. It requires the Department of Education to adopt rules requiring the CNA course fee to include the record check fee. It requires the Department of Human Services to report to the Health and Human Services Committee on the method of conducting CNA

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record checks by 12/31/03, 7/1/04 and 12/31/04. The resolve provides an appropriation for the Department of Public Safety for staff and operating costs.

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LD 285 **An Act Directing the Department of Human Services to Adjust Dental Reimbursement Rates under the Medicaid Program** **ONTP**

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| <u>Sponsor(s)</u> O'BRIEN J | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
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LD 285 proposed to direct the Department of Human Services to set the Medicaid reimbursement rates by October 1, 2003 for dental services to the 50th percentile of the fees published by a nationwide dental association.

LD 295 **An Act To Revise the Laws Regulating Boarding Homes** **ONTP**

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| <u>Sponsor(s)</u> LAVERRIERE- BOUCHER ROTUNDO | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
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LD 295 was a concept draft pursuant to Joint Rule 208.

This bill proposed to revise regulations for boarding homes in order to encourage the availability of this type of housing. Currently, regulations for boarding homes may be so strict as to discourage the establishment of new boarding homes.

LD 329 **An Act to Encourage the Use of Generic Drugs** **PUBLIC 384**

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| <u>Sponsor(s)</u> BRENNAN | | <u>Committee Report</u> OTP-AM | | <u>Amendments Adopted</u> S-191 |
|------------------------------|--|-----------------------------------|--|------------------------------------|

LD 329 proposed to require a pharmacist to fill a prescription with a generic and therapeutic equivalent of the drug if the prescribing physician does not affirmatively specify that a particular brand-name drug be dispensed. Current law permits a pharmacist to dispense a generic drug.

Committee Amendment "A" (S-191) proposed to provide that the generic substitution provisions of the bill apply to MaineCare prescriptions only when the Department of Human Services has determined that a generic and therapeutically equivalent drug would be more cost effective.

Enacted Law Summary

Public Law 2003, chapter 384 requires a pharmacist to fill a prescription with a generic and therapeutic equivalent of the drug if the prescribing physician does not affirmatively specify that a particular brand-name drug be dispensed. The law contains special considerations for the MaineCare Program.

Joint Standing Committee on Health and Human Services

LD 332 **Resolve, Affecting the MaineCare Reimbursement Formula** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| DOUGLASS DUDLEY | ONTP | |

LD 332 proposed to direct the Department of Human Services to amend the rules for reimbursement under the MaineCare program for the reimbursement of hospitals by November 1, 2003. It proposed to designate the rules as routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

LD 363 **An Act to Ensure Patient Access to Medical Records** **PUBLIC 418**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------------|---------------------------|
| MILLS J | OTP MAJ ONTP MIN | |

LD 363 proposed to establish the amount that a patient may be charged to obtain a copy of the patient's medical records. The bill also proposed to clarify that a patient's authorized representative may receive medical records.

Enacted Law Summary

Public Law 2003, chapter 418 establishes the maximum amount that a patient may be charged to obtain a copy of the patient's medical records and allows patient's authorized representative to receive medical records.

LD 421 **An Act To Include a Representative of Mental Health Providers on the Board of Directors of the Maine Health Data Organization** **PUBLIC 264**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------------------|-------------------------|---------------------------|
| LAVERRIERE- BOUCHER BRENNAN | OTP-AM | H-253 |

LD 421 proposed to require that a representative of mental health providers be appointed to the Board of Directors of the Maine Health Data Organization and that the number of board members be increased from 20 to 21.

Committee Amendment "A" (H-253) proposed to replace the bill. It proposed to require that a representative of mental health providers be appointed to the Board of Directors of the Maine Health Data Organization as one of the 9 members of the board representing providers. It would maintain the total number of board members at the current level, which is 20.

Joint Standing Committee on Health and Human Services

Enacted Law Summary

Public Law 2003, chapter 264 requires that a representative of mental health providers be appointed to the Board of Directors of the Maine Health Data Organization as one of the 9 members of the board representing providers.

LD 429 Resolve, To Increase Allowance Levels for Nursing Home Residents ONTP

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| <u>Sponsor(s)</u> ROTUNDO CRAVEN | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
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LD 429 proposed to require the Department of Human Services to adopt rules increasing the amount of income that may be retained by residents of nursing facilities.

LD 432 An Act To Amend the Maine Health Data Organization Laws ONTP

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| <u>Sponsor(s)</u> MAYO SULLIVAN | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
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LD 432 proposed to require the Maine Health Data Organization to expand its data collection efforts to include data on the quality and price of health care services. It proposed to require the Maine Health Data Organization to file its annual report by November 1st of each year and to include in the report information regarding the quality of health care as well as recommendations for improving access to information by consumers and the improvement of quality of care.

LD 439 Resolve, To Provide Equitable Services to Persons with Congenital Brain Anomalies ONTP

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| <u>Sponsor(s)</u> CATHCART | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
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LD 439 proposed to direct the Department of Human Services, Bureau of Health to provide individuals with congenital brain anomalies coverage and services to the same extent as those provided to individuals with acquired brain injuries.

Joint Standing Committee on Health and Human Services

LD 440 **Resolve, To Provide Equitable Treatment of Graduate Students** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| CATHCART DUNLAP | ONTP | |

LD 440 proposed to direct the Department of Human Services by November 1, 2003 to work with the University of Maine System to provide assistance through child care and other programs for any parent who is a resident of the State and a student at the university graduate level.

LD 444 **Resolve, Regarding Coverage of Durable Medical Equipment in the
MaineCare Program** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MARRACHE | ONTP | |

LD 444 proposed to require that by November 1, 2003 the Department of Human Services adopt rules for reimbursement for durable medical equipment under the MaineCare program, specifically regarding the process for determining deductible requirements for medically needy individuals. The rules would increase the protected income level to the federal poverty level and waive the deductible process for terminally ill persons. The rules were designated as routine technical rules.

LD 471 **Resolve, To Study Obesity and Methods To Decrease the Cost of
Health Care and Increase the Public Health** **RESOLVE 95**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| FAIRCLOTH BRENNAN | OTP-AM | H-464 H-585 KANE |

LD 471 proposed to establish the Commission to Study Public Health to study the causes of obesity and methods to decrease the cost of health care and improve public health. The commission would be charged with submitting a report, together with legislation, to the Second Regular Session of the 121st Legislature by December 1, 2003.

Committee Amendment "A" (H-464) proposed to make a number of changes in the resolve. The amendment proposed to add 17 members to the study commission, broadening the representation. The amendment proposed to alter the duties of the commission, removing the duty to include in its report and any suggested legislation options for the labeling of fats on all packaged food and the requirement to use in the report and legislation the food pyramid associated with the Harvard School of Public Health and providing focus for other duties. The amendment also proposed to add authority to seek outside funds and prohibit any expenditures that have an effect on the General Fund.

Joint Standing Committee on Health and Human Services

House Amendment "B" to Committee Amendment "A" (H-585) proposed to incorporate the substance of Senate Amendment "A" to Committee Amendment "A" (S-281), except that it would remove the emergency preamble and the emergency clause.

House Amendment "A" to Committee Amendment "A" (H-529), which was not adopted, proposed to require the solicitation and use of outside funding to cover all costs of the commission and provide that if sufficient funds are not received no meetings are authorized.

Senate Amendment "A" to Committee Amendment "A" (S-281), which was not adopted, proposed to add an emergency preamble and emergency clause and allow the commission to seek staff assistance from the Legislative Council or from the Office of Policy and Legal Analysis assistance. The amendment proposed to change the reporting date from December 1, 2003 to December 3, 2003. The amendment also proposed to allow the commission to seek outside funding to fully fund itself, except it may not accept funds from any party having a vested interest in the outcome. All contributions would be subject to Legislative Council approval.

Enacted Law Summary

Resolve 2003, chapter 95 establishes the Commission to Study Public Health to study the causes of obesity and methods to decrease the cost of health care and improve public health. The commission is composed of 31 members, of whom 4 are legislators. The Commission is required to submit a report to the Legislature by December 1, 2003 and may introduce its own legislation.

LD 480 **Resolve, To Maintain Flexibility and Safety in Caring for People with Severe and Persistent Mental Illness** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| DAGGETT O'BRIEN J | ONTP | |

LD 480 proposed to direct the Department of Behavioral and Developmental Services to maintain one unit of beds at the Augusta Mental Health Institute. The bill proposed to establish criteria for transfer to a state psychiatric facility and to require the department to report quarterly to the Joint Standing Committee on Health and Human Services on the number of transfer requests. The bill also proposed to require a plan for meeting the needs of patients denied admission when the number of denied admissions exceeded 30% of requests.

LD 532 **Resolve, Directing the Maine Health Data Organization To Evaluate the Current System of Annual Assessments and User Fees** **RESOLVE 35**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| NUTTING WESTON | OTP-AM | H-255 |

LD 532 proposed to repeal the Maine Health Data Organization's annual assessments against insurers and providers and to repeal the organization's rulemaking authority with regard to enforcement of assessments.

Joint Standing Committee on Health and Human Services

Committee Amendment "A" (H-255) proposed to replace the bill with a resolve. It proposed to require the Maine Health Data Organization to evaluate its current system of annual assessments and user fees and make recommendations for improvement to the Joint Standing Committee on Health and Human Services by January 30, 2004. The amendment proposed to add a fiscal note to the resolve.

Enacted Law Summary

Resolve 2003, chapter 35 requires the Maine Health Data Organization to evaluate its current system of annual assessments and user fees and make recommendations for improvement to the Joint Standing Committee on Health and Human Services by January 30, 2004.

LD 535 **An Act To Strengthen Health Data Information and Health Planning** **CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| TURNER DUDLEY | | |

LD 535 proposes to establish the State Health Planning Commission to adopt a statewide comprehensive health plan by November 1, 2003 and every 2 years thereafter and to report to the Legislature and the Department of Human Services once every 2 years. The bill proposes to require the Maine Health Data Organization to work with other organizations to evaluate health outcomes and clinical pathways. It also proposes to require the Maine Health Data Organization to collect data on total health care system utilization, costs and revenues and to release information to the public in a user-friendly manner.

LD 553 **Resolve, To Study the Needs of Deaf and Hard-of-hearing Children and Adolescents** **RESOLVE 84**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|--|
| EDMONDS SMITH W | OTP-AM | H-553 RICHARDSON J H-590 DUPLESSIE S-182 |

LD 553 proposed to establish the Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents.

Committee Amendment "A" (S-182) proposed to add 6 members to the Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents. It proposed to clarify the duties of the task force regarding mental health services and educational services.

House Amendment "A" (H-590) proposed to remove the emergency preamble and emergency clause from the resolve.

House Amendment "A" to Committee Amendment "A" (H-553) proposed to change who appoints the 11 public members of the task force from the Governor to the Speaker of the House and the President of the Senate,

Joint Standing Committee on Health and Human Services

who would appoint 5 and 6 members respectively. The amendment proposed to authorize the task force to hold up to 4 meetings. It also proposed to allow public members of the task force to receive a per diem upon a demonstration of financial hardship and to change the reporting date from December 10, 2003 to December 3, 2003.

Enacted Law Summary

Resolve 2003, chapter 84 establishes the Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents. The task force is composed of 4 legislators, 11 members of the public, the Commissioner of Human Services, the Commissioner of Education and the Commissioner of Behavioral and Developmental Services. The task force is authorized to meet up to 4 times and is required to submit a report, including suggested legislation, to the 2nd Regular Session of the 121st Legislature no later than December 3, 2003.

LD 554 An Act To Protect Against Unfair Prescription Drug Practices PUBLIC 456

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| TREAT | OTP-AM MAJ | S-204 |
| LEMOINE | ONTP MIN | |

LD 554 proposed to specify the fiduciary duties of pharmacy benefits managers and the obligation to serve the covered entities with whom they contract and the covered individuals provided health care benefits by the covered entities. The bill proposed to prohibit contractual terms that are inconsistent with the pharmacy benefits manager's fiduciary duties. The bill proposed to require payment to a pharmacy benefits manager based on volume of certain drugs or as a result of substitution of drugs to be passed on to the covered entity or covered individuals. The bill proposed to require disclosure of financial terms that apply between a pharmacy benefits manager and a manufacturer or labeler. The bill proposed to require consultation with and agreement of the prescribing health professional or a representative of that professional before a pharmacy benefits manager may switch a prescription drug to be dispensed to a covered individual. The bill proposed to prohibit agreements to waive provisions of the law. Violations of the law would be violations of the Maine Unfair Trade Practices Act and would be enforceable by private action or the Attorney General.

Committee Amendment "A" (S-204) proposed to make the following changes in the bill:

1. Remove references to the Employee Retirement Income Security Act of 1974.
2. Remove the requirement that payments to the pharmacy benefits manager based on volume of sales be passed on to the covered individual and retains the requirement that they be passed on to covered entities.
3. Clarify the procedural requirements for substituting a different drug for a prescribed drug.
4. Remove the fiduciary relationship between the pharmacy benefits manager and persons served by a covered entity.

Enacted Law Summary

Joint Standing Committee on Health and Human Services

Public Law 2003, chapter 456 specifies the fiduciary duties of pharmacy benefits managers and the obligation to serve the covered entities with whom they contract and the covered individuals provided health care benefits by the covered entities. The law requires disclosure of financial terms that apply between a pharmacy benefits

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manager and a manufacturer or labeler. The law requires consultation with and agreement of the prescribing health professional or a representative of that professional before a pharmacy benefits manager may switch a prescription drug to be dispensed to a covered individual. The law prohibits agreements to waive provisions of the law. Violations of the law are violations of the Maine Unfair Trade Practices Act and are enforceable by private action or the Attorney General.

LD 557 **Resolve, To Increase the Amount of Emergency Assistance Available to Families** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| LAVERRIERE-BOUCHER | ONTP | |

LD 557 proposed to direct the Department of Human Services to adopt rules to increase the maximum level of assistance under the emergency assistance program to \$400 a year for needy families with children. The rules were designated as routine technical.

LD 558 **Resolve, To Enhance Services to Children and Families** **RESOLVE 24 EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| LAVERRIERE-BOUCHER | OTP-AM | H-293 |

LD 558 proposed to direct the Department of Human Services to retain in effect the reimbursement rates for therapeutic foster care that were in effect on January 1, 2003 until new rates proposed for adoption were reviewed by a subcommittee of the Joint Standing Committee on Health and Human Services and a set of reimbursement rates were approved by a majority of the committee.

Committee Amendment "A" (H-293) proposed to replace the resolve. The amendment proposed to require the Department of Human Services to adopt routine technical rules on matters relating to levels of care in the foster care system, including assessment of children and reimbursement rates. The amendment also proposed to require the department to notify the Joint Standing Committee on Health and Human Services of any such rules that are proposed. The amendment proposed to add a fiscal note to the resolve.

Enacted Law Summary

Resolve 2003, chapter 24 requires the Department of Human Services to adopt routine technical rules on matters relating to levels of care in the foster care system, including assessment of children and reimbursement rates. The resolve also requires the department to notify the Joint Standing Committee on Health and Human Services of any such rules that are proposed.

Resolve 2003, chapter 24 was passed as an emergency measure effective May 16, 2003.

Joint Standing Committee on Health and Human Services

LD 584 **An Act To Strengthen the Maine Certificate of Need Act of 2002** **CARRIED OVER**

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| <u>Sponsor(s)</u> TRAHAN | | <u>Committee Report</u> | | <u>Amendments Adopted</u> |
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LD 584 proposes to increase the applicability of the certificate of need law to health care facilities, regardless of ownership. It proposes to repeal provisions for subsequent review following approval of a certificate of need. The bill proposed to expand the scope of the periodic reports to the Department of Human Services by an applicant who has been granted a certificate of need. It proposes to exempt from the certificate of need process the conversion by a critical access hospital of banked hospital beds to swing beds.

LD 585 **An Act to Establish a Statewide Primary and Preventive Health Care Program** **CARRIED OVER**

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| <u>Sponsor(s)</u> TRAHAN HALL | | <u>Committee Report</u> | | <u>Amendments Adopted</u> |
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LD 585 proposes to establish a statewide primary and preventive health care program, a Medicaid waiver program to serve children and adults with family incomes up to 300% of the federal poverty level, subject to adjustment by the Commissioner of Human Services in order to maximize coverage and prevent overspending by the program. The program would include an Internet resource guide and health weeks twice per year to promote good health and encourage enrollment in the program. The proposed program includes an advisory committee to advise the Department of Human Services on consumer copayments and premiums. The bill proposed to require administration of the program to be coordinated and integrated with the MaineCare program. The bill proposes to require 4 public hearings on a statewide basis prior to the operation of the program. The bill proposed to require quarterly fiscal reports. The bill proposes to require the waiver application to be filed by January 1, 2004.

LD 602 **Resolve, to Allow Persons with Disabilities to Purchase Coverage Under the Medicaid Program** **ONTP**

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| <u>Sponsor(s)</u> DOUGLASS THOMAS | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
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LD 602 proposed to require the Department of Human Services to amend the rules to allow persons with disabilities and their spouses to purchase coverage in the Medicaid program. The rules would maintain income eligibility limits while removing separate limits on earned and unearned income.

Joint Standing Committee on Health and Human Services

LD 609 **An Act To Offset the United States Citizenship Test Fee for Low-income Residents** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| STRIMLING DUDLEY | ONTP | |

LD 609 proposed to direct the Department of Human Services to pay the United States citizenship test fee for a low-income person seeking United States citizenship who had been a resident of the State for at least one year and whose income was below the median income of the State. This bill also proposed to direct the department to adopt rules to implement this provision, including that the department assist an applicant in filing for a fee waiver from the Federal Government and that the State pay the citizenship test fee directly to the Federal Government. The rules would also develop a process that was most cost-effective for the State and as simple as possible for the applicant.

LD 611 **An Act To Obtain Substance Abuse Services for Minors** **CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| ROTUNDO | | |

LD 611 proposes to allow the Department of Behavioral and Developmental Services to provide alcohol and drug treatment services to a minor on the request of the minor’s parent. It proposes to require that services provided to a minor upon request of the parent be as intensive as services provided to a minor on a voluntary basis.

LD 616 **An Act To Provide Safe Staffing Levels for Patients and To Retain Registered Nurses** **CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| PENDLETON RICHARDSON J | | |

LD 616 proposes to impose minimum staffing requirements for nurse-to-patient staffing on all hospitals with an increase of nurses required based on the acuity of the patients. The bill proposes to direct the Department of Human Services to adopt rules, which are classified as major substantive rules, for establishing an acuity-based patient classification system in hospitals.

Joint Standing Committee on Health and Human Services

LD 619 **An Act Making Substantive and Technical Changes to the General Assistance Laws** **ONTP**

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| <u>Sponsor(s)</u> ROTUNDO | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
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LD 619 proposed to make changes to the municipal general assistance laws in order to facilitate administration of and access to the program. Specifically, the bill proposed to make the following changes:

1. Clarify that information could be disclosed to law enforcement officers, emergency respondents or municipal officials who were acting in an official capacity while maintaining confidentiality.
2. Clarify provisions of law regarding residency and municipal responsibility.
3. Clarify provisions of law regarding funerals, burial and cremation of general assistance recipients.
4. Remove the standard of "knowingly and willfully" from the false representation statutes.
5. Clarify forfeiture and reduction of benefits.
6. Expand the definition of legally liable spouses and parents.
7. Create a claimant's right to request rescheduling of a fair hearing if just cause for failure to appear is established.

LD 622 **Resolve, To Establish a Committee To Examine the Cost-effectiveness of the State Long-term Care Assessment System** **ONTP**

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| <u>Sponsor(s)</u> DUDLEY MARTIN | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
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LD 622 was a concept draft pursuant to Joint Rule 208.

This resolve proposed to create a mechanism to examine the State's long-term care assessment system. A committee formed pursuant to this resolve would include all stakeholders, such as Legislators, consumers, institutional providers and community providers. The Legislators would be appointed by the Speaker of the House and the President of the Senate, and the other members would be appointed by the Governor. The committee would be required to study the overlapping federal and state Medicaid eligibility tools, requirements regarding eligibility to perform assessments and the information provided to those who are considered ineligible for long-term care.

The bill proposed that the Commissioner report to the Second Regular Session of the 121st Legislature legislation that forces the current assessment system to be more efficient.

Joint Standing Committee on Health and Human Services

LD 684 **An Act To Provide Health Coverage for Smokers Who Suffer from Smoking-related Illnesses** **ONTP**

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| <u>Sponsor(s)</u> JOY | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
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LD 684 proposed to create a smoker illness program and a smoker illness fund with the purpose of providing coverage to smokers for smoking-related illnesses. The proposed fund would consist of 40% of the revenue derived from the cigarette tax. This program and fund would be administered by the Department of Human Services.

LD 711 **Resolve, To Lower the Costs of Prescription Drugs through the Use of the Federal Public Health Service Act** **RESOLVE 29**

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| <u>Sponsor(s)</u> TREAT KANE | | <u>Committee Report</u> OTP | | <u>Amendments Adopted</u> |
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LD 711 proposed to require the Department of Human Services to study and report to the Joint Standing Committee on Health and Human Services by January 1, 2004 on the benefits that could be recognized by the State if it utilized Section 340B of the federal Public Health Services Act to provide prescription drugs to Maine's most vulnerable patient populations. The resolve proposed to authorize the committee to report out legislation to the Second Regular Session of the 121st Legislature.

Enacted Law Summary

Resolve 2003, chapter 29 requires the Department of Human Services to study and report to the Joint Standing Committee on Health and Human Services by January 1, 2004 on the benefits that could be recognized by the State if it utilized Section 340B of the federal Public Health Services Act to provide prescription drugs to Maine's most vulnerable patient populations. The resolve authorizes the committee to report out legislation to the Second Regular Session of the 121st Legislature.

LD 713 **An Act to Support Health Care Safety Net Programs** **CARRIED OVER**

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| <u>Sponsor(s)</u> MARTIN | | <u>Committee Report</u> | | <u>Amendments Adopted</u> |
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LD 713 proposes to provide funding for the Bureau of Health, within the Department of Human Services, to make grants to federally qualified health centers, Indian Health Service - supported centers and the Maine Primary Care Association to support health care safety net programs. The additional funding would be offset by an increase in the cigarette tax from \$1 to \$1.05 per pack.

Joint Standing Committee on Health and Human Services

LD 727 **An Act To Protect Children by Allowing Child Care Facilities To Fingerprint Employees** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| DUPREY B SAWYER | ONTP | |

LD 727 proposed to provide licensed child care facilities the option to fingerprint employees or applicants for employment. The bill proposed to require child care facilities to pay for the fingerprinting and require employees and applicants to submit to the fingerprinting.

LD 732 **Resolve, Directing the Department of Human Services To Establish an Advisory Task Force to Examine Staff-child Ratios and Maximum Group Size in Child Care Facilities** **RESOLVE 97 EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| DUPREY B SAWYER | OTP-AM | H-168 S-277 GAGNON |

LD 732 proposed to establish in law minimum staff-child ratios for child care centers.

Committee Amendment "A" (H-168) proposed to replace the bill and make it a resolve. The amendment proposed to direct the Department of Human Services to convene an advisory task force to study staff-child ratios and maximum group size in child care facilities and to require the task force to make recommendations to the department and the department to report its conclusions to the Joint Standing Committee on Health and Human Services. The amendment proposed to require the department to retain current child care rules in effect until June 15, 2004 to allow for the task force to complete its work and the department to conduct additional rulemaking if necessary.

Senate Amendment "A" to Committee Amendment "A" (S-277) proposed to add an emergency preamble, clarify that up to 3 Legislators may serve on the advisory task force and authorize up to 4 meetings of the advisory task force. The amendment also proposed to change the reporting dates.

Enacted Law Summary

Resolve 2003, chapter 97 directs the Department of Human Services to convene an advisory task force to study staff-child ratios and maximum group size in child care facilities. The resolve requires the task force to make recommendations to the department by December 3, 2003 and requires the department to review those recommendations and report its conclusions to the Joint Standing Committee on Health and Human Services by January 5, 2004. The resolve also requires the department to retain current child care rules in effect until June 15, 2004 to allow for the task force to complete its work and the department to conduct additional rulemaking if necessary.

Resolve 2003, chapter 97 was passed as an emergency measure effective June 25, 2003.

Joint Standing Committee on Health and Human Services

LD 767

Resolve, Directing the Department of Human Services To Enact Rules To Reduce the Health Risks Associated with Latex Gloves

RESOLVE 70

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|------------------------|-------------------------|---------------------------|
| PENDLETON DUPLESSIE | OTP-AM | S-177 S-225 BRENNAN |

LD 767 proposed to prohibit the sale and use of nonsterile latex gloves. The bill proposed to authorize the sale of low-protein, nonpowder sterile latex gloves to licensed health facilities and medical personnel solely for use in surgical procedures and only if the benefits outweigh the risks and the patient, or person who may make medical decisions for the patient, consents.

Committee Amendment "A" (S-177) proposed to replace the bill with a resolve that directs the Department of Human Services, Bureau of Health to adopt rules requiring the development of protocols regarding the use of latex gloves. It proposed to direct the Bureau of Health to report back to the Joint Standing Committee on Health and Human Services regarding the rules, the development of protocols, the anticipated impact of the protocols and whether legislation is required to further address allergies to latex gloves by January 30, 2004. It proposed to designate the rules as routine technical rules.

Senate Amendment "A" (S-225) proposed to remove responsibility for rulemaking regarding latex gloves protocols for commercial and industrial sites and state agencies from the Department of Human Services, Bureau of Health and instead requires the Department of Labor to study such uses and recommend legislation.

House Amendment "A" to Committee Amendment "A" (H-485), which was not adopted, proposed to add emergency medical services to the health care settings subject to rulemaking regarding latex gloves.

See amendment to LD 767 in errors bill LD 274, removing appropriation mistakenly not removed by Senate Amendment "A".

Enacted Law Summary

Resolve 2003, chapter 70 directs the Department of Human Services, Bureau of Health to adopt rules requiring the development of protocols regarding the use of latex gloves. It directs the Bureau of Health to report back to the Joint Standing Committee on Health and Human Services regarding the rules, the development of protocols, the anticipated impact of the protocols and whether legislation is required to further address allergies to latex gloves by January 30, 2004. It designates the rules as routine technical rules. The resolve directs the Department of Labor to study the use of latex gloves in commercial establishments, industrial facilities and state agencies.

Joint Standing Committee on Health and Human Services

LD 780

An Act To Amend the Maine Registry of Certified Nursing Assistants

**PUBLIC 376
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| ANDREWS DAGGETT | OTP-AM | H-504 |

LD 780 proposed to require the Maine Registry of Certified Nursing Assistants to bar an individual from working in a health care entity as a certified nursing assistant if that individual has been convicted by a court of law of, or has had a complaint substantiated by the Department of Human Services involving, abuse, neglect or misappropriating funds in a health care entity. The bill proposed to bar individuals with serious criminal convictions from being employed in a health care entity as certified nursing assistants. The bill also proposed to require training programs for nursing assistants to notify applicants about this restriction prior to acceptance into a program.

Committee Amendment "A" (H-504) proposed to specify the health care settings in which employment restrictions on certified nursing assistants apply. It proposed to clarify that the entity responsible for substantiating allegations of abuse or neglect is the Department of Human Services. It proposed to clarify language regarding misappropriation of property and add an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2003, chapter 376 specifies the health care settings in which employment restrictions on certified nursing assistants apply. It clarifies that the entity responsible for substantiating allegations of abuse or neglect is the Department of Human Services.

Public Law 2003, chapter 376 was enacted as an emergency measure effective June 2, 2003.

LD 800

Resolve, To Provide Training on Autistic Behaviors to Crisis Professionals

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BLAIS BERUBE | ONTP | |

LD 800 proposed to direct the Department of Behavioral and Developmental Services to provide training designed to reduce the reliance on emergency rooms, crisis intervention teams and inpatient services by children with autistic disorders or mental retardation. The department could either provide the training or contract out the training. The training would begin no later than May 1, 2003. The resolve proposed to direct the department to fund the training with funds previously appropriated for the development of short-term residential services for children with mental retardation or autism.

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LD 849 **An Act To Ensure Fairness in Maine's Prescription Drug Laws** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| CANAVAN DOUGLASS | ONTP | |

LD 849 proposed to require the Department of Human Services to receive approval from the drug committee, established pursuant to the Maine Revised Statutes, Title 22, section 3174-M, subsection 2, prior to establishing any mechanisms to monitor or restrict the manner in which physicians prescribe drugs or Medicaid program recipients have access to drugs. The bill also proposed to require that 2 members of the committee must be psychiatrists, one a child psychiatrist and one an adult psychiatrist. (See LD 1288.)

LD 866 **An Act Concerning Recovery of Expenses under the General Assistance Laws** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SMITH W MARTIN | ONTP | |

LD 866 proposed to require that reasonable attorney's fees and litigation costs be deducted from retroactive Supplemental Security Income benefits and Worker's Compensation lump sum payments before the state and municipalities would be reimbursed for providing General Assistance while an individual's Supplemental Security Income claim or Worker's Compensation claim was pending.

LD 878 **An Act To Provide Peer Support and Advocacy Services To Participants in the ASPIRE-TANF Program and the Parents as Scholars Program** **PUBLIC 351**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------------------|--------------------------------------|---------------------------|
| LAVERRIERE- BOUCHER MAYO | OTP-AM MAJ ONTP MIN | H-398 |

LD 878 proposed to direct the Department of Human Services to contract with a nonprofit entity or entities to establish a peer support advocacy demonstration project in 4 different regions of the State to provide information and advocacy services to ASPIRE-TANF program and Parents as Scholars Program participants.

Committee Amendment "A" (H-398) was the majority report and proposed to replace the bill. The amendment proposed to direct the Department of Human Services to establish a volunteer peer support and advocacy demonstration project in 4 of its offices to provide information, support and advocacy services to ASPIRE-TANF program and Parents as Scholars Program participants. The amendment also proposed to require the department to report on the project to the Joint Standing Committee on Health and Human Services by March 1, 2004. The

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amendment proposed to add a sunset provision that would repeal the project July 1, 2005. The amendment proposed to add a fiscal note to the bill.

Enacted Law Summary

Public Law 2003, chapter 351 directs the Department of Human Services to establish a volunteer peer support and advocacy demonstration project in 4 of its offices to provide information, support and advocacy services to ASPIRE-TANF program and Parents as Scholars Program participants. The law requires the department to report on the project to the Joint Standing Committee on Health and Human Services by March 1, 2004. The law includes a sunset provision that repeals the project July 1, 2005.

LD 896 **Resolve, To Establish a System for Electronic Filing of Death Certificates** **RESOLVE 27**

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| <u>Sponsor(s)</u> MAYO RICHARDSON J | <u>Committee Report</u> OTP-AM | <u>Amendments Adopted</u> S-104 |
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LD 896 proposed to direct the State Board of Funeral Services and the State Registrar of Vital Statistics jointly to establish a system for electronic filing of death certificates with municipal clerks and with the State.

Committee Amendment "A" (S-104) proposed to require the Department of Human Services, Bureau of Health to convene an advisory committee on the development of a plan and funding for an electronic death certificate filing system. It proposed to require a report back by January 15, 2004 to the Joint Standing Committee on Health and Human Services. It proposed to require the Bureau of Health to provide staffing for the work of the advisory committee.

Enacted Law Summary

Resolve 2003, chapter 27 requires the Department of Human Services, Bureau of Health to convene an advisory committee on the development of a plan and funding for an electronic death certificate filing system. It requires a report back by January 15, 2004 to the Joint Standing Committee on Health and Human Services. It requires the Bureau of Health to provide staffing for the work of the advisory committee.

LD 903 **Resolve, Regarding Consumer Information for Medicare Beneficiaries** **RESOLVE 55**

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| <u>Sponsor(s)</u> DAMON | <u>Committee Report</u> OTP-AM | <u>Amendments Adopted</u> S-199 |
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LD 903 proposed to require the Department of Professional and Financial Regulation, the Bureau of Insurance to amend its rule relating to guaranteed issue of Medicare supplement insurance policies to allow an individual who was previously enrolled in a Medicare supplement policy to obtain that same coverage when the individual loses eligibility under the MaineCare program. The resolve proposed to require the bureau to amend the rule by January 1, 2004.

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Committee Amendment "A" (S-199) proposed to direct the Department of Human Services and the Department of Professional and Financial Regulation, Bureau of Insurance to work with a statewide organization providing legal services for the elderly and other consumer advocates to examine current practices for providing information to Medicare beneficiaries about Medicare supplement policies and to develop practices and procedures for providing information.

Enacted Law Summary

Resolve 2003, chapter 55 directs the Department of Human Services and the Department of Professional and Financial Regulation, Bureau of Insurance to work with a statewide organization providing legal services for the elderly and other consumer advocates to examine current practices for providing information to Medicare beneficiaries about Medicare supplement policies and to develop practices and procedures for providing information.

LD 973 An Act To Ensure Comprehensive Cancer Control in Maine PUBLIC 215

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|---|-----------------------------------|------------------------------------|
| <u>Sponsor(s)</u> MARTIN MCLAUGHLIN | <u>Committee Report</u> OTP-AM | <u>Amendments Adopted</u> S-105 |
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LD 973 proposed to establish a cancer prevention and control program to provide leadership for and coordination of cancer prevention, research and treatment activities within the State. The program would be authorized to receive federal grant money. The program would consult with statewide organizations concerned with the treatment and prevention of cancer.

Committee Amendment "A" (S-105) proposed to add an allocation section that reflects the establishment of 2 federally funded positions and the transfer of federal funding from contract use to staff position use.

Enacted Law Summary

Public Law 2003, chapter 215 establishes a cancer prevention and control program to provide leadership for and coordination of cancer prevention, research and treatment activities within the State. The program is authorized to receive federal grant money. The program will consult with statewide organizations concerned with the treatment and prevention of cancer.

LD 982 An Act To Increase the Legal Age for the Purchase of Tobacco Products ONTP

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| <u>Sponsor(s)</u> HALL | <u>Committee Report</u> ONTP | <u>Amendments Adopted</u> |
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LD 982 proposed to raise the minimum age to purchase tobacco and tobacco products from 18 years of age to 19 years of age beginning January 1, 2004, to 20 years of age beginning January 1, 2005 and to 21 years of age beginning January 1, 2006.

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LD 1066 **An Act to Address the Temporary Maximum Levels of Assistance for General Assistance Established in 1991** **CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| DUDLEY BRENNAN | | |

LD 1066 propose to increase the temporary maximum levels for municipal general assistance from a level based on fair market rents to a level based on fair market rents adjusted by established maximum levels of assistance for food. The bill proposes to require the Department of Human Services to reimburse municipalities for the increased expenditures associated with the bill in 2004 and to adopt rules to equitably distribute the costs beginning in 2005.

LD 1073 **An Act To Extend the Duties of the Children's Ombudsman** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| CANAVAN BRENNAN | ONTP | |

LD 1073 proposed to extend the duties of the ombudsman who provides services to children and families regarding child welfare services provided by the Department of Human Services to include the provision of ombudsman services to children and families regarding services provided to children by the Department of Behavioral and Developmental Services.

LD 1075 **Resolve, To Ensure Appropriate Care for Older Persons with Dementia and Certain Other Diseases** **RESOLVE 52**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| KANE MAYO | OTP-AM | H-446 |

LD 1075 proposed to establish the Commission to Study Care for Persons with Dementia. The commission would be charged with reviewing the lack of programs and services for persons prone to aggressive behavior as a result of dementia or other diseases and with making recommendations by January 1, 2004.

Committee Amendment "A" (H-446) proposed to direct the Department of Human Services and the Department of Behavioral and Developmental Services to establish and support the Joint Advisory Committee on Select Services for Older Persons, establish the duties of the committee and set reporting dates.

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Enacted Law Summary

Resolve 2003, chapter 52 directs the Department of Human Services and the Department of Behavioral and Developmental Services to establish and support the Joint Advisory Committee on Select Services for Older Persons, establishes the duties of the committee and sets reporting periodic dates.

LD 1090 **Resolve, To Promote Recruitment and Retention of Direct Care Workers in Long-term Care in Maine** **CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| EDMONDS LAVERRIERE-BOUCHER | | |

LD 1090 proposes to provide funds to increase compensation to direct care workers and creates demonstration grants for retention of direct care workers in nursing facilities, residential care facilities and home health care. The resolve also proposes to direct the Department of Human Services to study wages, benefits and reimbursement for these workers and report back to the Second Regular Session of the 121st Legislature.

LD 1099 **An Act To Amend the Laws Governing the Maine Developmental Disabilities Council** **PUBLIC 417**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| BROMLEY DUDLEY | OTP-AM | S-183 |

LD 1099 proposed to remove the Maine Developmental Disabilities Council from within the Department of Behavioral and Developmental Services and establish the council as an independent advisory agency. It also proposed to clarify that employees of the council are not considered state employees except for the purposes of the state retirement system, the state employee health program and the Maine Tort Claims Act.

Committee Amendment "A" (S-183) proposed to eliminate the provision in the bill that required the Governor to appoint a current Legislator to the Maine Developmental Disabilities Council and to add an effective date of September 30, 2003. The amendment proposed to add a transfer provision regarding fiscal year 2003-04, an appropriation and allocation section regarding fiscal year 2004-05 and add fiscal note to the bill.

Enacted Law Summary

Public Law 2003, chapter 417 removes the Maine Developmental Disabilities Council from within the Department of Behavioral and Developmental Services and establishes the council as an independent advisory agency. The law clarifies that employees of the council are not considered state employees except for the purposes of the state retirement system, the state employee health program and the Maine Tort Claims Act.

Public Law 2003, chapter 417 takes effect September 30, 2003.

Joint Standing Committee on Health and Human Services

LD 1105

Resolve, Regarding Fire Safety Issues in Head Start Preschool Programs Located in Public Schools

RESOLVE 28

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| <u>Sponsor(s)</u> MILLS P | | <u>Committee Report</u> OTP-AM | | <u>Amendments Adopted</u> H-254 |
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LD 1105 proposed to amend the definition of "child care center" to exclude a Head Start preschool program that is located in a public school. The bill also proposed to amend the law so that the fire safety rules that apply to preschool classrooms located in public schools also apply to Head Start preschool programs located in public schools.

Committee Amendment "A" (H-254) proposed to replace the bill with a resolve. The amendment proposed to require that the Department of Human Services and the Department of Education convene an advisory work group to examine fire safety issues in Head Start preschool programs that are located in public schools. The amendment proposed to require the advisory task force to make recommendations to the two departments by November 14, 2003, and to report to the Joint Standing Committee on Health and Human Services by January 30, 2004. The amendment proposed to add a fiscal note to the resolve.

Enacted Law Summary

Resolve 2003, chapter 28 requires that the Department of Human Services and the Department of Education convene an advisory work group to examine fire safety issues in Head Start preschool programs that are located in public schools. The resolve requires the advisory task force to make recommendations to the two departments by November 14, 2003, and to report to the Joint Standing Committee on Health and Human Services by January 30, 2004.

LD 1108

Resolve, To Establish Equitable Rates for In-home Behavioral Health Services for Children

ONTP

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| <u>Sponsor(s)</u> DUDLEY BRENNAN | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
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LD 1108 proposed to require the Department of Human Services to amend its rules regarding MaineCare reimbursement rates for agencies that provide in-home behavioral health services for children. The resolve proposed to require the department to change the reimbursement rate from a fixed rate to a rate based on actual agency costs.

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LD 1121 **An Act Relating to the Reporting of Information to the Maine Health Data Organization** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| MARRACHE GAGNON | ONTP | |

LD 1121 proposed to exclude health care practitioners from the definition of provider and exclude free-standing ambulatory care facilities from the definition of health care facility under the provisions of law governing the Maine Health Data Organization. These exclusions would exempt practitioners and ambulatory care facilities from any requirements that the organization imposes on providers or facilities, including requirements to report data and pay annual assessments.

LD 1127 **An Act To Require Fire-safe Cigarettes in the State** **CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| BULL EDMONDS | | |

LD 1127 proposes to provide that, beginning January 1, 2004, only cigarettes that meet the standards of fire-safe cigarettes as established by the State Fire Marshal may be offered for sale in this State.

LD 1154 **An Act To Establish an Appeal Process for Residential Care Facilities Denied Licensure Due to Fire Safety Issues** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| SHERMAN | ONTP | |

LD 1154
Currently, a license may not be issued by the Department of Human Services to a residential care facility unless the State Fire Marshal's Office attests that the facility has complied with applicable fire safety provisions. If the State Fire Marshal's Office declined to issue the required statement, this bill proposed to allow the residential care facility to appeal the decision, using the same appeal process established in the Maine Revised Statutes, Title 25, section 2392 to appeal code violations.

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LD 1156 **Resolve, To Study the Impact of "Critical Access Facility" Designation of Maine Hospitals** **ONTP**

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| <u>Sponsor(s)</u> KANE | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
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LD 1156 proposed to direct the Department of Human Services to establish a study commission within the department, with consultation by an advisory committee established by the Legislature, to report to the Legislature about the impact of "critical access facility" designation on hospital costs in the State.

LD 1197 **An Act To Preserve the Role of Assisted Living** **PUBLIC 449**

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| <u>Sponsor(s)</u> MAYO KANE | | <u>Committee Report</u> OTP-AM MAJ ONTP MIN | | <u>Amendments Adopted</u> S-236 |
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LD 1197 proposed to provide a new type of licensure for the legal entities providing all assisted housing services except for the housing component in an assisted housing program. This license would be available from the Department of Human Services. This bill proposed to rewrite the standards for rules for assisted housing programs, including those that would be available under the new category of licensure.

Committee Amendment "A" (S-236) proposed to clarify that a license is not required to operate an independent housing with services program. It proposed to clarify that the rules that apply to assisted living programs do not apply to independent housing with services programs. It proposed to require that rules for assisted living programs be consistent with federal tax requirements for projects financed by low-income housing tax credits. It proposed to require the Maine State Housing Authority to apply for a private letter ruling regarding tax credit financed projects and the rules of the Department of Human Services and require a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters. It proposed to require the Department of Human Services and the Maine State Housing Authority to work with interested parties on landlord-tenant responsibilities as they pertain to assisted living programs. It proposed to direct the Department of Human Services to amend the rules for independent housing with services programs to allow for copayments of 20% to 40% of the cost of services.

Enacted Law Summary

Public Law 2003, chapter 449 clarifies that a license is not required to operate an independent housing with services program. It clarifies that the rules that apply to assisted living programs do not apply to independent housing with services programs. It requires that rules for assisted living programs be consistent with federal tax requirements for projects financed by low-income housing tax credits. It requires the Maine State Housing Authority to apply for a private letter ruling regarding tax credit financed projects and the rules of the Department of Human Services and requires a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters. It requires the Department of Human Services and the Maine State Housing Authority to work with interested parties on landlord-tenant responsibilities as they pertain to assisted living programs. It directs the Department of Human Services to amend the rules for independent housing with services programs to allow for copayments of 20% to 40% of the cost of services.

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LD 1220 **An Act To Amend the Dates for Implementation of the Maine Rx Program and the Prescription Drug Price Reduction Act** **DIED ON ADJOURNMENT**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| KANE MAYO | OTP-AM | H-447 |

LD 1220 was a concept draft pursuant to Joint Rule 208. It proposed to change the dates by which certain actions must be taken under the Maine Rx Program and Prescription Drug Price Reduction Act. The implementation of the programs has been delayed pending the outcome of the appeal to the United States Supreme Court regarding the Maine Rx Program.

Committee Amendment "A" (H-447) proposed to begin the discounts under the Maine Rx Program April 1, 2004 and extend the other dates in that program and the Prescription Drug Access Price Reduction Act correspondingly.

See also, LD 1364, An Act To Improve the Maine RX Program.

LD 1236 **An Act To Regulate the Delivery and Sales of Tobacco Products and To Prevent the Sale of Tobacco Products to Minors** **PUBLIC 444**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| CUMMINGS DAGGETT | OTP-AM MAJ ONTP MIN | H-538 |

LD 1236 proposed to amend the statutes to strengthen the regulation of delivery sales of cigarettes, especially with regards to preventing sales to minors. Delivery sales of cigarettes are any sales of cigarettes to consumers in the State, with the consumers ordering the cigarettes over the phone or Internet and receiving the cigarettes via the mail or delivery service. The bill also proposed to clarify the collection of taxes with regard to the delivery sales of cigarettes.

Committee Amendment "A" (H-538) proposed to prohibit the delivery of tobacco products in the State from unlicensed retailers. It proposed to require the Attorney General to make available lists of licensed and known unlicensed tobacco retailers. It proposed to prohibit unlicensed sales of tobacco products using telephonic or other electronic method of voice transmission or delivery services or the Internet. It proposed to impose requirements on delivery sales and provides for enforcement by the Attorney General. It proposed to provide for seizure and forfeiture of contraband products in the same manner as and in accordance with the provisions applicable to contraband cigarettes.

See also LD 1516.

Enacted Law Summary

Public Law 2003, chapter 444 prohibits the delivery of tobacco products in the State from unlicensed retailers. It requires the Attorney General to make available lists of licensed and known unlicensed tobacco retailers. It

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prohibits unlicensed sales of tobacco products using telephonic or other electronic method of voice transmission or delivery services or the Internet. It imposes requirements on delivery sales and provides for enforcement by the Attorney General. It provides for seizure and forfeiture of contraband products in the same manner as and in accordance with the provisions applicable to contraband cigarettes.

LD 1256 **An Act To Prohibit Unethical Drug Marketing Practices** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| FAIRCLOTH BRENNAN | ONTP | |

LD 1256 proposed to restrict the offer of gifts and other inducements by a drug manufacturer or drug distributor to a health care practitioner or health care provider.

LD 1260 **An Act To Improve MaineCare Cost-of-care Procedures Affecting Nursing Facility Residents and to Establish Clearer Duties for Powers of Attorney** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| MARTIN | ONTP | |

LD 1260 proposed to provide that an individual who held a power of attorney, served as a guardian or conservator or otherwise served as a personal representative of a resident of a nursing facility, assisted living facility, residential care facility or related facility had a fiduciary duty with respect to that individual's actions on behalf of that resident. Such an individual would apply the available resources of the resident to make timely payment for services rendered by a licensed health care facility to the resident and work to secure available coverage, including coverage from the Medicare and MaineCare programs.

LD 1260 also proposed to require the Department of Human Services, to the extent reasonably practicable, to determine on a prospective basis the MaineCare cost of care of an individual MaineCare recipient residing in a nursing facility or other health care institution and make monthly prospective MaineCare payments to the health care institution. It proposed to provide that the department could not retroactively reduce the amount of the MaineCare payment to a nursing facility or other health care institution unless the individual MaineCare recipient or the recipient's responsible party had paid to the nursing facility or other health care institution the additional amount for which the department had determined the individual MaineCare recipient was responsible.

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LD 1264 **Resolve, Regarding Notice of Deficient Care in Long-term Care Settings** **RESOLVE 68**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| DUDLEY MAYO | OTP-AM | H-466 |

LD 1264 proposed to require the Department of Human Services to publish notices in a newspaper of general circulation if a long-term care facility or in-home provider of adult services has failed to correct deficiencies that places a resident in imminent jeopardy in the care it is providing.

Committee Amendment "A" (H-466) proposed to require the Department of Human Services, Bureau of Medical Services, Division of Licensing to work together with interested parties, providers and advocates to review information that is available to the public on deficiencies in long-term care settings. It proposed to require a report with recommendations to the Joint Standing Committee on Health and Human Services no later than February 1, 2004.

Enacted Law Summary

Resolve 2003, chapter 68 requires the Department of Human Services, Bureau of Medical Services, Division of Licensing to work together with interested parties, providers and advocates to review information that is available to the public on deficiencies in long-term care settings. It requires a report with recommendations to the Joint Standing Committee on Health and Human Services no later than February 1, 2004.

LD 1287 **An Act To Amend the Life Safety Requirements for Residential Care Facilities** **PUBLIC 398
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| DAGGETT FLETCHER | OTP-AM | S-192 S-238 MARTIN |

LD 1287 proposed to clarify certain changes to the life safety requirements for residential care facilities. In 2002, the Legislature directed the Office of the State Fire Marshal to adopt various chapters of the National Fire Protection Association Life Safety Code, depending on the size of the facility and the ability of residents to evacuate. During the implementation of the new requirements, several situations were identified as being unintended and unnecessary. This bill proposed to correct those situations.

Committee Amendment "A" (S-192) proposed to add an emergency preamble and emergency clause to the bill and correct punctuation.

Senate Amendment "A" (S-238) proposed to exempt residential care facilities with 4 or fewer beds from the requirements of certification by a design specialist.

See also errors bill, LD 274, Part G for further amendment.

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Enacted Law Summary

Public Law 2003, chapter 398 clarifies certain changes to the life safety requirements for residential care facilities. It exempts residential care facilities with 4 or fewer beds from the requirements of certification by a design specialist.

Public Law 2003, chapter 398 was enacted as an emergency measure effective June 3, 2003.

LD 1288 **Resolve, To Increase Public Access to the Prior Authorization Process** **RESOLVE 64**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| TURNER DUGAY | OTP-AM | S-197 |

LD 1288 proposed to establish the Drug Utilization Review Committee to make determinations regarding which prescription and over-the-counter drugs are subject to prior authorization under the MaineCare program. The bill proposed to require public notice of committee meetings to be given, and provide that committee meetings are public proceedings and committee documents are public records for purposes of the laws governing freedom of access. It proposed to provide that members of the public must be granted a reasonable opportunity to address the committee and require the committee to issue written findings that describe the basis for its decisions. It also proposed to provide that a 2/3 vote of the committee would be required to add or delete a drug from the list of drugs that require prior authorization and that the decisions of the committee are final agency action for purposes of the Maine Administrative Procedure Act.

Committee Amendment "A" (S-197) proposed to replace the bill with a resolve. It proposed to remove the provisions establishing the drug utilization review committee in statutes. It proposed to direct the Department of Human Services to review MaineCare procedures applicable to the drug utilization review committee, to open those procedures to the public to the extent possible and to report to the Joint Standing Committee on Health and Human Services by October 1, 2003.

Enacted Law Summary

Resolve 2003, chapter 64 directs the Department of Human Services to review MaineCare procedures applicable to the drug utilization review committee, to open those procedures to the public to the extent possible and to report to the Joint Standing Committee on Health and Human Services by October 1, 2003.

LD 1291 **An Act To Establish a System of Advocacy and Oversight To Benefit Persons with Mental Retardation and Autism** **CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
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| MARTIN | | |

LD 1291 proposes to repeal and reestablish the Consumer Advisory Board that was established by the community consent decree. It proposes to extend the responsibilities of the board to serve individuals who are clients of the

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department but not members of the class covered by the consent decree. It also proposes to require the Department of Behavioral and Developmental Services, Office of Advocacy and the board to work cooperatively with each other.

LD 1293 **An Act To Improve the Fairness of the Health Care Provider Tax and To Ensure Fair Implementation of Health Care Reimbursement Reforms** **PUBLIC 467**

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| <u>Sponsor(s)</u> MARTIN | | <u>Committee Report</u> OTP-AM | | <u>Amendments Adopted</u> S-220 |
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LD 1293 proposed to ensure enhanced reimbursement that is essential to the long-term care industry.

This bill also proposed to allow nursing facilities to use their own fiscal years for purposes of the health care provider tax. It proposed to prescribe reimbursement reforms for nursing homes and residential care facilities. It proposed to make a technical correction in the definition of "annual net operating revenue." It proposed to introduce reasonable flexibility into the tax estimation and reconciliation processes for the provider tax. It proposed to create a special revenue account for the proceeds of the new provider tax. The bill would apply retroactively to July 1, 2002.

Committee Amendment "A" (S-220) proposed to remove from the bill the provisions that would have dedicated most of the health care provider tax revenues to long-term care purposes. It proposed to correct language regarding auditing and accounting procedures. The amendment proposed to authorize the Joint Standing Committee on Health and Human Services to report out a bill on long-term care financing to the Second Regular Session of the 121st Legislature.

Enacted Law Summary

Public Law 2003, chapter 467 makes technical corrections to the laws imposing the health care provider tax. It authorizes the Health and Human Services Committee to consider long-term care financing, including dedication of the health care provider tax and statutory requirements for enhanced reimbursement levels and to report out a bill to the Second Regular Session of the 121st Legislature.

LD 1301 **Resolve, To Establish the Maine Public Health Commission** **ONTP**

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| <u>Sponsor(s)</u> COWGER BRENNAN | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
|--|--|---------------------------------|--|---------------------------|

LD 1301 proposed to establish the Maine Public Health Commission to develop a proposal for the Second Regular Session of the 121st Legislature for a regional public health system to improve and protect the public health. Proposals by the commission would be integrated with the current or any proposed health care system in the State.

Joint Standing Committee on Health and Human Services

LD 1314

An Act To Improve Out-of-home Abuse and Neglect Investigations

PUBLIC 399

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| <u>Sponsor(s)</u> KANE BRENNAN | <u>Committee Report</u> OTP-AM | <u>Amendments Adopted</u> H-459 |
|--------------------------------------|-----------------------------------|------------------------------------|

LD 1314 proposed to make changes to the laws governing out-of-home abuse and neglect. It proposed to allocate the provisions to a different subtitle in the Maine Revised Statutes, Title 22. It proposed to provide definitions of "institutional abuse," "institutional neglect" and "abuse or neglect by an individual" and to add to the duties of the out-of-home abuse and neglect investigations unit, formerly referred to as "the team." It proposed to require the unit to initiate an investigation within 48 hours when a report alleging jeopardy to children has been made. It proposed to require findings of abuse or neglect under this portion of law to be subject to due process requirements. It proposed to authorize increased assistance for the investigations unit in conducting out-of-home investigations and require the investigations unit to make a report of facts in all investigations within 6 months. It proposed to require representation by and participation of the Office of the Attorney General in certain licensing or investigatory actions. Finally, it proposed to require that testimony from children in actions pursuant to this law be conducted in accordance with the Child and Family Services and Child Protection Act.

Committee Amendment "A" (H-459) proposed to replace the bill. The amendment proposed to require the Department of Human Services' out-of-home abuse and neglect investigating team to initiate an investigation within 72 hours or request a safety plan when a report alleging jeopardy to a child in a residential care facility has been made. It proposed to require the team to complete investigations within 6 months, except in circumstances when the information needed to complete the investigation is unavailable. The amendment also proposed to require the team, in its investigative report, to specify whether the allegations have been substantiated and identify the responsible party. Finally, the amendment proposed to require findings of out-of-home abuse and neglect to be subject to the due process requirements of the Maine Administrative Procedures Act. The amendment proposed to add a fiscal note to the bill.

Enacted Law Summary

Public Law 2003, chapter 399 requires the Department of Human Services' out-of-home abuse and neglect investigating team to initiate an investigation within 72 hours or request a safety plan when a report alleging jeopardy to a child in a residential care facility has been made. It requires the team to complete investigations within 6 months, except in circumstances when the information needed to complete the investigation is unavailable. The law also requires the team, in its investigative report, to specify whether the allegations have been substantiated and identify the responsible party. Finally, the law specifies that findings of out-of-home abuse and neglect are subject to the due process requirements of the Maine Administrative Procedures Act.

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LD 1341 **Resolve, Directing the Department of Human Services To Adopt Rules To Reduce Regulatory Burdens on Home Health Agencies** **CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| KANE EDMONDS | | |

LD 1341 proposes to direct the Department of Human Services to amend the rules regarding medical assessment for long-term care services reimbursed under the MaineCare program as they pertain to assessments for home health care services in order to streamline the process, eliminate unnecessary regulatory burdens and utilize appropriate assessment mechanisms being used for other purposes or programs. The rules are routine technical rules.

LD 1346 **An Act To Protect Workers from Secondhand Smoke and To Promote Worker Safety** **PUBLIC 493**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|----------------------------------|---------------------------|
| TURNER DUPLESSIE | OTP-AM MAJ ONTP MIN | S-249 |

LD 1346 proposed to ban smoking in taverns and lounges, including hotel lounges, off-track betting lounges and restaurants with a Class A lounge license. This bill proposed to eliminate those existing exemptions from the general prohibition against smoking in public places and to repeal the provision in the public places law that permits public places to have a designated smoking area as long as no sales, services or other commercial or public activities are conducted in that area.

Committee Amendment "A" (S-249) was the majority report of the committee. It proposed to allow smoking in designated smoking areas in off-track betting facilities and simulcast racing facilities at commercial tracks if no sales or services are provided there except those necessary for watching a race and placing wagers; no employees are required to pass through the area; members of the public are not required to utilize or pass through the area; and minors are not permitted in the area. The amendment proposed to transfer funds from the Fund for a Healthy Maine to the General Fund to cover potential losses from changes in liquor license categories. This amendment proposed to provide an effective date of January 1, 2004.

Enacted Law Summary

Public Law 2003, chapter 493 bans smoking in taverns and lounges, except that it allows smoking in designated smoking areas in off-track betting facilities and simulcast racing facilities at commercial tracks.

Public Law 2003, chapter 493 takes effect January 1, 2004.

Joint Standing Committee on Health and Human Services

LD 1356

**An Act To Improve Complaint Resolution and Hearing Procedures
in the Department of Human Services**

PUBLIC 419

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DAGGETT | OTP-AM MAJ | S-233 |
| DUGAY | ONTP MIN | |

Under current law, the Department of Human Services is required to use independent, impartial hearing officers to hear appeals of informal review decisions of MaineCare payment and cost report issues filed by providers of nursing facility services and medical and remedial private nonmedical institution services. Part A of LD 1356 proposed to extend the requirements of that appeal process, including the impartial hearing officer requirement, to any other informal review decisions that seek to impose repayment, recovery or recoupment obligations or sanctions or fines on service providers. It also proposed to require the department to pay the legal fees of providers who prevail after a hearing on alleged overpayment or fraud. It also proposed to establish an ombudsman to assist providers with compliance and hearings under the MaineCare program.

Part B of LD 1356 proposed to remove existing authority for the department to withhold funds owed to service providers in the MaineCare program as reimbursement for overpayments to the provider until after the commissioner has made a final decision on the overpayments. It also proposed to prohibit the department from withholding funds owed to service providers in the MaineCare program as reimbursement for overpayments by affiliated providers.

Part C of LD 1356 proposed to repeal the delayed effective date of Public Law 2001, chapter 464, which prohibits the department from paying auditors a commission based on funds received from a provider after an audit. The repeal of the future effective date would cause that law to have immediate effect.

Part D of LD 1356 proposed to place the burden of proof on the department for showing that a violation of the MaineCare law or rules has occurred. It also proposed to require the department to use evidence of standard industry practices when interpreting the laws and rules for the MaineCare program. This Part would apply retroactively to any proceedings pending before the Commissioner of Human Services on January 1, 2003.

Committee Amendment "A" (S-233) proposed to remove the emergency provisions, reimbursement of the service provider for attorney's and consultant's fees, the MaineCare provider ombudsman, retroactivity provisions and the requirement of a showing of no harm to the public before imposition of sanctions or withholding of payments. It proposed to provide limitations on the authority of the Department of Human Services to recover overpayments, amend the informal appeal process, allow arbitration and restrict the sanction of total recoupment. It proposed to require MaineCare provider relations personnel to assist MaineCare providers in addressing and resolving disagreements and correct outdated language. It proposed to require rulemaking to define the ownership and control relationships that apply in MaineCare offset situations. It proposed to require a report from the Department of Human Services and the Department of Behavioral and Developmental Services on recommendations regarding complaint resolution and the hearing process.

Enacted Law Summary

Public Law 2003, chapter 419 provides limitations on the authority of the Department of Human Services to recover overpayments, amends the informal appeal process, allows arbitration and restricts the sanction of total recoupment. It requires MaineCare provider relations personnel to assist MaineCare providers in addressing and

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resolving disagreements and corrects outdated language. It requires rulemaking to define the ownership and control relationships that apply in MaineCare offset situations. It requires a report from the Department of Human Services and the Department of Behavioral and Developmental Services on recommendations regarding complaint resolution and the hearing process.

LD 1364 **Resolve, Regarding Opportunities To Decrease the Occurrence of** **RESOLVE 69**
Developmental Disabilities and Mental Health Challenges in
Childhood

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|-------------------|-------------------------|---------------------------|
| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
| LERMAN | OTP-AM | H-467 |

LD 1364 proposed to establish the Commission to Identify the Opportunities to Decrease the Occurrence of Developmental Disabilities and Childhood Mental Health Challenges. It proposed to require the commission to submit a report to the Joint Standing Committee on Health and Human Services and the Legislative Council by January 15, 2004 and to authorize the commission and to introduce legislation. It also proposed to authorize the committee to report out legislation following receipt and review of the report.

Committee Amendment "A" (H-467) proposed to replace the resolve. The amendment proposed to authorize the Maine Developmental Disabilities Council to submit a report and recommendations to the Joint Standing Committee on Health and Human Services based on the results of the project it is undertaking to identify opportunities to decrease the occurrence of developmental disabilities and mental health challenges in childhood. The amendment proposed to authorize the committee to report out legislation to the Second Regular Session of the 121st Legislature based on the council's recommendations. The amendment proposed to add a fiscal note to the resolve.

Enacted Law Summary

Resolve 2003, chapter 69 authorizes the Maine Developmental Disabilities Council to submit a report and recommendations to the Joint Standing Committee on Health and Human Services based on the results of the project it is undertaking to identify opportunities to decrease the occurrence of developmental disabilities and mental health challenges in childhood. The resolve authorizes the committee to report out legislation to the Second Regular Session of the 121st Legislature based on the council's recommendations.

LD 1477 **An Act To Amend the Laws with Regard to Legislative Reports on** **PUBLIC 367**
Children's Mental Health Services

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|-------------------|-------------------------|---------------------------|
| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
| KANE | OTP | |

LD 1477 proposed to reduce the number of reports on children's mental health services that the Department of Behavioral and Developmental Services is required to make to the Joint Standing Committee on Health and Human Services and the Children's Mental Health Oversight Committee from 2 per year to 1 per year.

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Enacted Law Summary

Public Law 2003, chapter 367 reduces the number of reports on children's mental health services that the Department of Behavioral and Developmental Services is required to make to the Joint Standing Committee on Health and Human Services and the Children's Mental Health Oversight Committee from 2 per year to 1 per year.

LD 1478 **An Act To Change the Membership of the Review Team for Aversive Behavior Modifications and Safety Devices for Persons with Mental Retardation or Autism** **PUBLIC 368**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CRAVEN BRENNAN | OTP-AM | H-411 |

LD 1478 proposed to change the membership of the team required to review aversive behavior modification techniques proposed as treatment for an individual with mental retardation or autism by removing the chief administrator and the representative of the program or facility proposing to use the technique.

Committee Amendment "A" (H-411) proposed to add a provision to the bill to change the membership of the team required to review the use of devices that reduce or inhibit the movement of an individual with mental retardation or autism. The amendment proposed to remove the chief administrator and the representative of the program or facility from the review team. This would make the review team for safety devices the same as the review team for aversive behavior modifications as provided in the bill.

Enacted Law Summary

Public Law 2003, chapter 368, changes the membership of the team required to review aversive behavior modification techniques proposed as treatment for an individual with mental retardation or autism by removing from the team the chief administrator and the representative of the program or facility proposing to use the technique. The law makes the same change to the membership of the team required to review the use of devices that reduce or inhibit the movement of an individual with mental retardation or autism.

LD 1480 **An Act To Change the Time Requirement for Mental Retardation Evaluations** **PUBLIC 388**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|----------------------------------|---------------------------|
| WALCOTT | OTP-AM MAJ ONTP MIN | H-471 |

LD 1480 proposed to change the amount of time that the Department of Behavioral and Developmental Services has to obtain a comprehensive evaluation of an applicant for mental retardation services from 30 days to 60 days.

Committee Amendment "A" (H-471) proposed to replace the bill. The amendment proposed to change the amount of time that the Department of Behavioral and Developmental Services has to obtain a comprehensive evaluation of an applicant for mental retardation services from 30 days to 90 days. The amendment proposed to

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require the department to report to the Joint Standing Committee on Health and Human Services by January 30, 2004, on the length of time from application to completion of the comprehensive evaluation report for applicants for mental retardation services during calendar year 2003. The amendment proposed to add a fiscal note to the bill.

Enacted Law Summary

Public Law 2003, chapter 388 changes the amount of time that the Department of Behavioral and Developmental Services has to obtain a comprehensive evaluation of an applicant for mental retardation services from 30 days to 90 days. The law requires the department to report to the Joint Standing Committee on Health and Human Services by January 30, 2004, on the length of time from application to completion of the comprehensive evaluation report for applicants for mental retardation services during calendar year 2003.

LD 1488 An Act To Extend Licensing Periods for Agencies Providing Mental PUBLIC 369 Health Services

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BRENNAN CRAVEN | OTP-AM | S-198 |

LD 1488 proposed to extend from 2 to 3 years the maximum time period for a full license to operate an agency or facility to provide mental health services.

Committee Amendment "A" (S-198) proposed to add a provision to the bill to specify an effective date of October 1, 2003, except that for any agency or facility that currently holds this type of license, the law would take effect after completion of the current license period. The amendment proposed to add a fiscal note to the bill.

Enacted Law Summary

Public Law 2003, chapter 369 extends from 2 to 3 years the maximum time period for a full license to operate an agency or facility to provide mental health services. Public Law, chapter 369 takes effect on October 1, 2003, except that for any agency or facility that currently holds this type of license, the law takes effect after completion of the current license period.

LD 1491 An Act To Delay the Repeal of Laws Governing the State's PUBLIC 366 Response to an Extreme Public Health Emergency

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| PENDLETON NORBERT | OTP | |

LD 1491

Currently, the State's laws regarding extreme public health emergencies and bioterrorism are scheduled to be repealed on October 31, 2003. LD 1491 proposed to extend that date to October 31, 2005.

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Enacted Law Summary

Public Law 2003, chapter 366 extends the laws on extreme public health emergencies and bioterrorism to October 31, 2005.

LD 1516 An Act To Prevent Certain Deliveries of Tobacco Products ONTP

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| <u>Sponsor(s)</u> MARTIN | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
|-----------------------------|--|---------------------------------|--|---------------------------|

LD 1516 proposed to prohibit delivery of any tobacco products that were not purchased from a tobacco retailer licensed by the State and proposed to require any person, partnership, organization or corporation to obtain a Maine retail tobacco license in order to ship tobacco products into Maine. The bill proposed to authorize the Attorney General to initiate a civil action seeking injunctive relief to restrain a person from violating the prohibition.

See also LD 1236.

LD 1527 Resolve, Regarding Legislative Review of Chapter 120: Release of Information to the Public, a Major Substantive Rule of the Maine Health Data Organization RESOLVE 54 EMERGENCY

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| <u>Sponsor(s)</u> | | <u>Committee Report</u> OTP | | <u>Amendments Adopted</u> |
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LD 1527 proposed to authorize final adoption of Chapter 120: Release of Information to the Public, a major substantive rule of the Maine Health Data Organization.

Enacted Law Summary

Resolve 2003, chapter 54 authorizes final adoption of Chapter 120: Release of Information to the Public, a major substantive rule of the Maine Health Data Organization.

Resolve 2003, chapter 54 was passed as an emergency measure effective May 30, 2003.

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LD 1542

An Act To Effectively Separate Children's Homes from Adult Residential Care Facilities Regarding Fire Safety

PUBLIC 411

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| KANE WESTON | OTP-AM | H-487 |

LD 1542 proposed to delineate the Life Safety Code of the National Fire Protection Association requirements under which children's homes are inspected. Currently, children's homes' life safety code requirements are linked to code requirements for assisted living programs, so statute changes enacted in 2002 that changed code requirements for assisted living programs also affected children's homes. This bill proposed to assign fire safety code requirements that are more suitable for children's homes.

Committee Amendment "A" (H-487) proposed to apply the bill's requirements for children's homes with 7 to 16 beds to homes with 4 to 16 beds. It proposed to clarify the requirement for facilities with 6 or fewer beds. It proposed to correct wording regarding board and care facilities.

Enacted Law Summary

Public Law 2003, chapter 411 applies the bill's requirements for children's homes with 7 to 16 beds to homes with 4 to 16 beds. It clarifies the requirement for facilities with 6 or fewer beds.

LD 1562

An Act To Change the Name of the Augusta Mental Health Institute DIED BETWEEN to the "Dorothea Lynde Dix Center" BODIES

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DAGGETT | OTP-AM A | |
| O'BRIEN J | OTP-AM B | |
| | OTP-AM C | |

LD 1562 proposed to change the name of the Augusta Mental Health Institute to "Riverview Psychiatric Center."

Committee Amendment "A" (S-208), which was not adopted, proposed to add a provision to the bill to direct the Department of Behavioral and Developmental Services to install a plaque in the Riverview Psychiatric Center in memory of Dorothea Lynde Dix. It also proposed to add a fiscal note to the bill. The amendment was adopted by the House.

Committee Amendment "B" (S-209), which was not adopted, proposed to change the name of the Augusta Mental Health Institute to "Riverview Center." The amendment proposed to direct the Department of Behavioral and Developmental Services to dedicate a space in the Riverview Center to Dorothea Lynde Dix. It also proposed to add a fiscal note to the bill.

Committee Amendment "C" (S-210), which was not adopted, proposed to change the name of the Augusta Mental Health Institute to "Dorothea Lynde Dix Center." It also proposed to add a fiscal note to the bill. The amendment was adopted by the Senate.

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LD 1563 **An Act Regarding Standard Contracts for Assisted Living Services** **CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| KANE WESTON | | |

LD 1563 proposes to provide that a contract or agreement for assisted living services must contain the provisions designated as required in the standardized contract adopted by the Department of Human Services by rule pursuant to Public Law 1999, chapter 731, Part BBBB, section 5 and may contain other provisions that do not violate a state law or rule or federal law or regulation.

LD 1580 **Resolve, Regarding Legislative Review of Chapter 113: Rules and Regulations Governing the Licensing and Functioning of Assisted Housing Programs, a Major Substantive Rule of the Department of Human Services, Bureau of Elder and Adult Services** **RESOLVE 66
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | OTP-AM | H-514 |

LD 1580 proposed to provide for legislative review of Chapter 113: Rules and Regulations Governing the Licensing and Functioning of Assisted House Programs, a major substantive rule of the Department of Human Services, Bureau of Elder and Adult Services.

Committee Amendment "A" (H-514) proposed changes in the provisionally adopted major substantive rules for assisted housing programs and residential care. The changes would be required for the rules to be approved by the Legislature.

Enacted Law Summary

Resolve 2003, chapter 66 approves a major substantive rule Chapter 113: Rules and Regulations Governing the Licensing and Functioning of Assisted House Programs, a rule of the Department of Human Services, Bureau of Elder and Adult Services, provided certain changes are made.

Resolve 2003, chapter 66 was passed as an emergency measure effective June 4, 2003.

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LD 1586 **Resolve, Regarding Legislative Review of Portions of the
MaineCare Benefits Manual, Chapter 111, Section 97: Private Non-
Medical Institutions and Appendices B, C, D, E and F, a Major
Substantive Rule of the Department of Human Services** **RESOLVE 61
EMERGENCY**

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| <u>Sponsor(s)</u> | | <u>Committee Report</u> OTP | | <u>Amendments Adopted</u> |
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LD 1586 proposed to provide for legislative review of Portions of the MaineCare Benefits Manual, Chapter 111, Section 97: Private Non-Medical Institutions and Appendices B, C, D, E and F, a major substantive rule of the Department of Human Services.

Enacted Law Summary

Resolve 2003, chapter 61 approves major substantive rules of the Department of Human Services in the MaineCare Benefits Manual, Chapter 111, Section 97: Private Non-Medical Institutions and Appendices B, C, D, E and F.

Resolve 2003, chapter 61 was passed as an emergency measure effective June 3, 2003.

LD 1588 **Resolve, Regarding Legislative Review of Portions of the
MaineCare Benefits Manual, Chapter 11 and Chapter 111, Section
40, Home Health Services, a Major Substantive Rule of the
Department of Human Services, Bureau of Medical Services** **RESOLVE 67
EMERGENCY**

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| <u>Sponsor(s)</u> | | <u>Committee Report</u> OTP | | <u>Amendments Adopted</u> |
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LD 1588 proposed to provide for legislative review of Portions of the MaineCare Benefits Manual, Chapter 11 and Chapter 111, Section 40: Home Health Services, a major substantive rule of the Department of Human Services, Bureau of Medical Services.

Enacted Law Summary

Resolve 2003, chapter 67 approves major substantive rules for the Department of Human Services for Portions of the MaineCare Benefits Manual, Chapter 11 and Chapter 111, Section 40: Home Health Services, major substantive rules of the Department of Human Services, Bureau of Medical Services.

Resolve 2003, chapter 67 was passed as an emergency measure effective June 4, 2003.

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LD 1593 **An Act To Amend Laws Relating to Development of Service Plans
for Persons with Mental Retardation** **PUBLIC 389**

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|------------------------------|--|--------------------------------|--|---------------------------|
| <u>Sponsor(s)</u> WALCOTT | | <u>Committee Report</u> OTP | | <u>Amendments Adopted</u> |
|------------------------------|--|--------------------------------|--|---------------------------|

LD 1593 proposed to amend the laws relating to services for persons with mental retardation to reflect the person centered planning process that is the current practice of the Department of Behavioral and Developmental Services.

Enacted Law Summary

Public Law 2003, chapter 389 amends the laws relating to services for persons with mental retardation to reflect the person centered planning process that is the current practice of the Department of Behavioral and Developmental Services.

LD 1596 **Resolve, Directing the Department of Agriculture, Food and Rural
Resources To Develop Guidelines for Requiring Handwashing
Sinks in Certain Convenience Stores** **RESOLVE 58**

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| <u>Sponsor(s)</u> MCGOWAN | | <u>Committee Report</u> OTP-AM | | <u>Amendments Adopted</u> H-484 |
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Under LD 1596, proposed changes in the hand washing requirements for employees in eating establishments. The bill also proposed to limit the number of drainboards required by law to one.

Committee Amendment "A" (H-484) proposed to order the Department of Agriculture, Food and Rural Resources, which has jurisdiction over most convenience stores, to establish guidelines to ensure that convenience stores that prepare only a minor amount of food and are assigned a low-risk code would not required to install a sink used exclusively for handwashing.

Enacted Law Summary

Resolve 2003, chapter 58 directs the Department of Agriculture, Food and Rural Resources, which has jurisdiction over most convenience stores, to establish guidelines to ensure that convenience stores that prepare only a minor amount of food and are assigned a low-risk code are not required to install a sink used exclusively for handwashing.

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LD 1597

An Act To Implement Federal Requirements in Child Protection Matters

PUBLIC 408

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| <u>Sponsor(s)</u> BRENNAN KANE | <u>Committee Report</u> OTP-AM | <u>Amendments Adopted</u> S-221 |
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LD 1597 proposed to amend the laws governing cases in which a court orders the removal of a child from a home. It also proposed to amend the laws governing court review of cases in which a court has made a jeopardy order and the laws governing when the Department of Human Services must file a termination petition.

Committee Amendment "A" (S-221) proposed to correct 2 errors in the bill regarding aggravating factors. It proposed to provide for written findings when an order is entered by agreement of the parties. It proposed to correct an error regarding a court determination of the safe return of a child. It proposed to add a statement of intent regarding youth services and the intention of the Legislature that children and their families be served in their homes and communities.

Enacted Law Summary

Public Law 2003, chapter 408 amends the laws governing cases in which a court orders the removal of a child from a home. It also amends the laws governing court review of cases in which a court has made a jeopardy order and the laws governing when the Department of Human Services must file a termination petition. It states the policy of the State that children and their families be served in their homes and communities.

LD 1602

An Act To Revise and Amend Certain Public Health Laws

PUBLIC 421

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|-------------------------------------|-----------------------------------|------------------------------------|
| <u>Sponsor(s)</u> KANE WESTON | <u>Committee Report</u> OTP-AM | <u>Amendments Adopted</u> H-505 |
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LD 1602 proposed to define columbarium and community mausoleum. It also proposed to insert the word "community" to distinguish between the burial of dead human remains in a community mausoleum or other structure and the burial of dead human remains in a privately owned or family mausoleum. It proposed to amend the cancer registry laws to call for reporting certain benign tumors and to extend certain reporting deadlines. It proposed to amend the childhood lead poisoning laws to achieve consistency with the day care statutes and to achieve internal consistency of the law.

Committee Amendment "A" (H-505) proposed to limit family mausoleums to no more than 6 crypts. It also proposed to clarify that the Lead Poisoning Control Act applies to home day care providers.

Enacted Law Summary

Public Law 2003, chapter 421 defines columbarium and community mausoleum. It also inserts the word "community" to distinguish between the burial of dead human remains in a community mausoleum or other

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structure and the burial of dead human remains in a privately owned or family mausoleum, which is limited to six or fewer crypts.

This law amends the cancer registry laws to call for reporting certain benign tumors and to extend certain reporting deadlines and amends the childhood lead poisoning laws.

LD 1607 **An Act To Implement Regulatory Reforms and To Address Staffing Issues in Long-term Care Facilities** **PUBLIC 416 EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| COLWELL MARTIN | OTP-AM | H-525 |

LD 1607 proposed to do the following.

1. Clarify shared staffing in multilevel facilities.
2. Direct the State Board of Nursing to adopt rules establishing 2 levels of certified nursing assistants, Certified Nursing Assistant Level I and Certified Nursing Assistant Level II, for employment in long-term care and residential care facilities.
3. Modify the needs assessment processes for long-term care services. It proposed to allow reassessments to be performed by hospital social workers and discharge planners, the Department of Human Services or its designee and long-term care facilities. It proposed to modify requirements governing periodic reassessments and require the Department of Human Services to make further adjustments to the minimum data set forms and to its assessment mechanism.
4. Require the Department of Human Services, in consultation with the Maine Health Care Association, the State Board of Nursing and the long-term care ombudsman program, to carry out a study of various reforms to licensing and inspection processes and to make recommendations for improvements.
5. Modify the rules governing certificates of need for nursing facilities regarding square footage and replacement costs for equipment.
6. Direct the Nursing Home Administrators Licensing Board to adopt rules to allow an applicant for licensure as a nursing home administrator to substitute nursing experience for postsecondary education.
7. Require amendment of Department of Human Services rules regarding assessments as they pertain to long-term care home health services.
8. Require the Department of Human Services to form a working group including the Maine Health Care Association, the long-term care ombudsman program and Maine Alzheimer's Association to study criteria and procedures for assessing cognitive abilities and needs of persons potentially requiring long-term health care services.

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Committee Amendment "A" (H-525) proposed to amend the shared staffing provision of law, direct the long-term care ombudsman program to study long-term care eligibility assessments and reassessments, direct the State Board of Nursing to study the educational requirements for certified nursing assistants and direct the Nursing

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Home Administrators Licensing Board to study the requirements for nursing home administrators. The amendment proposed to add members to the group of interested parties who will review improvements to nursing facility inspection activities, delete the amendment of rules on long-term care assessments pertaining to home health care services proposed in the bill and retain the study of assessments for cognitive needs.

Enacted Law Summary

Public Law 2003, chapter 416 amends the shared staffing provision of law, directs the long-term care ombudsman program to study long-term care eligibility assessments and reassessments, directs the State Board of Nursing to study the educational requirements for certified nursing assistants and directs the Nursing Home Administrators Licensing Board to study the requirements for nursing home administrators. The law adds members to the group of interested parties who will review improvements to nursing facility inspection activities and includes a study of assessments for cognitive needs.

Public Law 2003, chapter 416 was enacted as an emergency measure effective June 4, 2003.

LD 1621 An Act To Amend the Structure of the Office of Advocacy CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BRENNAN KANE | | |

LD 1621 proposes to change the structure and administration of the Department of Behavioral and Developmental Services, Office of Advocacy. The bill proposes to require the office to provide adult protective services and to change its name to the Office of Advocacy and Adult Protective Services, accordingly. The bill also proposes to create the position of Director of the Office of Advocacy and Adult Protective Services and to eliminate the position of Chief Advocate. The bill also proposes to require the Department of Behavioral and Developmental Services to study the effectiveness of the organizational changes established by the bill and to report its finding to the Joint Standing Committee on Health and Human Services by July 1, 2004.

LD 1631 An Act To Prevent the Sale of Water Laced with Nicotine in Maine CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MARTIN KOFFMAN | | |

LD 1631 proposes to prohibit the sale or possession of water laced with nicotine in this State and establish a fine of \$500 for a first offense, \$1,000 for a 2nd offense and \$5,000 for a 3rd or subsequent offense.

Joint Standing Committee on Health and Human Services

LD 1634

An Act To Improve the Maine Rx Program

PUBLIC 494

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| <u>Sponsor(s)</u> TREAT KANE | <u>Committee Report</u> | <u>Amendments Adopted</u> H-570 BRANNIGAN |
|------------------------------------|-------------------------|--|

LD 1634 proposed to enact the Maine Rx Plus program, amending the Maine Rx Program that was upheld in the U.S. Supreme Court in the spring of 2003. It proposed to impose an income eligibility limit for the Maine Rx Plus program of 350% of the federal poverty level. It proposed to direct the Department of Human Services to conduct ongoing quality assurance activities similar to those used in the MaineCare program. It proposed to change dates for certain activities to be undertaken in connection with the Maine Rx Plus Program. It proposed to appropriate funds for positions and for necessary operating costs in connection with the Maine Rx Plus program and to appropriate funds for the costs associated with the adoption of rules associated with the program by the Maine Board of Pharmacy.

House Amendment "A" (H-570) proposed to remove the appropriation and allocation section of the bill and instead transfer funds from the General Fund to the existing Maine Rx, Other Special Revenue Funds account within the Department of Human Services to fund the implementation and operation of Maine Rx Plus.

Enacted Law Summary

Public Law 2003, chapter 494 enacts the Maine Rx Plus Program, amending the Maine Rx program that was upheld in the U.S. Supreme Court in the spring of 2003. The law imposes an income eligibility limit for the Maine Rx Plus program of 350% of the federal poverty level. The law corrects dates for the program and adds a quality assurance component. The law transfers funds from the General Fund to the Department of Human Services to implement and operate Maine Rx Plus.

SP 372

JOINT STUDY ORDER To Establish the Task Force To Study Drug Overdose

ONTP

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| <u>Sponsor(s)</u> BRENNAN | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|------------------------------|-------------------------|---------------------------|

Senate Paper 372 proposed to establish the Task Force to Study Drug Overdose to conduct a study of the problem of drug overdose in the state and determine recommended remedy and treatment plans. It proposed to require the task force to hold 4 meetings at various locations in the State and to submit a report, including suggested legislation, to the Legislature no later than December 31, 2003.