

LEGISLATIVE UPDATE: EXPERIENCED PHYSICIAN/LEGISLATOR MARRACHE WITHDRAWS FROM 2010 RACE

The primary election on June 8th has narrowed the field of gubernatorial candidates to five: Republican Paul LePage, Democrat Elizabeth “Libby” Mitchell, and Independents Eliot Cutler, Shawn Moody, and Kevin Scott. Perhaps the biggest surprise in the gubernatorial primaries was the significant margin of victory for each major party winner. Just before the 4th of July holiday, Senator Lisa Marrache, M.D., a family physician from Waterville, serving as Assistant Senate Majority Leader in her second Senate term, announced that she would not seek re-election to her Kennebec County seat, leaving 4 physician candidates for the 125th Maine Legislature. This was followed by an announcement that former MMA Counsel Joan Cohen (D, Portland) is also withdrawing from her re-election race. See some key bills from the Second Regular Session of the 124th Legislature below.

Election campaigns in Maine are beginning to heat up with candidates appearing in parades and other public events during the 4th of July holiday weekend. In her recent press statement, Senator Marrache mentioned the challenges of balancing legislative work with family and career responsibilities as reasons for her decision to withdraw from the race. Democrats chose Representative Pamela Jabar Trinward, House Chair of the Legal & Veterans Affairs Committee in the 124th Legislature, to run for the Senate District 25 seat against Republican Thomas H. Martin, Jr. of Benton. Democrats also chose Patrice Putnam of Winthrop to replace outgoing Representative Nancy Smith (D-Monmouth) in the Senate District 21 race against Republican Earle McCormick of West Gardiner. Four other physicians are candidates for the next legislature. Incumbent Linda Sanborn (D-Gorham) is running for re-election against Republican Jacob Timothy Stoddard of Buxton for the House District 130 seat. Maine Osteopathic Association President Joel A. Kase, D.O., M.P.H. of Lewiston is the Republican candidate facing Senator Margaret M. Craven (D-Lewiston) in the contest for the Senate District 16 seat. Owen B. Pickus, D.O, J.D. of Biddeford is running as a Republican against Senator Nancy B. Sullivan (D-Biddeford) in the race for the Senate District 4 seat. Finally, retired emergency physician Paul Liebow, M.D. of Bucksport is the Democrat challenging Republican Senator Richard Rosen, also of Bucksport, for the Senate District 31 seat.

You can find information about the general election scheduled for Tuesday, November 2, 2010 on the web at: <http://www.maine.gov/sos/cec/elec/elecinfo.html>. The MMA and the MMA’s political action committee, the *Maine Physicians Action Fund*, encourage you to get to know the candidates for your House and Senate seats.

The focus of the health policy discussion in Maine this summer has been on the implementation of the federal health care reform laws, the *Patient Protection & Affordable Care Act* (PPACA) and the *Health Care & Education Reconciliation Act*. In the executive branch, the Governor’s Office of Health Policy & Finance (GOHPPF) and the Dirigo Health Agency both are involved in the implementation work. The legislature has established the *Joint Select Committee on Health Care Reform Opportunities & Implementation*, composed of bipartisan members of both houses from the leadership and the Joint Standing Committees on Appropriations & Financial Affairs, Health & Human Services, and Insurance & Financial Services. The Joint Select Committee now has met twice, once in May and once in June. It spent the first two meetings developing a general understanding of the complex new federal law and a work plan for implementation. You can find the membership of the Joint Select Committee along with its

meeting schedule, agendas, and working documents on the web at: http://www.maine.gov/legis/house/jt_com/hlt.htm.

The following bills are highlights from the Second Regular Session of the 124th Maine Legislature that took place from early January to mid-April of this year. A comprehensive summary of all health care legislation tracked by the MMA for the two years of the 124th Legislature will be available later this summer.

- Budget: L.D. 1671, the State FY 2010-2011 supplemental budget (P.L. 2009, Chapter 571). This bill closed a budget gap of approximately \$310 million (on a \$5.8 billion biennial budget). It achieved a net savings of approximately \$31.8 million in DHHS programs, down from \$91.5 million as originally proposed by the Governor. Again this year, federal stimulus funds softened the impact on State-funded programs.
- Payment Reform/QI: L.D. 1544, *An Act to Amend the Laws Governing the Maine Health Data Processing Center and the Maine Health Data Organization* (P.L. 2009, Chapter 613). This bill establishes a working group “to resolve issues regarding submission of data concerning service and billing providers” and to develop a plan to provide such data to the MHDO. A report is due to the HHS Committee on 11/15/10.
- Licensing Board Issues: L.D. 1608, *Resolve, Directing the Commissioner of Professional & Financial Regulation to Study the Complaint Resolution Process* (Resolves 2009, Chapter 191). This bill directs the Commissioner to convene stakeholders to “study the need to establish protocols for the resolution of complaints made to occupational and professional licensing boards. A report is due to the Business, Research & Economic Development (BRED) Committee on 2/15/11.
- Substitution of AEDs: L.D. 1672, *Resolve, Regarding the Dispensing of Antiepileptic Drugs* (Resolves 2009, Chapter 188). This bill directs the Maine Board of Pharmacy, GOHPF, BOLIM, and DHHS to study patient safety issues in the substitution of antiepileptic drugs and to provide a report to the HHS Committee on 1/15/11.
- Sexually-transmitted Disease: L.D. 1617, *An Act Enabling Expedited Partner Therapy* (P.L. 2009, Chapter 533). This bill permits “expedited partner therapy” for sexually-transmitted in accordance with ACOG guidelines.
- Lyme Disease: L.D. 1709, *An Act to Enhance Public Awareness of Lyme Disease* (P.L. 2009, Chapter 494). This bill designates May as “Lyme Disease Awareness Month” and directs the Maine CDC to maintain a publicly accessible web site for Lyme disease awareness and education.
- Immunizations: L.D. 1408, *An Act to Establish the Universal Childhood Immunization Program* (P.L. 2009, Chapter 595). This bill establishes the Universal Childhood Immunization Program and the Maine Vaccine Board to determine a uniform set of vaccines for children from birth until age 19.
- Insurance Mandates:
 - L.D. 20, *An Act to Require Insurance Companies to Cover the Cost of Prosthetics Containing Microprocessors* (P.L. 2009, Chapter 603). This bill modifies an exclusion permitted under current law for prosthetics designed exclusively for athletics.
 - L.D. 425, *An Act to Require Private Insurance Coverage for Certain Services for Children with Disabilities* (P.L. 2009, Chapter 634). This bill requires coverage

from birth to 36 months up to a limit of \$3200 per year or \$9600 by the third birthday.

- L.D. 1198, *An Act to Reform Insurance Coverage to Include Diagnosis and Treatment of Autism Spectrum Disorders* (P.L. 2009, Chapter 635). This bill requires coverage within certain limits through age 5.
- **Insurance Reform:** L.D. 1620, *An Act to Protect Health Care Consumers from Catastrophic Debt* (P.L. 2009, Chapter 588). This bill prohibits annual and lifetime caps in health insurance policies.
- **Physician Delegation:** L.D. 1702, *An Act to Amend the Laws Governing Advanced Practice Registered Nurses* (P.L. 2009, Chapter 512). This bill eliminates reference to “delegated performance of services” in the nurse practice act.
- **Medical Marijuana:** L.D. 1811, *An Act to Amend the Maine Medical Marijuana Act* (P.L. 2009, Chapter 631). This bill amends the law passed at referendum in November 2009 and addresses recommendations of the implementation committee. The focus of the bill is on improving access for patients.

In the regulatory arena, the MMA continues to monitor the Workers’ Compensation Board efforts to promulgate a health care facility fee schedule and the Department of Health & Human Services’ MIHMS claims management system conversion and MaineCare managed care initiative.

During the legislative session, the MMA staff provides links to bills for review and comment, updates on the legislature’s work, and calls-to-action through our weekly electronic newsletter, *Maine Medicine Weekly Update*.

To find more information about the MMA’s advocacy activities, visit the Legislative & Regulatory Advocacy section of the MMA web site, www.mainemed.com. You will find more information about the Maine Legislature, including schedules, committee assignments, legislator contact information, audio coverage of legislative work, and newly enacted laws on the web at: <http://maine.gov/legis/>.

The MMA welcomes your participation in our legislative advocacy activities. For more information, please contact Andrew MacLean, Deputy Executive Vice President, at amaclean@mainemed.com.