



Maine Legislative & Regulatory Update: 125th Maine Legislature, First Regular Session

MMA's 158th Annual Session
Harborside Hotel & Marina, Bar Harbor, Maine
September 9-11, 2011



Constitutional Protections for "Lobbying"

- Amendment I to the U.S. Constitution:
"Congress shall make no law . . . abridging . . . the right . . . to petition the government for a redress of grievances."
- Article I, Section 15 of the Maine Constitution, Right of Petition



The Policy Makers

- 186 Legislators
 - 124th Legislature (2009-2010)
 - 20 D, 15 R in Senate
 - 94 D, 55 R, 1 U, 1 Vacancy in House
 - 125th Legislature (2011-2012)
 - 20 R, 14 D, 1 U in Senate
 - 78 R, 72 D, 1 U in House
- 151 members of the House of Representatives, each representing 8443 citizens
- 35 Senators, each representing 36,426 citizens
- All elected every 2 years for maximum of 4 consecutive terms
- Governor: elected every 4 years for maximum of 2 terms
- Find your legislators: <http://www.maine.gov/legis/house/townlist.htm>



125th Legislature's Senate Leadership

- Senate President: Sen. Kevin Raye (R-Washington)
- Senate Majority Leader: Sen. Jonathan Courtney (R-York)
- Assistant Senate Majority Leader: Sen. Deborah Plowman (R-Penobscot)
- Senate Minority Leader: Sen. Barry Hobbins (D-York)
- Assistant Senate Minority Leader: Sen. Justin Alfond (D-Cumberland)



125th Legislature's House Leadership

- Speaker of the House: Rep. Robert Nutting, R.Ph. (R-Oakland)
- House Majority Leader: Rep. Philip Curtis (R-Madison)
- Assistant House Majority Leader: Rep. Andre Cushing (R-Hampden)
- House Minority Leader: Rep. Emily Cain (D-Orono)
- Assistant House Minority Leader: Rep. Teresa Hayes (D-Buckfield)



Tracking Maine Legislation

- Maine legislature's web site:
<http://www.maine.gov/legis>
 - Bill status: L.D. #
 - Session laws: P.L. or Resolves Chapter
 - Statutes: 24 M.R.S.A. sec. 2851
- State agency rules online:
<http://www.maine.gov/sos/cec/rules/rules.html>
- MMA "Maine Medicine *Weekly Update*" -
www.mainemed.com/legislation/index.php



Governor's Contact Info.

Office of the Governor
State House Station #1
Augusta, Maine 04333-0001
207-287-3531
207-287-1034 Fax
Governor@maine.gov



House Contact Info.

The Honorable John/Jane Doe
Maine House of Representatives
State House Station #2
Augusta, Maine 04333-0002
1-800-423-2900 (session only)
207-287-1400



Senate Contact Info.

The Honorable John/Jane Doe
The Maine Senate
State House Station #3
Augusta, Maine 04333-0003
1-800-423-6900 (session only)
207-287-1540



Key Legislative Committees

- Joint Standing Committees on:
 - Appropriations & Financial Affairs
 - Taxation
 - Labor, Commerce, Research & Economic Development
 - Health & Human Services
 - Insurance & Financial Services
 - Judiciary
- Committee membership lists with contact info.:
<http://janus.state.me.us/house/jtcomlst.htm>



Maine's Path of Legislation

- Idea developed
- Bill drafted (Legislative Request or LR)
- Bill introduced (Legislative Document or LD)
- Committee reference
- Committee action (public hearing/work session(s)/vote)
- First Reading (committee amendments)
- Second Reading (floor amendments)
- Next chamber, same process (must pass in identical form in both chambers)
- Governor's action (10 days to sign or veto)
- Law (effective 90 days after adjournment, unless emergency or specified effective date; citation is "Public Law" or "Resolve")



MMA's Opportunities for Advocacy

- MMA Legislative Committee
 - Lisa D. Ryan, D.O., Chair
 - Regular communications through meetings, conference calls, *Maine Medicine*, & *Maine Medicine Weekly Update*
 - Doctor of the Day Program
 - Physicians' Day at the Legislature: May 26, 2011



Republican Governing Priorities

- Two principal themes
 - Reforming the way state government "does business"
 - Regulatory reform - making Maine more "business friendly"
- Two initial policy/partisan struggles
 - Merger of the Joint Standing Committees on Labor and Business, Research & Economic Development
 - Possible establishment of a Joint Select Committee on Regulatory Fairness/Regulatory Reform



Most Recent Health Law Summary

- The MMA's Summary of Health Care Legislation from the 124th Maine Legislature (2009-2010) is available on the web at:

<http://www.mainemed.com/legislation/124thLegSummary.pdf>



Highlights from 125th Legislature, First Regular Session

January - June 2011



Supplemental Budget

- L.D. 100, FY 2011 supplemental budget
 - Appropriates \$17.1 M (General Fund) for a change in the FMAP, the Medicaid match rate
 - Appropriates \$69.5 M (General Fund) plus federal matching funds for past due hospital settlements
 - Enacted in early February



Biennial Budget

- L.D. 1043, State FY 2012 - 2013 biennial budget
 - \$6.1 B unanimous, bipartisan report from Appropriations Committee; enacted by wide margins in both chambers
 - Restores many health care & social service cuts proposed by Governor
 - Restores most cuts to *Fund for a Healthy Maine*
 - Avoids elimination of "non-categorical" MaineCare coverage eligibility
 - Moderates Governor's other "welfare reform" proposals, but does eliminate MaineCare coverage for estimated 1550 legal non-citizens who haven't lived in the U.S. for 5 years
 - Books \$8.1 M in MaineCare savings from a managed care initiative



Insurance Reform

- *L.D. 1333, An Act to Modify Rating Practices for Individual and Small Group Health Plans and to Encourage Value-Based Purchasing of Health Care Services*
- Primary Republican health care initiative of the session, including:
 - Amendment of community rating standards
 - Relaxation of carrier network geographic access standards
 - Establishment of a high risk pool
 - Encouraging sale of health insurance across state lines
 - Eliminates State Health Plan/Advisory Council on Health Systems Development & any reference in statute to Governor's Office of Health Policy & Development



Health Care Reform/ACA Implementation

- Insurance & Financial Services Committee carries over to Second Regular Session the following:
 - L.D. 1497, *An Act to Comply with the Health Exchange Provision of the Patient Protection and Affordable Care Act* (the "Republican exchange bill")
 - L.D. 1498, *An Act to Phase Out Dirigo Health and Establish the Maine Health Benefit Exchange for Small Businesses and Individuals* (the "Democratic exchange bill")
 - L.D. 1030, *An Act to Reduce Costs for Small Businesses* (a concept draft dealing with subsidies and/or tax credits)
 - L.D. 882, *An Act to Limit Health Care Mandates* (comparing Maine's mandates to the federal "essential benefits package")
- L.D. 1582, *Resolve, Creating the Advisory Committee on Maine's Health Insurance Exchange*
 - 4 meetings scheduled; last on 9/14/11



Certificate-of-Need

- *L.D. 360, An Act to Amend the Maine Certificate-of-Need Act of 2002*
 - Second major Republican health care initiative of the session
 - Negotiations involving several bills occupies Health & Human Services Committee for most of session
 - Result is most significant amendment to CON law in its history, including substantial increases in various thresholds for CON review & restoration of automatic inflation adjustments for thresholds



Health Information Exchange Issues

- Health & Human Services Committee reports out & legislature enacts 2 bills on HealthInfoNet:
 - L.D. 1331, *An Act to Increase Health Care Quality through the Promotion of Health Information Exchange and the Protection of Patient Privacy*
 - L.D. 1337, *An Act to Ensure Patient Privacy and Control with Regard to Health Information Exchanges*
 - Result is providers will be required to include in patient registration materials a form prepared by HealthInfoNet under the oversight of the OSC for HIT permitting a patient to "opt out" of the exchange & to deliver the form to HealthInfoNet upon request



Hospital-Acquired Infections

- Health & Human Services Committee unanimously votes out & legislature enacts bill to replace current MRSA screening law with one focusing on actual occurrence in the patient population in hospitals:
 - *L.D. 1212, An Act to Improve Hospital Reporting of MRSA and Clostridium difficile Data*



Provider Negotiations with Insurance Carriers

- Insurance & Financial Services Committee unanimously recommends approval of MMA bill to prohibit so-called "most favored nation" clauses in provider agreements:
 - L.D. 1222, *An Act to Promote Fairness in Negotiations between Health Insurance Carriers and Health Care Service Providers*
 - L.D. 1583, *An Act to Provide Oversight in Certain Negotiations*
 - Governor's bill enacted following veto of L.D. 1222
 - Substance is same as L.D. 1222 except for "waiver" procedure before Superintendent of Insurance



Legalization of Fireworks & Boxing

- Over objections of State Fire Marshall & MMA/MSEPS, majority of Criminal Justice & Public Safety Committee recommends approval of & legislature enacts bill legalizing fireworks in Maine:
 - L.D. 83, *An Act to Legalize the Sale, Possession and Use of Fireworks*
- Over objections of MMA, legislature enacts bill restoring the legalization of professional boxing
 - L.D. 889, *An Act to Regulate Boxing and Prizefighting in Maine*



Miscellaneous Public Health Bills

- Legislature enacts:
 - L.D. 736, *An Act to Prohibit Texting While Driving*
 - L.D. 966, *An Act Regarding the Use of Methadone by Operators of Commercial Motor Vehicles*
 - L.D. 1562, *An Act to Prohibit the Sale or Possession of So-called Bath Salts Containing Dangerous Synthetic Drugs*
 - L.D. 1558, *Resolve, to Study Allocations of the Fund for a Healthy Maine*



Prescription Drug Diversion

- Health & Human Services Committee recommends passage of amended version of bill based on controversial Washington state law:
 - L.D. 1501, *Resolve, to Reduce Opioid Overprescription, Overuse and Abuse*
 - Bill will convene stakeholder group to report back next session
 - L.D. 332, *Resolve, Regarding Legislative Review of Portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, A Major Substantive Rule of the Maine DHHS* allows rule amendments to go forward



Medical Marijuana

- Health & Human Services Committee rejects bill to add medical marijuana to PMP, but divides over bill to "liberalize" access to medical marijuana:
 - L.D. 887, *An Act to Include Medicinal Marijuana Patients in the Controlled Substances Prescription Monitoring Program*
 - L.D. 1296, *An Act to Amend the Maine Medical Use of Marijuana Act to Protect Patient Privacy*
 - L.D. 1159, *An Act to Amend the Identification Requirements under the Maine Medical Use of Marijuana Act*
 - Legislature enacts L.D.s 1159 & 1296



Workers' Compensation Issues

- Labor, Commerce, Research & Economic Development Committee recommends passage of & legislature enacts bills to expand pool of potential IME physicians and to give guidance to the Workers' Compensation Board on the medical fee schedule:
 - L.D. 1056, *An Act to Increase the Availability of Independent Medical Examiners under the Workers' Compensation Act of 1992*
 - L.D. 1244, *An Act to Clarify Usual and Customary Charges Under the Workers' Compensation Laws*



Payment Reform

- Insurance & Financial Services Committee recommends passage of & legislature enacts modest bill outlining principles of payment reform:
 - *L.D. 540, An Act to Implement the Insurance Payment Reform Recommendations of the Advisory Council on Health Systems Development*



Bisphenol A/Toxic Chemicals

- Legislature permits BPA rule to proceed; Governor allows it to become law without signature:
 - L.D. 412, *Resolve, Regarding Legislative Review of Portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a Major Substantive Rule of the Department of Environmental Protection*
- Legislature also amends process for designating priority chemicals under the *Toxic Chemicals in Children's Products* law
 - L.D. 1129, *An Act to Provide the Department of Environmental Protection with Regulatory Flexibility Regarding the Listing of Priority Chemicals*



Restrictions Upon Abortion

- Judiciary Committee majority recommends "ought not to pass" on 3 bills:
 - L.D. 116, *An Act to Require a 24-Hour Waiting Period Prior to An Abortion* (8-3 vote)
 - L.D. 924, *An Act to Educate Women on the Medical Risks Associated with Abortion* (7-4 vote)
 - L.D. 1457, *An Act to Strengthen the Consent Laws for Abortion Performed on Minors and Incapacitated Persons* (8-3 vote)
 - Floor debate is vigorous, but results in no change in abortion laws



Vaccine Risks

- Despite overwhelming evidence of public health benefit, Health & Human Services divides on 2 vaccine bills:
 - L.D. 694, *An Act to Encourage Transparency in Disclosing the Ingredients in Vaccinations for Children to Parents and Guardians*
 - L.D. 941, *An Act to Prohibit Mandatory Immunizations*
 - Both bills defeated after floor debate



Minors' Rights

- Strong majority (9-1) of Judiciary Committee recommends "ought not to pass" on 2 bills to require parental consent for any services to minors:
 - L.D. 31, *An Act to Protect the Safety of Maine Children by Requiring the Express Consent of a Legal Guardian to Dispense Prescription Medication to a Minor*
 - L.D. 746, *An Act Regarding the Consent of Minors for Mental Health and Substance Abuse Aid*
 - Both bills defeated after floor debate



Provider Price Disclosure

- Health & Human Services Committee carries over bill on providers' price disclosure obligations, despite current law in place since Dirigo Health legislation in 2003:
 - *L.D. 806, An Act to Provide Public Access to Price Lists of Hospitals and Ambulatory Surgical Facilities*



Bullying & Cyberbullying/Concussion Management

- Education & Cultural Affairs Committee carries over bills on these subjects:
 - L.D. 980, *An Act to Prohibit Cyberbullying in Public Schools*
 - L.D. 1237, *An Act to Prohibit Bullying in Schools*
 - L.D. 98, *Resolve, Directing the Commissioner of Education to Adopt a Policy Regarding Management of Head Injuries in Youth Sports*



Medication Therapy Management

- Health & Human Services Committee carries over bill expanding pharmacists' scope of practice to include "medication therapy management" for patients:
 - L.D. 612, *An Act to Provide Reimbursement for Medication Therapy Management Services*



Questions?

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