

STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed  
during the Second Regular or First Special Sessions of the 123<sup>rd</sup> Maine  
Legislature coming from the

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

May 2008

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# Joint Standing Committee on Health and Human Services

LD 405 An Act Regarding MaineCare Pharmacy Professional Fees

PUBLIC 590

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEWIN	OTP-AM	H-859

This bill directs the Department of Health and Human Services to amend the rules for MaineCare reimbursement to pharmacies for prescription drugs in order to increase the dispensing fee on a basis that is indexed to the Consumer Price Index and to provide other increases in reimbursement. The rules adopted are designated as routine technical rules.

### Committee Amendment "A" (H-859)

This amendment replaces the bill. It provides a process for determining the cost of dispensing a medication under the MaineCare program, for reporting that information to legislative committees and for raising the professional fee paid to pharmacies for dispensing medications. It requires the Department of Health and Human Services, Office of MaineCare Services to consider adjusting the fee every 2 years.

### Enacted Law Summary

Public Law 2007, chapter 590 provides a process for determining the cost of dispensing a medication under the MaineCare program, for reporting that information to legislative committees and for raising the professional fee paid to pharmacies for dispensing medications. It requires the Department of Health and Human Services, Office of MaineCare Services to consider adjusting the fee every 2 years.

LD 519 **Resolve, Regarding Supplemental Services under the National Family Caregiver Support Program**

DIED ON  
ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL BRANNIGAN	OTP-AM	H-665

This bill allows family members, friends or neighbors to receive payment for providing personal care and health maintenance services to persons who receive Medicaid.

### Committee Amendment "A" (H-665)

This amendment changes the bill to a resolve and changes the title. The amendment directs the Department of Health and Human Services to initiate a demonstration project regarding the provision of supplemental services provided under the federal National Family Caregiver Support Program. The project will provide funding of \$40,000 per Area Agency on Aging and will fund up to \$1,000 per consumer.

LD 652 **Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities**

DIED BETWEEN  
HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAUDOIN	ONTP MAJ OTP-AM MIN	

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

This resolve provides for amending Department of Health and Human Services rules to provide for increases in the personal needs allowances of residents in nursing facilities and residential care facilities from July 1, 2007 and provides for annual increases after July 1, 2008 that are indexed to the Consumer Price Index for medical services. The rules are designated as routine technical rules.

### **LD 1110 An Act To Create the Maine Council on Poverty and Economic Security**

**PUBLIC 641**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-548

This bill creates the Maine Council on Poverty and Economic Security, which consists of 11 members including the Commissioner of Health and Human Services and the Commissioner of Labor or the commissioners' designees and 9 members appointed by the Governor representing the business community, nonprofit agencies, faith-based organizations and the general public, to advise the Governor on ending poverty and providing economic security to disadvantaged citizens in the State.

#### **Committee Amendment "A" (S-548)**

This amendment replaces the bill and creates the Maine Council on Poverty and Economic Security, with 21 members, supported by outside funding.

#### **Enacted Law Summary**

Public Law 2007, chapter 641 establishes the Maine Council on Poverty and economic Security to advise the Governor on ending poverty and providing economic security to disadvantaged citizens. There are 21 voting members and 5 nonvoting members. The council must be supported by outside funding. The council is required to report to the Governor and Legislature by February 15th each year.

### **LD 1567 Resolve, To Continue the Work of Preventing the Onset of Severe Mental Illness in Youth**

**RESOLVE 221**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE	OTP-AM	H-652 S-670 ROTUNDO

This resolve directs the Department of Health and Human Services to initiate a demonstration program to determine whether the methods used by the Portland Identification and Early Referral Program (PIER) can have the effect of preventing a substantial number of new cases of psychosis and psychotic disorders in young people from 12 years of age to 25 years of age. The demonstration program would provide financial resources to PIER to continue to prevent new cases of psychosis and psychotic disorders in the greater Portland area and would provide training and consultation necessary to ensure that a new program developed in the State will be as effective and reliable as PIER.

#### **Committee Amendment "B" (H-652)**

This amendment changes the title of the resolve. The amendment provides resources to the Portland Identification and Early Referral Program, or PIER, to continue to prevent new cases of psychosis and psychotic disorders in adolescents and young adults in the greater Portland area through a General Fund grant appropriation, an additional MaineCare appropriation and the matching federal allocation for some of the service costs of the project.

#### **Senate Amendment "A" (S-670)**

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This amendment removes from the resolve the demonstration program and substitutes a review by the Department of Health and Human Services and a report by January 15, 2009 to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The amendment authorizes the committee to submit legislation to the First Regular Session of the 124th Legislature.

### Enacted Law Summary

Resolve 2007, chapter 221 directs the Department of Health and Human Services to review and report by January 15, 2009 to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the Portland Identification and Early Referral Program (PIER), a program that provides intervention to prevent new cases of psychosis and psychotic disorder. The resolve authorizes the committee to submit legislation to the First Regular Session of the 124th Legislature.

### LD 1797 Resolve, To Advance Maine's HealthInfoNet Program

RESOLVE 198

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM	H-900

This bill appropriates \$2,000,000 to Maine's HealthInfoNet program to fund the creation of a health information exchange and to facilitate the use of electronic medical records. See also the biennial budget, Public Law 2007, chapter 240, page 27 that provides \$265,000 in Fiscal Year 2008 for Maine HealthInfo Net.

### Committee Amendment "A" (H-900)

This amendment replaces the bill with a resolve. The resolve establishes a broadly representative stakeholder group to study and make recommendations regarding establishing and financing a quality improvement and technology fund.

### Enacted Law Summary

Resolve 2007, chapter 198 establishes a broadly representative stakeholder group to study and make recommendations regarding establishing and financing a quality improvement and technology fund to support HealthInfoNet.

### LD 1843 Resolve, To Eliminate or Reduce the Health Care Data Collection Problems Associated with Global Claims

RESOLVE 155  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	OTP-AM	S-435

This bill requires that all commercial health insurance claims for all professional services provided by physicians who are employed by hospital systems or affiliates of hospital systems and other health care facilities be submitted on the standard federal professional paper claim form, CMS 1500, used by noninstitutional providers and suppliers. This requirement ensures that the Department of Health and Human Services, the Maine Quality Forum and the Maine Health Data Organization are able to accurately attribute particular health care services to individual physicians.

### Committee Amendment "A" (S-435)

This amendment changes the bill to a resolve, changes the title and inserts an emergency preamble and emergency clause. This amendment directs representatives of health insurance carriers licensed in the State, 3rd-party administrators, hospitals licensed in the State and representatives of the Maine Association of Health Plans, the

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Maine Hospital Association and the Maine Health Data Organization to evaluate the Maine combined bill demonstration project, as proposed by the National Uniform Billing Committee. The amendment directs the work group to report the findings of the study to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2009.

### **Enacted Law Summary**

Resolve 2007, chapter 155 directs representatives of health insurance carriers licensed in the State, 3rd-party administrators, hospitals licensed in the State and representatives of the Maine Association of Health Plans, the Maine Hospital Association and the Maine Health Data Organization to evaluate the Maine combined bill demonstration project, as proposed by the National Uniform Billing Committee. This resolve directs the work group to report the findings of the study to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2009.

Resolve 2007, chapter 155 was enacted as an emergency measure effective March 18, 2008.

### **LD 1939    Resolve, To Establish a Method for Reporting the Statistics of Diseases**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W	ONTP	

This resolve directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to establish a method for reporting the numbers of diseases or illnesses acquired in hospitals in the State compared to the total percentage of patients treated in the hospitals. It also requires that the Maine Center for Disease Control and Prevention make the information available to the citizens of Maine through the center in order to help the citizens of Maine to make better consumer decisions concerning their patient health care. The Committee voted the bill ONTP and submitted a Committee bill related to this. See LD 2297.

### **LD 1943    Resolve, Regarding Legislative Review of Portions of Chapter 11: Consumer Directed Personal Assistance Services, a Major Substantive Rule of the Department of Health and Human Services**

**RESOLVE 163  
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 11: Consumer Directed Personal Assistance Services, a major substantive rule of the Department of Health and Human Services.

### **Enacted Law Summary**

This resolve approves adoption of major substantive rules regarding consumer-directed personal assistance services in the state-funded program of the Department of Health and Human Services.

Resolve 2007, chapter 163 was enacted as an emergency measure effective March 25, 2008.

# Joint Standing Committee on Health and Human Services

## LD 1951 An Act To Create the Mental Health Homicide, Suicide and Aggravated Assault Review Board

PUBLIC 609

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY	OTP-AM	H-950

This bill establishes the Mental Health Homicide Review Board to review homicides in which the victim or defendant had a mental illness. The board shall recommend to state and local agencies methods of preventing homicides involving persons with mental illness. The board shall collect and compile data related to homicides involving persons with mental illness and shall report biennially to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

### Committee Amendment "A" (H-950)

This amendment provides a new title for the bill and names the review board the Mental Health Homicide, Suicide and Aggravated Assault Review Board. It clarifies that the board has jurisdiction to review homicides, suicides and aggravated assaults involving persons with severe and persistent mental illness. It retains the same number of members on the board but changes the groups of persons represented or the reference to the groups. It requires the board to ensure that its data collection and work do not interfere with criminal investigations or prosecutions. It requires demands for the production of information or records to the board to be in writing and to an interested party. With regard to the restriction on releasing information, data or records, it extends that restriction beyond the board to members of the board and makes dissemination in violation of the law a Class E crime. It requires disseminated conclusions and recommendations of the board to be disclosed in a manner that does not identify parties, victims or witnesses. It requires the biennial report of the board to be reviewed by the joint standing committee of the Legislature having jurisdiction over health and human services matters at a public meeting at which members of the public have an opportunity to address the committee. It amends the general confidentiality law that applies to the Department of Health and Human Services with regard to mental health information, exempts meetings and records of the board from the laws governing freedom of access in order to guard confidentiality and allows release of information of the work of the board.

### Enacted Law Summary

Public Law 2007, chapter 609 establishes the Mental Health Homicide, Suicide and Aggravated Assault Review Board. The board has jurisdiction to review homicides, suicides and aggravated assaults involving persons with severe and persistent mental illness. It requires the board to ensure that its data collection and work do not interfere with criminal investigations or prosecutions and that demands for the production of information or records to the board are in writing and to an interested party. It restricts the release of information and data and makes dissemination in violation of the law a Class E crime. It requires disseminated conclusions and recommendations of the board to be disclosed in a manner that does not identify parties, victims or witnesses. It requires the biennial report of the board to be reviewed by the joint standing committee of the Legislature having jurisdiction over health and human services matters at a public meeting at which members of the public have an opportunity to address the committee. It amends the general confidentiality law that applies to the Department of Health and Human Services with regard to mental health information, exempts meetings and records of the board from the laws governing freedom of access in order to guard confidentiality and allows release of information of the work of the board.

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**LD 1956**    **Resolve, To Expand the Case Definition of Lyme Disease for Purposes of Compiling the Annual Lyme Disease Surveillance Report**    **ACCEPTED ONTP REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B	ONTP MAJ OTP-AM MIN	

This resolve directs the Maine Center for Disease Control and Prevention to expand the case definition of Lyme disease that it uses to prepare the Lyme Disease Surveillance Report to include instances of physician-diagnosed Lyme disease in the absence of erythema migrans or laboratory confirmation of infection.

**LD 1961**    **An Act To Repeal the Ban on the Sale and Furnishing of Hard Snuff**    **PUBLIC 487 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM	S-423

This bill repeals the prohibition on the sale, furnishing or gifting of hard snuff.

**Committee Amendment "A" (S-423)**

This amendment clarifies language in the emergency preamble.

**Enacted Law Summary**

Public Law 2008, chapter 487 repeals the prohibition on the sale, furnishing or gifting of hard snuff.

Public Law 2008, chapter 487 was enacted as an emergency measure effective March 6, 2008.

**LD 1967**    **An Act To Establish a Consumer Council System of Maine**    **PUBLIC 592**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM	S-547

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish a statewide consumer council consistent with the State's comprehensive mental health plan and the Augusta Mental Health Institute Consent Decree Plan, which calls for the creation of such a council in order to influence public policy and address community issues affecting the lives of consumers of mental health services.

**Committee Amendment "A" (S-547)**

This amendment establishes the Consumer Council System of Maine, consisting of the Statewide Consumer Council and local councils, to provide an effective, independent consumer voice in an advisory capacity in the development of public policy and resource allocation for delivery of adult mental health services in the State.

**Enacted Law Summary**

Pubic Law 2007, chapter 592 establishes the Consumer Council System of Maine, consisting of the Statewide

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Consumer Council and local councils, to provide an effective, independent consumer voice in an advisory capacity in the development of public policy and resource allocation for delivery of adult mental health services in the State.

### **LD 1975    Resolve, To Require the Department of Health and Human Services To Promote Awareness of Parkinson's Disease**

ONTP

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

This bill requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to undertake an education initiative regarding Parkinson's disease that provides training to a wide variety of health care, public service and law enforcement personnel. The Health and Human Services Committee requested by letter that Department of Health and Human Services, Maine Center for Disease Control and Prevention include training at appropriate conferences within existing resource and to involve the program manager for Maine's Parkinson's Information and Referral Center and the legislative liaison for the American Parkinson's Disease Association.

### **LD 1977    Resolve, To Establish a Statewide Protocol for the Early Detection and Treatment of Autism**

RESOLVE 200

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-565

This resolve requires the Department of Health and Human Services and the Department of Education, working together and within existing resources, to develop and implement a uniform statewide protocol for the screening of all children between 18 and 30 months of age for signs of autism. The departments are further required to implement through rulemaking a program of intensive treatment for children who are diagnosed with autism through the Child Development Services System.

#### **Committee Amendment "A" (S-565)**

This amendment replaces the resolve. It requires the Department of Education and the Department of Health and Human Services to convene an interdepartmental work group to develop and establish a uniform statewide protocol for screening young children for signs of autism. The work group is also directed to examine models that meet criteria for evidence-based clinical trials to support individual young children with the diagnosis of autism served through the Child Development Services System and to examine the interdepartmental system for capacity and service availability. The work group is directed to report to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs and health and human services matters by January 15, 2009.

#### **Enacted Law Summary**

Resolve 2007, chapter 200 directs the Department of Education and the Department of Health and Human Services to convene an interdepartmental work group to develop and establish a uniform statewide protocol for screening young children for signs of autism. The work group is also directed to examine models that meet criteria for evidence-based clinical trials to support individual young children with the diagnosis of autism served through the Child Development Services System and to examine the interdepartmental system for capacity and service availability. The work group is directed to report to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs and health and human services matters by January 15, 2009.

# Joint Standing Committee on Health and Human Services

## LD 1986 An Act To Expand the Pool of Qualified Mental Health Examiners for Purposes of Involuntary Treatment

PUBLIC 472  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-396

Under the changes made by Public Law 2007, chapter 446, scheduled to take effect January 1, 2008, one of the examiners, either a licensed physician or clinical psychologist, in cases of involuntary treatment of mental health patients, must be licensed to provide medications for the patient's care. Since clinical psychologists are not licensed to prescribe medication, the effect of this change is to require at least one of the two examiners to be a licensed physician. This requirement seriously limits the pool of professionals who qualify to perform examinations.

This bill alleviates the shortage by adding to the list of professionals qualified to perform mental health examinations for purposes of involuntary treatment applications certified nurse practitioners, advanced practice registered nurses and registered physician assistants.

### Committee Amendment "A" (S-396)

This amendment removes from the bill the broad category of advanced practice registered nurses as persons who may perform mental health examinations for involuntary treatment orders at the time of a court proceeding on involuntary commitment under the Maine Revised Statutes, Title 34-B, section 3864, subsection 7-A. The amendment retains as examiners licensed physicians, licensed clinical psychologists, certified nurse practitioners and registered physician assistants. The amendment adds a deappropriation section.

### Enacted Law Summary

Public Law 2008, chapter 472 adds to the list of professionals qualified to perform mental health examinations for purposes of involuntary treatment applications certified nurse practitioners and registered physician assistants.

Public Law 2008, chapter 472 was enacted as an emergency measure effective January 10, 2008.

## LD 2000 An Act To Authorize the Department of Health and Human Services To Investigate Suspicious Deaths of Children

PUBLIC 586

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM	S-552

This bill authorizes the Department of Health and Human Services to investigate suspicious child deaths in the same manner as suspected child abuse or neglect. It requires the mandatory reporters of child abuse and neglect to also report any suspicious child deaths.

### Committee Amendment "A" (S-552)

This amendment clarifies that Department of Health and Human Services investigations of suspicious child deaths are subject to and may not interfere with the authority and responsibility of the Attorney General to investigate and prosecute homicides pursuant to the Maine Revised Statutes, Title 5, section 200-A.

### Enacted Law Summary

PL 2007, chapter 586 authorizes the Department of Health and Human Services to investigate suspicious child deaths in the same manner as suspected child abuse or neglect. It requires the mandatory reporters of child abuse and neglect to also report any suspicious child deaths. Department of Health and Human Services investigations of

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suspicious child deaths are subject to and may not interfere with the authority and responsibility of the Attorney General to investigate and prosecute homicides pursuant to the Maine Revised Statutes, Title 5, section 200-A.

**LD 2004    An Act To Establish the Department of Substance Abuse Services**

**ONTP**

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

This bill makes the Office of Substance Abuse into the Department of Substance Abuse Services, a cabinet-level agency, in order to address the substance abuse problem in this State. Part A of the bill enacts a new Title 22-B in the Maine Revised Statutes to establish the Department of Substance Abuse Services. Part A also amends or repeals existing law to avoid some potential conflicts or ambiguity. Part B provides a series of transition provisions to ensure the appropriate and orderly transfer of functions, duties and responsibilities to the new department. Part C places the State Board of Alcohol and Drug Counselors under the jurisdiction of the new Department of Substance Abuse Services instead of the Department of Professional and Financial Regulation.

**LD 2012    An Act To Protect Children in Vehicles from Secondhand Smoke**

**PUBLIC 591**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY	OTP-AM MAJ ONTP MIN	H-785

This bill, modeled on a Bangor city ordinance, prohibits smoking in a motor vehicle when a person under 18 years of age is present in that vehicle. Violators are subject to a \$50 fine or, at the discretion of the law enforcement officer present, a written warning.

**Committee Amendment "A" (H-785)**

This amendment lowers the age of the minors who are protected from secondhand smoke in a motor vehicle from under 18 years of age to under 16 years of age. The amendment states that the violation is not a moving violation. The amendment prohibits searches based solely on a violation of the provision, limits the penalty for violating the provision in the first 12 months of its taking effect to a warning and retains a violation after that time as a civil violation, for which a fine of \$50 may be assessed or a warning given in the discretion of the law enforcement officer. This amendment provides an effective date of September 1, 2008.

**Enacted Law Summary**

Public Law 2007, chapter 591 protects minors under age 16 from secondhand smoke in a motor vehicle. The law states that a violation is not a moving violation for motor vehicle purposes and prohibits searches based solely on a violation of the provision. The law limits the penalty for violating the provision in the first 12 months of its taking effect to a warning and designates a violation after that time as a civil violation, for which a fine of \$50 may be assessed or a warning given at the discretion of the law enforcement officer. Public Law 2007, chapter 591 takes effect September 1, 2008.

**LD 2014    Resolve, To Extend the Deadline To Adopt a Rule by the Department of Health and Human Services Regarding Smoking in the Workplace**

**RESOLVE 149  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	OTP	

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This resolve gives the Department of Health and Human Services additional time in which to adopt changes to Chapter 250: Rules Relating to Smoking in the Workplace, changes to which were authorized in the First Regular Session of the 123rd Legislature in Resolve 2007, chapter 4.

### **Enacted Law Summary**

Resolve 2007, chapter 149 gives the Department of Health and Human Services additional time in which to adopt changes to Chapter 250: Rules Relating to Smoking in the Workplace, changes to which were authorized in the First Regular Session of the 123rd Legislature in Resolve 2007, chapter 4.

Resolve 2007, chapter 149 was enacted as an emergency measure effective February 20, 2008.

### **LD 2032 An Act To Implement a Consent Judgment Regarding OxyContin Abuse**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	ONTP	

The State of Maine through its Attorney General has received funds from Purdue Pharma, Inc., Purdue Pharma L.P. and the Purdue Frederick Company, Inc. pursuant to a consent judgment entered by the Kennebec County Superior Court in Docket No. CV-07-143. This judgment settled a civil action regarding Purdue's promotional and marketing practices for the prescription drug OxyContin. The consent judgment directed these funds to programs for prescription drug abuse prevention. The funds received by the Attorney General were transferred to the General Fund without designation for any purpose. This bill directs that those funds be directed to the Department of Health and Human Services, Office of Substance Abuse for the purpose of funding prescription drug abuse prevention or monitoring programs. This bill was not enacted as the Health and Human Services Committee learned that the funds had been allocated in the biennial budget.

### **LD 2033 Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing Water Activities Offered by Licensed Child Care Facilities**

**RESOLVE 199  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM MAJ ONTP MIN	H-890 H-975 DRISCOLL

This resolve directs the Department of Health and Human Services to adopt rules governing the use of lakes and ponds by licensed child care facilities.

#### **Committee Amendment "A" (H-890)**

This amendment requires the department to adopt rules to allow licensed child care facilities and certified family child care providers to use lakes and ponds for water activities without a lifeguard on duty as long as the provider meets certain safety requirements. The requirements include: written permission from a parent or guardian, a written water safety plan and meeting all of the other water safety rules for use of swimming pools by child care providers. The written water safety plan must include provisions for adequate staffing ratios, the presence of a water safety attendant, a barrier to keep children in water no deeper than 4 feet and the use of life jackets for children up to 8 years old as well as for older children who have not had swimming lessons. The amendment also requires that the rules be in effect no later than June 1, 2008.

#### **House Amendment "A" (H-975)**

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This amendment requires the Department of Health and Human Services, in its rulemaking, to require a licensed child care facility and certified family child care provider that offers water activities without a lifeguard on duty to notify in writing the parent or guardian of every child who participates in water activities that there will not be a lifeguard on duty.

### **Enacted Law Summary**

Resolve 2007, chapter 199 directs the Department of Health and Human Services to adopt routine technical rules allowing licensed child care facilities and certified family child care providers to use lakes and ponds for water activities without a lifeguard on duty as long as the provider meets certain safety requirements. The provider must have written permission from a parent or guardian, a written water safety plan and meet all of the other water safety rules required for the use of swimming pools by child care providers. The written water safety plan must include provisions for adequate staffing ratios, the presence of a water safety attendant, a barrier to keep children in water no deeper than 4 feet and the use of life jackets for children up to 8 years old as well as for older children who have not had swimming lessons. Providers that offer water activities without a lifeguard on duty must notify in writing the parent or guardian of every child who participates in water activities that there will not be a lifeguard on duty. The law requires that the rules be in effect no later than June 1, 2008.

Resolve 2007, chapter 199 was enacted as an emergency measure effective April 14, 2008.

### **LD 2034 An Act To Prohibit the Sale of Energy Drinks to Minors**

**ONTP**

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

This bill prohibits the sale of energy drinks to minors. An energy drink is a soft drink specifically designed to provide energy and must contain 80 or more milligrams of caffeine per 8 fluid ounces.

### **LD 2035 An Act To Clarify the Laws Governing the Inspection of Medical Facilities**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	ONTP	

This bill clarifies that state inspections of medical facilities and survey visits are not required unless there is a documented complaint regarding a specific problem.

### **LD 2044 An Act To Prohibit Health Care Facilities from Charging for Treatment To Correct Mistakes or Preventable Adverse Events**

**PUBLIC 605**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT	OTP-AM MAJ ONTP MIN	H-873 H-907 PERRY A

This bill prohibits a health care facility from charging a patient or the patient's insurer for a mistake made by that health care facility for a preventable adverse event that occurs while the patient is in the care of a health care facility or for the care provided by that health care facility to correct its mistakes or rectify the preventable adverse event. A list of 27 such mistakes or preventable adverse events provided in the bill is taken verbatim from the recommendations of the National Quality Forum in 2002.

# Joint Standing Committee on Health and Human Services

## Committee Amendment "A" (H-873)

This amendment changes the title and replaces the bill. It prohibits a health care facility from knowingly charging a patient or insurer for treatment to correct mistakes or preventable adverse events, which are specifically defined in the bill and based on the National Quality Forum's most recent list of 28 preventable adverse events. The amendment clarifies that, in the case of a patient's death or disability, the mistake or preventable adverse event must be the cause of the patient's death or disability. It requires health care facilities to inform patients of the prohibition on payment for health care facility mistakes or preventable adverse events.

## House Amendment "A" (H-907)

This amendment corrects Committee Amendment "A" by adding a term to the definition section regarding artificial insemination, which is one of 28 mistakes or preventable adverse events for which health care facilities are prohibited from charging. It also adds language to the definition regarding maternal death and serious disability. These items were inadvertently omitted from the Committee amendment.

## Enacted Law Summary

Public Law 2007, chapter 605 prohibits a health care facility from knowingly charging a patient or insurer for treatment to correct any of 28 mistakes or preventable adverse events, which are based on the standards of the National Quality Forum and specifically defined in the law. In the case of a patient's death or disability, the mistake or preventable adverse event must be the cause of the patient's death or disability. The law requires health care facilities to inform patients of the prohibition on payment for health care facility mistakes or preventable adverse events.

**LD 2052    Resolve, To Create the Blue Ribbon Commission To Study the Future of  
Home-based and Community-based Care**

**RESOLVE 209  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM	H-795 S-649    MARTIN

This resolve creates the Blue Ribbon Commission To Study Long-term Home-based and Community-based Care to develop choices to meet unmet needs and financing options of long-term home-based and community-based care. The commission shall create a blueprint to ensure the sustainability of long-term home-based and community-based care options.

## Committee Amendment "A" (H-795)

This amendment ensures that Legislators who are members of the 2 major political parties serve on the commission and requires outside funding. The amendment also adds an appropriations and allocations section.

## Senate Amendment "B" (S-649)

This amendment makes the following changes to the resolve to ensure compliance with the requirements of Joint Rule 353.

1. It adds an additional legislative member to the commission.
2. It makes technical changes to the language governing outside funding.
3. It changes the reporting date to November 5, 2008.

## Enacted Law Summary

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Resolve 2007, chapter 209 establishes the Blue Ribbon Commission to Study the Future of Home-based and Community-based Care. The resolve provides for an 11-member commission and charges it with developing choices to meet unmet needs and financing options for long-term home and community-based care. The resolve requires a report to the 124th Legislature by November 5, 2008.

Resolve 2007, chapter 209 was enacted as an emergency measure effective April 17, 2008.

## LD 2053 An Act To Ensure That Children's Toys and Products Are Free of Lead

PUBLIC 604

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONOVER	OTP-AM	H-930 H-955 CONOVER

This bill directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to use 10% of the funds in the Lead Poisoning Prevention Fund to test the lead content of products that are customarily used by children. If the sample contains lead or is coated with lead in a concentration that constitutes or potentially constitutes a health hazard, the center shall take measures to inform the general public of the test results and request that stores in the State that carry that children's product remove the product from their shelves.

### Committee Amendment "A" (H-930)

This amendment replaces the bill. It restricts the manufacture and knowing sale and distribution of lead-containing children's products through use of the federal performance standard for paintings and coatings and a content lead level established at .009% of the total weight or the federal standard if state law is preempted by federal law. It provides an exception for consumer electronic products in which the lead-containing component is inaccessible to children. It states that a first violation by a manufacturer that is a small employer is enforced through a warning. It provides for enforcement by the Attorney General and penalties that are to be paid to the Lead Poisoning Prevention Fund. The amendment requires a report on children's lead poisoning from toys and products by January 15, 2010 and authorizes the joint standing committee of the Legislature having jurisdiction over health and human services matters to submit a bill to the Second Regular Session of the 124th Legislature. It provides an effective date of July 1, 2009.

### House Amendment "A" (H-955)

This amendment expands the exceptions to the restrictions on lead in children's products to include products that comply with a directive of the European Parliament and the Council of the European Union.

### Enacted Law Summary

Public Law 2007, chapter 604 restricts the manufacture and knowing sale and distribution of lead-containing children's products through use of the federal performance standard for paintings and coatings and a content lead level established at .009% of the total weight or the federal standard if state law is preempted by federal law. It provides exceptions for consumer electronic products in which the lead-containing component is inaccessible to children and consumer electronic products exempt in the European Union. It designates a first violation by a manufacturer that is a small employer as a warning. It provides for enforcement by the Attorney General and penalties that are to be paid to the Lead Poisoning Prevention Fund. The law requires a report on children's lead poisoning from toys and products by January 15, 2010 and authorizes the joint standing committee of the Legislature having jurisdiction over health and human services matters to submit a bill to the Second Regular Session of the 124th Legislature. The law provides an effective date of July 1, 2009.

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

**LD 2054    An Act To Encourage Access to Respite Care Services for Maine Families with Behavioral Health Needs** **ONTP**

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

This bill removes respite care services from the Department of Health and Human Services' rules that require families to pay a portion of the cost for services based on a sliding fee scale methodology for state-grant-funded children's services.

**LD 2063    Resolve, To Preserve Access to Assisted Living Services for Maine's Elderly and Disabled Citizens** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	OTP-AM	H-922

This resolve directs the Department of Health and Human Services to amend the rules of reimbursement under the MaineCare program for 7 tax credit assisted living projects to provide a 3% rate increase and to reimburse for service-hold days, beginning October 1, 2008. The rules are designated routine technical rules. The 7 tax credit assisted living projects are Freese's Assisted Living Program, Stearns Assisted Living, Merry Gardens Estates, Wardwell Assisted Living Services, Mayflower Place, The Inn at Augusta City Hall and Iris Park Apartments.

**Committee Amendment "A" (H-922)**

This amendment replaces the 3% increase in the reimbursement rate for tax credit assisted living projects proposed in the resolve with an increase of \$205,000 per year. The amendment removes the section of the resolve pertaining to service-hold days. The amendment adds an appropriations and allocations section.

**LD 2064    An Act To Amend the Provisions of the Homeless Youth Program** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	ONTP	

This bill changes the age of the persons served by the Homeless Youth Program from under 15 years of age to those 16 years of age or older and under 22 years of age. This bill repeals the requirements that the Department of Health and Human Services annually report to the Joint Standing Committee on Health and Human Services and repeals the data collection requirement concerning youth who refuse services from the program.

**LD 2084    An Act To Protect Vulnerable Children by Allowing the Use of Asthma Inhalers and Epinephrine Pens** **PUBLIC 588 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	OTP-AM	H-796

This bill requires a municipality operating a recreational program to ensure that the personnel supervising the recreational program are trained to administer medication, including, but not limited to, an asthma inhaler or an

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epinephrine pen, to any child in that municipality's care who requires that medication. The bill allows municipal personnel who have received the training to administer medication.

### **Committee Amendment "A" (H-796)**

This amendment changes the title and replaces the bill. It allows municipal employees and volunteers that operate or assist in any municipal recreational program or camp to receive training on how to administer asthma inhalers and epinephrine pens. It allows them to possess and administer prescribed asthma inhalers and epinephrine pens in order to provide emergency aid.

### **Enacted Law Summary**

Public Law 2007, chapter 588 allows municipal employees and volunteers that operate or assist in any municipal recreational program or camp to receive training on how to administer asthma inhalers and epinephrine pens. It allows them to possess and administer prescribed asthma inhalers and epinephrine pens in order to provide emergency aid.

Public Law 2007, chapter 588 was enacted as an emergency measure effective April 9, 2008.

### **LD 2085 An Act To Protect Children from Secondhand Smoke**

**ONTP**

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

This bill, modeled on a Bangor city ordinance, prohibits smoking in a motor vehicle when a person under 18 years of age is present in that vehicle. Violators are subject to a \$50 fine or, at the discretion of the law enforcement officer present, a written warning. See LD 2012.

### **LD 2086 Resolve, To Require the Department of Health and Human Services To Provide Appropriate Cost-of-living Adjustments for Certain Assisted Housing and Medical and Remedial Private Nonmedical Institutions**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M	ONTP	

This bill requires the Department of Health and Human Services to provide certain medical and remedial private nonmedical and assisted housing institutions with a 2% cost-of-living adjustment in fiscal year 2008-09.

### **LD 2105 An Act To Change the Timing of the Health Care Occupations Report and To Add and Clarify Definitions Relating to Swimming Pools and Spas**

**PUBLIC 631**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DRISCOLL	OTP-AM	H-874 S-574 WESTON

This bill requires the Department of Labor, in conjunction with the Department of Health and Human Services, to complete and present the health care occupations report to the health workforce forum established in Maine Revised Statutes, Title 22, section 257 by September 15, 2009 and every 4th year thereafter. It removes the requirement of an annual report.

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The bill also makes changes to the Maine Revised Statutes, Title 22, chapter 602, which governs public pools and spas. It adds a definition for a "medical facility pool or spa," defines the term "pool" and broadens the definition of "spa" to include therapeutic uses. It changes the term "private" pool or spa to "residential" pool or spa, updates terminology and clarifies the difference between "residential" pools or spas and "public" pools or spas. It defines a pool on the premises of a licensed child care facility as a "public pool" and a pool on the premises of a certified family child care provider as a "residential pool." The bill updates the provision governing the submission of construction plans for pools and spa regulated by the Department of Health and Human Services to require the department to use in its review of the plans the American Standards Institute and the Association of Pool and Spa Professionals design criteria rather the standards of its predecessor organization, the National Swimming Pool Institute.

### **Committee Amendment "A" (H-874)**

This amendment repeals the Maine Revised Statutes, Title 22, section 2666, subsection 1, which prohibits a person having a communicable disease from working at a public pool or spa.

### **Senate Amendment "A" (S-574)**

This amendment requires the Department of Health and Human Services to apply the American Standards Institute and the Association of Pool and Spa Professionals design criteria to all pool and spa plans subject to the department's approval, not just "public" pool and spa plans. It also requires the Department of Health and Human Services to publish the standards on its publicly accessible website annually. Related to pool supervision in the Maine Revised Statutes, Title 22, section 2666, subsection 3, the amendment replaces the term "capable individual" with a "person as defined by standards of the American Standards Institute and the Association of Pool and Spa Professionals or successor organizations."

### **Enacted Law Summary**

Public Law 2007, chapter 631 requires the Department of Labor, in conjunction with the Department of Health and Human Services, to complete and present the health care occupations report to the health workforce forum established in the Maine Revised Statutes, Title 22, section 257 by September 15, 2009 and every 4th year thereafter. It removes the requirement of an annual report.

Public Law 2007, chapter 631 also makes changes to the Maine Revised Statutes, Title 22, chapter 602, which governs public pools and spas. It adds a definition for a "medical facility pool or spa," defines the term "pool" and broadens the definition of "spa" to include therapeutic uses. It changes the term "private" pool or spa to "residential" pool or spa, updates terminology and clarifies the difference between "residential" pools or spas and "public" pools or spas. It defines a pool on the premises of a licensed child care facility as a "public pool" and a pool on the premises of a certified family child care provider as a "residential pool." It updates the provision governing the submission of construction plans for pools and spa regulated by the Department of Health and Human Services to require the department to use in its review of the plans the American Standards Institute and the Association of Pool and Spa Professionals design criteria rather the standards of its predecessor organization, the National Swimming Pool Institute. The law requires the department use this design criteria as the minimum standards in the approval of all pools and spas subject to the department's review and to publish the standards on its publicly accessible website. Related to pool supervision in the Maine Revised Statutes, Title 22, section 2666, subsection 3 the amendment replaces the term "capable individual" with a "person as defined by standards of the American Standards Institute and the Association of Pool and Spa Professionals or successor organizations." The law also repeals section 2666, subsection 1, which prohibits a person having a communicable disease from working at a public pool or spa. This issue is already covered by other areas of communicable disease law.

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## LD 2106 An Act To Enhance the Newborn Hearing Program

PUBLIC 508

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKAS	OTP	

This bill gives the Department of Health and Human Services the authority to participate in a national or regional database or both for tracking information about newborns and children who are deaf or hard-of-hearing so as to plan more effectively for developmentally appropriate services to further the goals of the Newborn Hearing Program.

### Enacted Law Summary

Public Law 2008, chapter 508 gives the Department of Health and Human Services the authority to participate in a national or regional database or both for tracking information about newborns and children who are deaf or hard-of-hearing so as to plan more effectively for developmentally appropriate services to further the goals of the Newborn Hearing Program.

## LD 2107 An Act To Establish a Forensic Case Review Panel To Advise the Department of Health and Human Services

ONTP

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

This bill establishes a forensic case review panel whose members are appointed by the Commissioner of Health and Human Services. The purpose of the panel is to study certain cases in which a current or former consumer of mental health services in this State caused serious injury or death to another while in this State and to report to the Department of Health and Human Services and the Legislature on factors contributing to the deaths and injuries reviewed and the strengths and weaknesses of the current mental health care delivery system and include recommendations to decrease the rate of death and serious injury directly caused by current or former consumers of mental health services in this State.

## LD 2108 Resolve, To Adopt Respectful Language in Programs Affecting Developmental Services

RESOLVE 172

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER	OTP	

This resolve directs the Department of Health and Human Services to change the name of its programs for persons with mental retardation or autism to "developmental services programs" and to be guided by the working group convened by the Maine Developmental Disabilities Council pursuant to Resolve 2007, chapter 62 in making any changes to rules and other publications to reflect the change in terminology.

### Enacted Law Summary

Resolve 2007, chapter 172 directs the Department of Health and Human Services to change the name of its programs for persons with mental retardation or autism to "developmental services programs" and to be guided by the working group convened by the Maine Developmental Disabilities Council pursuant to Resolve 2007, chapter 62 in making any changes to rules and other publications to reflect the change in terminology.

# *Joint Standing Committee on Health and Human Services*

**LD 2138    An Act To Amend the Requirements for Approval of the Use of Physical Restraints**

**PUBLIC 573**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP	

This bill makes several changes in the statutes concerning the rights and protections of persons with mental retardation or autism related to the use of physical restraints. This bill establishes distinctions among physical restraints, mechanical supports and safety devices and describes each in a separate provision of the law. This bill removes the requirement in statute that a 3-person team approve the use of a safety device for a person with mental retardation or autism and delegates that authority to the Department of Health and Human Services, which may adopt routine technical rules concerning the use and approval of safety devices. This bill clarifies the standards for the short-term use of physical restraints to prevent injury to the person being served or to others and prohibits entirely the use of totally enclosed cribs and barred enclosures. This bill requires that daily records of the use of physical restraints, either to prevent injury or as part of a behavioral treatment, be kept and reviewed at least quarterly by the person's planning team in a summary form. A monthly summary must be provided to the Department of Health and Human Services, Office of Advocacy.

**Enacted Law Summary**

Public Law 2007, chapter 573 makes several changes in the statutes concerning the rights and protections of persons with mental retardation or autism related to the use of physical restraints. The law establishes distinctions among physical restraints, mechanical supports and safety devices and describes each in a separate provision of the law. It removes the requirement in statute that a 3-person team approve the use of a safety device for a person with mental retardation or autism and delegates that authority to the Department of Health and Human Services, which may adopt routine technical rules concerning the use and approval of safety devices. The law clarifies the standards for the short-term use of physical restraints to prevent injury to the person being served or to others and prohibits entirely the use of totally enclosed cribs and barred enclosures. The law requires that daily records of the use of physical restraints, either to prevent injury or as part of a behavioral treatment, be kept and reviewed at least quarterly by the person's planning team in a summary form. A monthly summary must be provided to the Department of Health and Human Services, Office of Advocacy.

**LD 2148    An Act To Improve the Health of Maine Communities and Reduce Emergency Care Burdens**

**ONTP**

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

This bill directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to undertake a program to create neighborhood health resource centers for the Parkside or Bayside neighborhood of the City of Portland and for the City of Lewiston. This bill appropriates \$300,000 in fiscal year 2008-09 for the purposes of the neighborhood health resource centers and for federally qualified health centers.

**LD 2152    An Act To Ensure Access to Necessary Health Care Services in Maine by Repealing the Capital Investment Fund**

**ONTP**

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

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This bill eliminates the capital investment fund, which limits the amount of capital spending for health care projects that are subject to the certificate of need laws. This bill specifies that the repeal of the capital investment fund applies retroactively to January 1, 2008.

### LD 2153 An Act To Improve the Organizational Structure of the Department of Health and Human Services

ONTP

Sponsor(s)

RAYE

Committee Report

ONTP

Amendments Adopted

This bill consolidates provisions in the Maine Revised Statutes, Titles 22 and 34-B with existing provisions in Title 22-A to the extent that Titles 22 and 34-B described the Department of Health and Human Services' organizational structure and the Commissioner of Health and Human Services' powers and duties. Some provisions are repealed because they are redundant or obsolete; some are repealed or rewritten to give the commissioner more flexibility in organizing the department, appointing staff and delegating the various duties of the department among staff.

This bill was voted Ought Not to Pass in deference to Public Law 2007, chapter 539, Part N, which contains the same provisions as the committee amendment that was proposed.

### LD 2163 Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization

RESOLVE 166  
EMERGENCY

Sponsor(s)

Committee Report

OTP

Amendments Adopted

This resolve provides for legislative review of portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a major substantive rule of the Maine Health Data Organization.

#### Enacted Law Summary

Resolve 2007, chapter 166 provides for legislative review of portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a major substantive rule of the Maine Health Data Organization.

Resolve 2007, chapter 166 was enacted as an emergency measure effective March 25, 2008.

### LD 2166 Resolve, Regarding Legislative Review of Portions of Chapter 294: Rules Governing the Qualifications for Local Health Officers, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention

RESOLVE 165  
EMERGENCY

Sponsor(s)

Committee Report

OTP

Amendments Adopted

This resolve provides for legislative review of portions of Chapter 294: Rules Governing the Qualifications for Local Health Officers, a major substantive rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

#### Enacted Law Summary

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Resolve 2007, chapter 165 provides for legislative review of portions of Chapter 294: Rules Governing the Qualifications for Local Health Officers, a major substantive rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

Resolve 2007, chapter 165 was enacted as an emergency measure effective March 26, 2008.

**LD 2167    Resolve, Regarding Legislative Review of Portions of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization**

**RESOLVE 192  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-860

This resolve provides for legislative review of portions of Chapter 120: Release of Data to the Public, a major substantive rule of the Maine Health Data Organization.

### Committee Amendment "A" (H-860)

This amendment authorizes final adoption of portions of Chapter 120: Release of Data to the Public, a provisionally adopted major substantive rule of the Maine Health Data Organization, as long as certain changes to the rule are made regarding the collection, release and use of prescriber data.

### Enacted Law Summary

Resolve 2007, chapter 192 authorizes final adoption of portions of Chapter 120: Release of Data to the Public, a provisionally adopted major substantive rule of the Maine Health Data Organization, as long as certain changes to the rule are made regarding the collection, release and use of prescriber data.

Resolve 2007, chapter 192 was enacted as an emergency measure effective April 10, 2008.

**LD 2170    Resolve, Regarding Legislative Review of Portions of Chapter 10: Rules for Exemptions to the Ban on Flavored Cigarettes and Cigars, a Major Substantive Rule of the Department of the Attorney General**

**RESOLVE 178  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of portions of Chapter 10: Rules for Exemptions to the Ban on Flavored Cigarettes and Cigars, a major substantive rule of the Department of the Attorney General.

### Enacted Law Summary

Resolve 2007, chapter 178 provides for legislative review of portions of Chapter 10: Rules for Exemptions to the Ban on Flavored Cigarettes and Cigars, a major substantive rule of the Department of the Attorney General.

Resolve 2007, chapter 178 was enacted as an emergency measure effective April 1, 2008.

# *Joint Standing Committee on Health and Human Services*

**LD 2172    Resolve, To Achieve Universal Blood Lead Level Screening of Maine Children**

**RESOLVE 186**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR BRANNIGAN	OTP-AM	H-861

This bill expands the lead poisoning assessment and blood level testing program to require annual testing of children under 6 years of age and eliminates the exception that provides discretion to the provider of primary health care. It retains the exception for a parent or guardian who objects on the grounds of sincerely held religious or philosophical beliefs. It requires evidence of blood lead level screening for enrollment in public school in this State. It requires a school superintendent to keep records of blood lead level assessment status and to report to the Commissioner of Education and the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services regarding the blood lead level assessment status of children entering school.

**Committee Amendment "A" (H-861)**

This amendment replaces the bill with a resolve. The amendment directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to identify areas of high risk of having children with elevated blood lead levels, to attempt to achieve universal blood lead level screening for certain children, to report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters and to report with the Department of Education on the feasibility of including blood lead level assessment information in school records of enrolled children.

**Enacted Law Summary**

Resolve 2007, chapter 186 directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to identify areas of high risk of having children with elevated blood lead levels, to attempt to achieve universal blood lead level screening for certain children, to report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters and to report with the Department of Education on the feasibility of including blood lead level assessment information in school records of enrolled children.

**LD 2193    An Act Regarding Clinical Review of Certain Requests for Involuntary Mental Health Treatment**

**PUBLIC 580  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-886    PERRY A S-445

This bill provides a process for a clinical review panel to review and make a determination regarding involuntary mental health treatment for a person who is involuntarily committed to a state mental health institute or a designated nonstate mental health institution. The bill applies the same standards for ordering involuntary treatment as are currently applied by the District Court when a request for involuntary treatment is made as part of an application for involuntary commitment under the Maine Revised Statutes, Title 34-B, section 3864, subsection 7-A. The bill provides for notice, a clinical review panel procedure and a decision by the clinical review panel. The clinical review panel includes at least one member who is licensed to prescribe medication relevant to the patient's treatment. The bill specifies patient rights, including the right of assistance by a lay advisor or attorney and the right to attend meetings of the clinical review panel, to review documents reviewed by the panel, to question persons providing information to the panel, to present witnesses and to appeal decisions made in a designated nonstate mental health institution to the director of the Office of Adult Mental Health Services within the Department of Health and Human Services and to appeal all decisions to the Superior Court. The bill specifies that the maximum time period for an

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order of involuntary treatment is 120 days or the length of commitment, whichever is shorter, unless altered by review or order of the Superior Court on appeal or agreement of the patient's primary treating physician and the patient.

### **Committee Amendment "A" (S-445)**

This amendment incorporates a fiscal note.

### **House Amendment "A" (H-886)**

This amendment clarifies that involuntary treatment is limited to medication for mental illness and medication to manage side effects.

### **Enacted Law Summary**

Public Law 2007, chapter 580 provides a process for a clinical review panel to review and make a determination regarding involuntary mental health treatment for a person who is involuntarily committed to a state mental health institute or a designated nonstate mental health institution. The law defines mental health treatment as medications for mental illness and laboratory testing and medication for managing the side effects. The law applies the same standards for ordering involuntary treatment as are currently applied by the District Court when a request for involuntary treatment is made as part of an application for involuntary commitment under the Maine Revised Statutes, Title 34-B, section 3864, subsection 7-A. The law provides for notice, a clinical review panel procedure and a decision by the clinical review panel. The clinical review panel includes at least one member who is licensed to prescribe medication relevant to the patient's treatment. The law specifies patient rights, including the right of assistance by a lay advisor or attorney and the right to attend meetings of the clinical review panel, to review documents reviewed by the panel, to question persons providing information to the panel, to present witnesses and to appeal decisions made in a designated nonstate mental health institution to the director of the Office of Adult Mental Health Services within the Department of Health and Human Services and to appeal all decisions to the Superior Court. The law specifies that the maximum time period for an order of involuntary treatment is 120 days or the length of commitment, whichever is shorter, unless altered by review or order of the Superior Court on appeal or agreement of the patient's primary treating physician and the patient.

Public Law 2007, chapter 580 was enacted as an emergency measure effective April 8, 2008.

## **LD 2218 An Act To Protect Children from Hazardous Lead-based Paint**

**PUBLIC 628**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS MARRACHE	OTP-AM	H-921

This bill protects children from hazardous lead-based paint.

1. The bill authorizes use of the Lead Poisoning Prevention Fund for lead-safe housing and lead-safe renovation notification, inspection and enforcement.
2. The bill amends the provision of law that repeals the lead poisoning prevention fee on July 1, 2011.
3. The bill requires certain paint retailers, stores and commercial establishments to display posters and make brochures available to consumers warning of lead hazards.
4. The bill clarifies the activities covered by the requirements for residential lead abatement.
5. The bill provides a mechanism for the Department of Environmental Protection to maintain a registry of lead-safe

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pre-1978 residential dwellings.

6. The bill requires owners of leased residential dwellings to take reasonable precautions to ensure that the dwellings are free of lead-based paint hazards.
7. The bill provides confidentiality protections for certain lead poisoning and lead exposure information.
8. The bill requires the Department of Environmental Protection, the Maine State Housing Authority and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to review issues related to achieving lead-safe housing and the elimination of childhood lead poisoning and to report to the joint standing committees of the Legislature having jurisdiction over health and human services matters and natural resources matters on the results of the review and recommendations, including proposed legislation to achieve lead-safe housing and lead poisoning prevention.

### Committee Amendment "A" (H-921)

This amendment switches responsibility for producing posters and brochures warning of lead poisoning from the Department of Environmental Protection to the Department of Health and Human Services. It strikes portions of the bill that require annual self-inspection for lead dangers by owners of leased residential properties. The amendment retains language allowing an owner of a leased residential property to designate the property on a registry of lead-safe property maintained by the Department of Environment Protection. The amendment expands the scope of the report on lead-safe housing by the Department of Environmental Protection, the Maine State Housing Authority and the Department of Health and Human Services, Maine Center for Disease Control and Prevention. The amendment strikes those sections of the bill that require notice on renovations and remodeling and that grant an exemption to the notice requirement for renovations and remodeling by an owner who occupies the residential dwelling.

### Enacted Law Summary

Public Law 2007, chapter 628 imposes on the Department of Health and Human Services the responsibility for producing posters and brochures warning of lead poisoning. The law allows an owner of a leased residential property to designate the property on a registry of lead-safe property maintained by the Department of Environment Protection. The law expands the scope of the report on lead-safe housing by the Department of Environmental Protection, the Maine State Housing Authority and the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

### LD 2242 An Act To Fund the Universal Childhood Immunization Program

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR MARRACHE	OTP-AM MAJ ONTP MIN	H-931

This bill establishes the Universal Childhood Immunization Program within the Department of Health and Human Services. The department is directed to include in the program those vaccines for childhood immunizations recommended by the United States Department of Health and Human Services, Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices and designated for coverage by the federal Vaccines for Children Program. The bill establishes a dedicated account to effectuate the provisions of the program. The bill provides funds for the program from the Fund for a Healthy Maine.

### Committee Amendment "A" (H-931)

This amendment:

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

1. Clarifies that all of the funds in the Childhood Immunization Account must be used to implement the program;
2. Removes erroneous language in the bill regarding "provisions of the program," which is also referenced in the bill summary, where it refers to provisions concerning annual cost determinations and reporting to the Superintendent of Insurance that are not contained in the bill; and
3. Replaces the bill's appropriations and allocations section.

**LD 2286    Resolve, Implementing the Recommendations of the Commission To Study                      RESOLVE 195**  
**Primary Care Medical Practice**

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

This committee resolve requires several reports to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2009. It directs the Governor's Office of Health Policy and Finance and the Department of Health and Human Services to report on activities for implementing a multipayor patient-centered medical home pilot project and for streamlining preauthorization processes for primary care physicians who are cost-effective prescribers. It requires the Department of Health and Human Services to report on activities for implementing a single physician fee schedule for the MaineCare program. It requires the Governor's Office of Health Policy and Finance, the Maine Board of Pharmacy and the Department of Health and Human Services, Office of MaineCare Services to report on the feasibility of adopting flexible prescribed medication dispensing standards for pharmacists.

### **Enacted Law Summary**

Resolve 2007, chapter 195 requires several reports to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2009. It directs the Governor's Office of Health Policy and Finance and the Department of Health and Human Services to report on activities for implementing a multipayor patient-centered medical home pilot project and for streamlining preauthorization processes for primary care physicians who are cost-effective prescribers. It requires the Department of Health and Human Services to report on activities for implementing a single physician fee schedule for the MaineCare program. It requires the Governor's Office of Health Policy and Finance, the Maine Board of Pharmacy and the Department of Health and Human Services, Office of MaineCare Services to report on the feasibility of adopting flexible prescribed medication dispensing standards for pharmacists.

**LD 2287    Resolve, Regarding Legislative Review of Portions of Major Substantive                      RESOLVE 207**  
**MaineCare Benefits Manual, Chapter III, section 21; Home and                      EMERGENCY**  
**Community Benefits for Members with Mental Retardation on Autistic**  
**Disorder, a Major Substantive Rule of the Department of Health and**  
**Human Services**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-944

This resolve provides for legislative review of portions of Major Substantive MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a major substantive rule of the Department of Health and Human Services.

**Committee Amendment "A" (H-944)**

## Joint Standing Committee on Health and Human Services

This amendment authorizes final adoption of MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a major substantive rule of the Department of Health and Human Services, provided certain changes to the rule are made related to record keeping.

### Enacted Law Summary

Resolve 2007, chapter 207 authorizes final adoption of MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a major substantive rule of the Department of Health and Human Services, provided certain changes to the rule are made related to record keeping.

Resolve 2007, chapter 207 was enacted as an emergency measure effective April 16, 2008.

### LD 2294 An Act To Modernize the Local Health Officer Statutes

PUBLIC 598

Sponsor(s)

Committee Report

Amendments Adopted

This committee bill modernizes the local health officer statutes as part of the implementation of the recommendations of the Task Force to Study Maine's Homeland Security Needs. It modernizes the role of local health officers by focusing the authorities and duties of the local health officer on preventing and suppressing communicable diseases, as well as acting as a conduit of public health-related information between residents and statewide resources. Certain functions of local health officers are transferred to the Commissioner of Health and Human Services.

### Enacted Law Summary

Public Law 2007, chapter 598 modernizes the local health officer role by focusing the authorities and duties of the local health officer on preventing and suppressing communicable diseases, as well as acting as a conduit of public health-related information between residents and statewide resources. The law transfers certain functions of local health officers to the Commissioner of Health and Human Services.

### LD 2295 An Act To Implement the Recommendations of the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine

PUBLIC 646

Sponsor(s)

Committee Report

Amendments Adopted

H-1019 PERRY A

This committee bill requires a birthing hospital or birthing center, upon the approval of a parent of a newborn whose hearing is screened and receives a result of "refer," to schedule the newborn for a follow-up appointment with an audiologist. That appointment must be scheduled prior to discharge, and the birthing hospital or center shall notify the newborn's primary care provider in writing of such a referral prior to discharge. The bill also requires the Department of Health and Human Services' Newborn Hearing Program to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the results of its study of barriers to access to audiologists for the continued evaluation of hearing loss in newborns.

### House Amendment "A" (H-1019)

This amendment requires birthing hospitals, birthing centers, hospitals or other medical facilities upon the approval of a parent of a newborn whose hearing is screened and receives a result of "refer," to schedule the newborn for a follow-up appointment with an audiologist and to notify the newborn's primary care provider in writing of the

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

screening result and audiologist appointment. The appointment must be scheduled and primary care provider notified prior to discharge, when possible.

### **Enacted Law Summary**

Public Law 2007, chapter 646 requires a birthing hospital, birthing center, hospital or other medical facility upon the approval of a parent of a newborn whose hearing is screened and receives a result of "refer," to schedule the newborn for a follow-up appointment with an audiologist and to notify the newborn's primary care provider in writing of the screening result and audiologist appointment. The appointment must be scheduled and primary care provider notified prior to discharge, when possible. The law also requires the Department of Health and Human Services' Newborn Hearing Program to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the results of its study of barriers to access to audiologists for the continued evaluation of hearing loss in newborns.

### **LD 2296 An Act Regarding the Statewide Homeless Council**

**PUBLIC 600**

Sponsor(s)

Committee Report

Amendments Adopted

This bill is submitted by the Joint Standing Committee on Health and Human Services after receipt of the report from the Statewide Homeless Council pursuant to Resolve 2007, chapter 131. The bill amends the Statewide Homeless Council laws to add as members the Commissioner of Corrections and the Commissioner of Health and Human Services and to add as a duty advising the Department of Corrections and the Department of Health and Human Services. The bill directs the Department of Health and Human Services to collect from each municipality emergency contact information for use by municipal residents in applying for assistance and to forward the municipal emergency contact information periodically to the statewide 2-1-1 telephone number designated pursuant to the Maine Revised Statutes, Title 35-A, section 7108.

### **Enacted Law Summary**

Public Law 2007, chapter 600 is submitted by the Joint Standing Committee on Health and Human Services after receipt of the report from the Statewide Homeless Council pursuant to Resolve 2007, chapter 131. The law amends the Statewide Homeless Council laws to add as members the Commissioner of Corrections and the Commissioner of Health and Human Services and to add as a duty advising the Department of Corrections and the Department of Health and Human Services. The law directs the Department of Health and Human Services to collect from each municipality emergency contact information for use by municipal residents in applying for assistance and to forward the municipal emergency contact information periodically to the statewide 2-1-1 telephone number designated pursuant to the Maine Revised Statutes, Title 35-A, section 7108.

### **LD 2297 An Act To Establish a Method for Reporting Health Care-associated Infection Quality Data**

**PUBLIC 594**

Sponsor(s)

Committee Report

Amendments Adopted

This committee bill requires the Maine Quality Forum to submit an annual report to the Legislature that includes health care-associated infection quality data and to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 30, 2009 with any recommendations for additional health care-associated infection quality data to be collected. It requires the Maine Quality Forum and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to report to the joint standing committee of the Legislature having jurisdiction over health and human services on statewide collaborative

# Joint Standing Committee on Health and Human Services

efforts with health care infection control professionals in the State to control or prevent health care-associated infections and to make the information reported about the health care-associated infection quality data available to the citizens of the State through a variety of means, including, but not limited to, the Maine Quality Forum's publicly accessible website and the distribution of written reports and publications.

## Enacted Law Summary

Public Law 2007, chapter 594 requires the Maine Quality Forum to submit an annual report to the Legislature that includes health care-associated infection quality data and to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 30, 2009 with any recommendations for additional health care-associated infection quality data to be collected. It requires the Maine Quality Forum and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to report to the joint standing committee of the Legislature having jurisdiction over health and human services on statewide collaborative efforts with health care infection control professionals in the State to control or prevent health care-associated infections and to make the information reported about the health care-associated infection quality data available to the citizens of the State through a variety of means, including, but not limited to, the Maine Quality Forum's publicly accessible website and the distribution of written reports and publications.

## LD 2301 An Act To Amend the Maine Certificate of Need Act of 2002

**PUBLIC 681  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-960 PERRY A
		S-661 ROTUNDO

This committee bill amends the Maine Certificate of Need Act of 2002 by making January 1st the date when the Commissioner of Health and Human Services must update the threshold amount for review to reflect the change in the Consumer Price Index medical index and clarifying that the Department of Health and Human Services may approve nursing facility Certificate of Need applications for capital expenditures for necessary renovations and improvements on an emergency basis.

### House Amendment "A" (H-960)

The bill changes from September 30th to January 1st the date by which the Commissioner of Health and Human Services annually updates the threshold amount for review and clarifies that since the annual update will occur by January 1, 2009, no annual update is required on September 30, 2008.

### Senate Amendment "A" (S-661)

This amendment clarifies that the Department of Health and Human Services emergency approval of a nursing facility Certificate of Need application may only be granted within existing appropriations for MaineCare's nursing facility program.

## Enacted Law Summary

Public Law 2008, chapter 681 amends the Maine Certificate of Need Act of 2002. It standardizes "January 1st" as the date when the commissioner must update the threshold amount for review to reflect the change in the Consumer Price Index medical index. Since this annual update will occur by January 1, 2009, no annual update is required on September 30, 2008. It defines emergency circumstances under which the department may approve nursing facility Certificate of Need applications for capital expenditures for necessary renovations and improvements. Such approvals may only be granted within existing appropriations for MaineCare's nursing facility program.

Public law 2007, 681 was enacted as an emergency measure effective April 23, 2008.

# Joint Standing Committee on Health and Human Services

LD 2311 An Act To Invest in Maine's Young Children

PUBLIC 683

Sponsor(s)

Committee Report

Amendments Adopted

S-695 ROTUNDO

This bill is a committee bill from the majority of the committee. The bill establishes the Office of the Child Advocate through contracted services for the purpose of ongoing, coordinated advocacy on behalf of young children. It establishes the Maine Children's Growth Council to develop, maintain and evaluate a long-term plan for investment in the healthy development of Maine's young children and their families and to review and address recommendations of studies and advisory committees and the Children's Cabinet. The bill provides for a research and evaluation contract and a needs assessment contract. The bill changes the rate of interest on quality child care project loans, requires the Department of Health and Human Services to offer voluntary universal home visiting for new families as permitted by the availability of funds and requires the Finance Authority of Maine to undertake a public education campaign regarding the availability of loans for child care facilities. The bill provides increased funding for quality child care education scholarships, requires a report on the benefits, cost-effectiveness and effect on families of unifying policies governing child care subsidies and provides funding for regional collaboration coaches for pre-kindergarten programs. In making the initial appointments to the Maine Children's Growth Council, the bill requires the appointing authorities to consider for appointment persons who serve on the Children's Cabinet Task Force on Early Childhood.

## Senate Amendment "A" (S-695)

This amendment:

1. Strikes the provisions from the bill that establish the Office of the Child Advocate and authorize a research and evaluation contract and a needs assessment contract;
2. Repeals the chapter that establishes and governs the Maine Children's Growth Council effective October 1, 2009;
3. Strikes the provisions from the bill that direct the Finance Authority of Maine to undertake a public education campaign regarding the availability of loans for child care facilities;
4. Strikes the provisions from the bill that direct the Department of Education to employ 4 regionally assigned community collaboration coaches and eliminates funding for those community collaboration coaches; and
5. Eliminates increased funding for quality child care education scholarships.

## Enacted Law Summary

Public Law 2007, chapter 683 establishes the Maine Children's Growth Council to develop, maintain and evaluate a long-term plan for investment in the healthy development of Maine's young children and their families and to review and address recommendations of studies and advisory committees and the Children's Cabinet. The law changes the rate of interest on quality child care project loans and requires the Department of Health and Human Services to offer voluntary universal home visiting for new families as permitted by the availability of funds. The law requires a report on the benefits, cost-effectiveness and effect on families of unifying policies governing child care subsidies. In making the initial appointments to the Maine Children's Growth Council, the bill requires the appointing authorities to consider for appointment persons who serve on the Children's Cabinet Task Force on Early Childhood. The law contains an automatic repeal date of October 1, 2009.

# Joint Standing Committee on Health and Human Services

LD 2316 An Act Regarding Flavored Cigarettes and Cigars

PUBLIC 612  
EMERGENCY

Sponsor(s)

Committee Report

Amendments Adopted

This bill is an emergency bill. The bill makes changes to the criteria for granting exemptions to the ban on flavored cigarettes and cigars first on the market after January 1, 1985. The bill imposes upon the person or entity to whom an exemption has been granted the affirmative duty to notify the Attorney General of a material change in the characterizing flavor of flavored cigarettes and cigars and designates a violation of this requirement a civil violation for which a fine of \$10,000 may be adjudged. The bill authorizes the Attorney General to revoke an exemption if the Attorney General determines that a material change has been made to the product's characterizing flavor. The bill authorizes the adoption of rules on an emergency basis to conform existing rules to the requirements of the bill.

## Enacted Law Summary

Public Law 2007, chapter 612 makes changes to the criteria for granting exemptions to the ban on flavored cigarettes and cigars first on the market after January 1, 1985. The law imposes upon the person or entity to whom an exemption has been granted the affirmative duty to notify the Attorney General of a material change in the characterizing flavor of flavored cigarettes and cigars and designates a violation of this requirement a civil violation for which a fine of \$10,000 may be adjudged. The law authorizes the Attorney General to revoke an exemption if the Attorney General determines that a material change has been made to the product's characterizing flavor. The law authorizes the adoption of rules on an emergency basis to conform existing rules to the requirements of the law.

Public Law 2007, chapter 612 was enacted as an emergency measure effective April 14, 2008.

LD 2322 An Act To Amend the Charter of Northern Maine General

P & S 45

Sponsor(s)

Committee Report

Amendments Adopted

MARTIN

This bill removes the Roman Catholic bishop of the diocese of Portland as a trustee and president of Northern Maine General. The bill also amends the charter by designating that the president is elected by the board of trustees. This bill was not referenced to the Joint Standing Committee on Health and Human Services.

## Enacted Law Summary

Private and Special Law 2008, chapter 45 removes the Roman Catholic bishop of the diocese of Portland as a trustee and president of Northern Maine General. The bill also amends the charter by designating that the president is elected by the board of trustees.



*Joint Standing Committee on Health and Human Services*

**SUBJECT INDEX**

*Aging and Long-term Care*

Enacted

LD 1943	Resolve, Regarding Legislative Review of Portions of Chapter 11: Consumer Directed Personal Assistance Services, a Major Substantive Rule of the Department of Health and Human Services	RESOLVE 163 EMERGENCY
LD 2052	Resolve, To Create the Blue Ribbon Commission To Study the Future of Home-based and Community-based Care	RESOLVE 209 EMERGENCY

Not Enacted

LD 519	Resolve, Regarding Supplemental Services under the National Family Caregiver Support Program	DIED ON ADJOURNMENT
LD 652	Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities	DIED BETWEEN HOUSES
LD 1975	Resolve, To Require the Department of Health and Human Services To Promote Awareness of Parkinson's Disease	ONTP
LD 2063	Resolve, To Preserve Access to Assisted Living Services for Maine's Elderly and Disabled Citizens	DIED ON ADJOURNMENT
LD 2086	Resolve, To Require the Department of Health and Human Services To Provide Appropriate Cost-of-living Adjustments for Certain Assisted Housing and Medical and Remedial Private Nonmedical Institutions	ONTP

*Certificate of Need/Capital Investment Fund*

Enacted

LD 2301	An Act To Amend the Maine Certificate of Need Act of 2002	PUBLIC 681 EMERGENCY
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Not Enacted

LD 2152	An Act To Ensure Access to Necessary Health Care Services in Maine by Repealing the Capital Investment Fund	ONTP
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*Child Care*

Enacted

LD 2033      **Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing Water Activities Offered by Licensed Child Care Facilities**      **RESOLVE 199  
EMERGENCY**

LD 2311      **An Act To Invest in Maine's Young Children**      **PUBLIC 683**

*Children's Mental Health*

Not Enacted

LD 2054      **An Act To Encourage Access to Respite Care Services for Maine Families with Behavioral Health Needs**      **ONTP**

*Children's Services*

Enacted

LD 2000      **An Act To Authorize the Department of Health and Human Services To Investigate Suspicious Deaths of Children**      **PUBLIC 586**

*Departmental Organization and Administration*

Not Enacted

LD 2153      **An Act To Improve the Organizational Structure of the Department of Health and Human Services**      **ONTP**

*Developmental Disabilities (MR/DD)*

Enacted

LD 1977      **Resolve, To Establish a Statewide Protocol for the Early Detection and Treatment of Autism**      **RESOLVE 200**

LD 2108      **Resolve, To Adopt Respectful Language in Programs Affecting Developmental Services**      **RESOLVE 172**

LD 2138      **An Act To Amend the Requirements for Approval of the Use of Physical Restraints**      **PUBLIC 573**

LD 2287      **Resolve, Regarding Legislative Review of Portions of Major Substantive MaineCare Benefits Manual, Chapter III, section 21; Home and Community Benefits for Members with Mental Retardation on Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services**      **RESOLVE 207  
EMERGENCY**

*Health Data*

Enacted

LD 1797      **Resolve, To Advance Maine's HealthInfoNet Program**      **RESOLVE 198**

LD 1843      **Resolve, To Eliminate or Reduce the Health Care Data Collection Problems Associated with Global Claims**      **RESOLVE 155  
EMERGENCY**

LD 2163	Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization	RESOLVE 166 EMERGENCY
LD 2167	Resolve, Regarding Legislative Review of Portions of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization	RESOLVE 192 EMERGENCY
LD 2297	An Act To Establish a Method for Reporting Health Care-associated Infection Quality Data	PUBLIC 594

Not Enacted

LD 1939	Resolve, To Establish a Method for Reporting the Statistics of Diseases	ONTP
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*Health Planning*

Enacted

LD 2286	Resolve, Implementing the Recommendations of the Commission To Study Primary Care Medical Practice	RESOLVE 195
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*Hearing Loss Screening - Children*

Enacted

LD 2106	An Act To Enhance the Newborn Hearing Program	PUBLIC 508
LD 2295	An Act To Implement the Recommendations of the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine	PUBLIC 646

*Hospitals*

Enacted

LD 2044	An Act To Prohibit Health Care Facilities from Charging for Treatment To Correct Mistakes or Preventable Adverse Events	PUBLIC 605
LD 2322	An Act To Amend the Charter of Northern Maine General	P & S 45

Not Enacted

LD 2035	An Act To Clarify the Laws Governing the Inspection of Medical Facilities	ONTP
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*Lead Poisoning*

Enacted

LD 2053	An Act To Ensure That Children's Toys and Products Are Free of Lead	PUBLIC 604
LD 2172	Resolve, To Achieve Universal Blood Lead Level Screening of Maine Children	RESOLVE 186
LD 2218	An Act To Protect Children from Hazardous Lead-based Paint	PUBLIC 628

*Mental Health*

Enacted

LD 1567	Resolve, To Continue the Work of Preventing the Onset of Severe Mental Illness in Youth	RESOLVE 221
LD 1951	An Act To Create the Mental Health Homicide, Suicide and Aggravated Assault Review Board	PUBLIC 609
LD 1967	An Act To Establish a Consumer Council System of Maine	PUBLIC 592
LD 1986	An Act To Expand the Pool of Qualified Mental Health Examiners for Purposes of Involuntary Treatment	PUBLIC 472 EMERGENCY
LD 2193	An Act Regarding Clinical Review of Certain Requests for Involuntary Mental Health Treatment	PUBLIC 580 EMERGENCY

Not Enacted

LD 2107	An Act To Establish a Forensic Case Review Panel To Advise the Department of Health and Human Services	ONTP
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*Poverty and Homelessness*

Enacted

LD 1110	An Act To Create the Maine Council on Poverty and Economic Security	PUBLIC 641
LD 2296	An Act Regarding the Statewide Homeless Council	PUBLIC 600

Not Enacted

LD 2064	An Act To Amend the Provisions of the Homeless Youth Program	ONTP
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*Prescription Drugs*

Enacted

LD 405	An Act Regarding MaineCare Pharmacy Professional Fees	PUBLIC 590
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*Public Health*

Enacted

LD 2084	An Act To Protect Vulnerable Children by Allowing the Use of Asthma Inhalers and Epinephrine Pens	PUBLIC 588 EMERGENCY
LD 2105	An Act To Change the Timing of the Health Care Occupations Report and To Add and Clarify Definitions Relating to Swimming Pools and Spas	PUBLIC 631
LD 2166	Resolve, Regarding Legislative Review of Portions of Chapter 294: Rules Governing the Qualifications for Local Health Officers, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention	RESOLVE 165 EMERGENCY
LD 2294	An Act To Modernize the Local Health Officer Statutes	PUBLIC 598

Not Enacted

LD 1956	Resolve, To Expand the Case Definition of Lyme Disease for Purposes of Compiling the Annual Lyme Disease Surveillance Report	ACCEPTED ONTP REPORT
LD 2034	An Act To Prohibit the Sale of Energy Drinks to Minors	ONTP
LD 2148	An Act To Improve the Health of Maine Communities and Reduce Emergency Care Burdens	ONTP
LD 2242	An Act To Fund the Universal Childhood Immunization Program	DIED ON ADJOURNMENT

*Substance Abuse*

Not Enacted

LD 2004	An Act To Establish the Department of Substance Abuse Services	ONTP
LD 2032	An Act To Implement a Consent Judgment Regarding OxyContin Abuse	ONTP

*Tobacco Sale and Use*

Enacted

LD 1961	An Act To Repeal the Ban on the Sale and Furnishing of Hard Snuff	PUBLIC 487 EMERGENCY
LD 2012	An Act To Protect Children in Vehicles from Secondhand Smoke	PUBLIC 591
LD 2014	Resolve, To Extend the Deadline To Adopt a Rule by the Department of Health and Human Services Regarding Smoking in the Workplace	RESOLVE 149 EMERGENCY
LD 2170	Resolve, Regarding Legislative Review of Portions of Chapter 10: Rules for Exemptions to the Ban on Flavored Cigarettes and Cigars, a Major Substantive Rule of the Department of the Attorney General	RESOLVE 178 EMERGENCY

LD 2316

An Act Regarding Flavored Cigarettes and Cigars

PUBLIC 612  
EMERGENCY

Not Enacted

LD 2085

An Act To Protect Children from Secondhand Smoke

ONTP

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

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	43	86.0%	7.6%
<u><i>Bills Carried Over from previous session</i></u>	7	14.0%	1.2%
<u>Total Bills referred</u>	50	100.0%	8.9%
B. Bills reported out by law or joint order	0	0.0%	0.0%
<b>Total Bills considered by Committee</b>	<b>50</b>	<b>100.0%</b>	<b>8.9%</b>
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<u>Total Orders and Resolutions Referred</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	8	16.0%	1.5%
<i>Ought to Pass as Amended</i>	23	46.0%	4.3%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>14</u>	<u>28.0%</u>	<u>2.6%</u>
<u>Total unanimous reports</u>	<u>45</u>	<u>90.0%</u>	<u>8.5%</u>
B. Divided committee reports			
<i>Two-way reports</i>	5	10.0%	0.9%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<u>Total divided reports</u>	<u>5</u>	<u>10.0%</u>	<u>0.9%</u>
<b>Total committee reports</b>	<b>50</b>	<b>100.0%</b>	<b>9.4%</b>
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	17	34.0%	3.0%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	15	30.0%	2.7%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<u>Total Enacted or Finally Passed</u>	<u>32</u>	<u>64.0%</u>	<u>5.7%</u>
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	4	66.7%	18.2%
Rules authorized with legislative changes	2	33.3%	9.1%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<u>Total number of rules reviewed</u>	<u>6</u>	<u>100.0%</u>	<u>27.3%</u>
C. Bills vetoed or held by Governor			
<i>Vetoes over-ridden</i>	0	0.0%	0.0%
<i>Vetoes sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<u>Total</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>

<sup>1</sup> The number of carry overs does not include one bill, LD 1687, that was carried over in the HHS committee and was re-referred to the IFS committee. A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis  
123rd Legislature, Second Regular and First Special Sessions