

124

Summary of Health Care Legislation

**124th MAINE LEGISLATURE
JANUARY 2009 - APRIL 2010**

by
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More Legislative Advocacy Resources

The MMA web site, www.mainemed.com, has more information about the MMA's legislative and regulatory advocacy activities. Weekly during the legislative session, the MMA advocacy team reports on legislative action in the MMA's electronic newsletter, *Maine Medicine Weekly Update*.

Also, you will find the State Legislature's web site to be a valuable resource for legislative research: <http://www.maine.gov/legis>.

To find contact information for your legislators, to "The House of Representatives" or "The Senate."

To research a bill's history by L.D. number, go to "Session Information," then "Bill Status Search."

To research the session laws (by P.L. or Resolve Chapter), go to "Constitution, Statutes, & Laws," then "Search the Session Laws of Maine." This is the easiest way to find the final version of the bill.

To research the statutes, go to "Constitution, Statutes, & Laws," then "Search the Statutes by Title, Section or Phrase."

If you have questions about any bill or if you would like to have a copy mailed to you, please contact Andrew MacLean or Maureen Elwell.

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Defeated

- L.D. 408, An Act To Clarify the Term of a Retail Tobacco License (MMA monitored)
 L.D. 1347, An Act To Deter Initiation of Tobacco Use by Increasing the Tax on Tobacco Products (MMA supported)

WORKERS' COMPENSATION ISSUES*Defeated*

- L.D. 578, An Act Regarding Repayment of Subrogation or Lien Claims in Workers' Compensation Actions (MMA monitored)
 L.D. 579, An Act to Provide Wraparound Medical Coverage in the Workers' Compensation System (MMA monitored)
 L.D. 617, An Act To Amend the Maine Workers' Compensation Act of 1992 To Remove Independent Medical Examiners (MMA monitored)

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- L.D. 81, Resolve, Regarding Legislative Review of Portions of Chapter 10: Exemptions to the Ban on Flavored Cigarettes and Cigars, a Major Substantive Rule of the Office of the Attorney General (Resolves 2009, Chapter 3; effective 3/6/09) *The bill approves final adoption of this major substantive rule.* (MMA monitored)
- L.D. 462, An Act To Amend the Retail Tobacco and Liquor Licensing Laws (P.L. 2009, Chapter 199; effective 5/26/09) *The bill clarifies that all retail tobacco licenses expire March 31st each year and requires the Department of Health and Human Services' rules to provide for prorated license fees for new applications received after April 1st. It further clarifies the jurisdiction of and provides consistent procedures for the District Court over agents and employees of both retail tobacco licensees and liquor licensees when charged with administrative violations.* (MMA monitored)
- L.D. 820, An Act To Prohibit Smoking in Outdoor Eating Areas (P.L. 2009, Chapter 140; effective 9/12/09) *The bill prohibits smoking in outdoor eating areas of eating establishments. It requires eating establishments to notify their patrons of the prohibition on smoking and to request that persons in the outdoor eating area comply with the law.* (MMA supported)
- L.D. 1230, An Act To Prohibit the Delivery of Tobacco Products to Minors (P.L. 2009, Chapter 398; effective 10/1/09) *The bill prohibits delivery sales of tobacco products in the state to anyone other than a licensed tobacco distributor or a licensed tobacco retailer with the exception of premium cigars.* (MMA supported)
- L.D. 1429, An Act To Strengthen the Workplace Smoking Laws and Other Laws Governing Smoking (P.L. 2009, Chapter 300; effective 9/12/09) *The bill does the following:*
1. *It prohibits designated smoking areas indoors in places of employment and provides a definition of permitted outdoor designated smoking areas;*
 2. *It repeals the laws on smoking in hospitals, nursing homes, and jury rooms that differed from the public place and workplace laws;*
 3. *It clarifies in the laws governing workplace smoking that "business facility" may include a private residence or unit or apartment within a residential facility during the period of time that the private residence or unit or apartment is a place of employment; and*
 1. *It clarifies that "residential facility" means a facility licensed by the Department of Health and Human Services.* (MMA supported)
- L.D. 1542, An Act to Make Maine's Laws Consistent with the Federal Family Smoking Prevention and Tobacco Control Act (P.L. 2009, Chapter 606; effective 7/12/10) *The bill amends existing prohibitions on the sale of flavored tobacco products to make Maine law consistent with the new federal Family Smoking Prevention and Tobacco Control Act. It prohibits selling flavored nonpremium cigars, while it exempts cigars previously exempted by the Attorney General.* (MMA monitored)

of Certified Nursing Assistants from the Department of Education to the Department of Health and Human Services. The bill also transfers the authority to assess fees for certification of nursing assistants, for the competency testing of nursing assistants, and for validation of test results to determine eligibility for certification and charge fees for certificates issued and duplicated for out-of-state vocational reciprocity, renewal of certificates, and replacement of certificates from the Commissioner of Education to the Commissioner of Health and Human Services. The bill also increases the fees charged for competency testing and the letter of verification of completion of a certified nursing assistant program. (MMA monitored)

Defeated

- L.D. 13, An Act To Expand the Diagnostic Functions of Independent Practice Dental Hygienists (MMA monitored)
- L.D. 163, An Act To Require Health Care Practitioners To Distribute Free Samples of Medications in Certain Circumstances (MMA opposed)
- L.D. 281, An Act To Amend the Licensing Requirements for Speech-language Pathology Assistants (MMA monitored)
- L.D. 309, Resolve, To Direct the Emergency Medical Services' Board To Examine the Licensure Procedures for Emergency Medical Services Persons (MMA monitored)
- L.D. 419, Resolve, To Increase Access to Dental Care in Rural Areas through Encouraging Distance Learning for Dental Hygienist Training (MMA monitored)
- L.D. 421, An Act To Amend the Laws Concerning Licensure Qualifications of Independent Practice Dental Hygienists (MMA monitored)
- L.D. 519, An Act To Expand the Diagnostic Function of Denturists (MMA opposed)
- L.D. 600, Resolve, To Encourage Physicians To Administer the Injectable Painkiller Toradol in Lieu of Other Opioids (MMA monitored)
- L.D. 1167, An Act To Limit the Work Week of Doctors and Medical Residents (MMA opposed)
- L.D. 1600, An Act to Allow for the Proper Disposal of Medical Supplies (MMA opposed)

TOBACCO ISSUES

Enacted

- L.D. 67, An Act To Protect Maine's State Parks and State Historic Sites (P.L. 2009, Chapter 65; effective 5/1/09) *The bill prohibits smoking in, on or within 20 feet of a beach, playground, snack bar, group picnic shelter, business facility, enclosed area, public place or restroom in a state park or state historic site. It requires the Maine Center for Disease Control and Prevention to erect signs and undertake public education initiatives regarding the prohibition to the extent of available resources. (MMA supported)*

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ABORTION ISSUES

None

BLOOD & HIV ISSUES

Enacted

L.D. 574, Resolve, To Increase the Blood Supply (Resolves 2009, Chapter 21; effective 9/12/09) *The bill requires the Department of Health and Human Services to provide information and guidance to assist blood donation centers in meeting the United States Department of Health and Human Services, Food and Drug Administration requirements to receive blood and blood components collected through therapeutic phlebotomies from individuals with diagnosed hereditary hemochromatosis. (MMA monitored)*

L.D. 865, An Act To Change the Maine HIV Advisory Committee (P.L. 2009, Chapter 203; effective 9/12/09) *The bill changes the duties of the Maine HIV Advisory Committee by adding budgeting to the areas on which the committee advises the Governor and other agencies and removing the annual assessment of budget proposals at state agencies related to HIV. It also changes the date by which the committee must report to the Governor and the Legislature from January 15th to January 31st. It reduces the size of the committee from 21 members to 19. It changes the composition of the committee membership to 2 members of the Legislature, 5 state agency representatives, 3 members that have HIV or AIDS, 2 health care professionals, 2 HIV-related prevention or social services providers, a member of a state HIV community planning group, a representative of the statewide AIDS alliance, a representative of a statewide coordinating council for public health, and 2 at-large members selected from certain specified groups. Members who represent state agencies are nonvoting members and serve only for the duration of the term of the commissioner of the agency each member represents. It removes the names of positions and offices no longer used and updates them with current names. It provides that those members currently serving on the committee continue to serve for the balance of their 3-year terms. (MMA supported)*

BUDGET ISSUES

Enacted

L.D. 45, An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2009 (P.L. 2009, Chapter 1; effective 1/29/09) *The bill is a FY 2009 supplemental budget bill. In it, the legislature adopted a compromise on proposed cuts in reimbursement to hospital-based physicians that increased the MaineCare physician fee schedule from approximately 57% to approximately 70% of Medicare rates effective July 1, 2009. (MMA supported)*

clarify the application of those provisions to regulatory functions of the office. The bill also corrects incorrect statutory citations to "this Title" that were not updated when certain provisions were transferred from the Maine Revised Statutes, Title 32 to Title 10. (MMA monitored)

L.D. 1574, An Act to Amend the Rights and Liabilities of the Supervisory Physician of a Physician Assistant (P.L. 2009, Chapter 587; effective 7/12/10) *The bill immunizes and provides for the defense of the physician who supervises a physician assistant who is on active state service in the performance of the physician assistant's duties. Current law applies to the supervising physician only if the supervising physician is on active state service. It provides the same protection when the supervising physician is not on active state service, but the physician assistant is on active state service in the performance of the physician assistant's duty. The bill applies to osteopathic and allopathic physicians who are the supervising physicians of physician assistants. (MMA supported)*

L.D. 1608, Resolve, Directing the Commissioner of Professional & Financial Regulation to Study the Complaint Resolution Process (Resolves 2009, Chapter 191; effective 7/12/10) *The bill directs the Commissioner of Professional and Financial Regulation, in consultation with interested parties including the Maine Regulatory Fairness Board, to conduct a study of the need to establish protocols for the resolution of complaints made to occupational and professional licensing boards within and affiliated with the Department of Professional and Financial Regulation. It requires the Commissioner of Professional and Financial Regulation to submit any recommendations from the study to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by February 15, 2011. (MMA supported)*

L.D. 1617, An Act Enabling Expedited Partner Therapy (P.L. 2009, Chapter 533; effective 7/12/10) *The bill allows a health care professional who diagnoses a patient with a sexually transmitted disease to provide prescription antibiotic drugs to that patient's sexual partner for the treatment of the sexually transmitted disease without a physical examination if in the judgment of the health care professional the partner is unlikely or unable to be seen for comprehensive health care. (MMA supported)*

L.D. 1702, An Act to Amend the Laws Governing Advanced Practice Registered Nurses (P.L. 2009, Chapter 512; effective 7/12/10) *The bill repeals a provision in the laws governing registered nurses relating to delegated medical procedures that are already within the scope of practice of certain advanced practice registered nurses. (MMA monitored)*

L.D. 1704, An Act to Amend the Laws Regarding Authority Over and Oversight of Certified Nursing Assistant Educational Programs (P.L. 2009, Chapter 628; effective 7/12/10) *The bill transfers the responsibility for approving the curriculum for and certificates granted to activities coordinators in long-term care facilities from the Department of Education to the Department of Health and Human Services. It also transfers the responsibility and authority for the approval and monitoring of nursing assistant training curricula, faculty, and certification programs and the Maine Registry*

education requirements for licensure renewal and establishes certain training requirements in order for a licensed pharmacist to be able to administer a drug or immunization. It establishes a treatment protocol for the administration of the drugs and immunizations. It provides that reimbursement under the MaineCare program is contingent on the adoption of a billing mechanism by the Department of Health and Human Services for the MaineCare program and amendment of the rules of the MaineCare benefits manual to cover the service provided at a minimum of the current average wholesale price reimbursement rate plus a dispensing fee of \$3.35. Prior to the adoption of a billing mechanism, a MaineCare member that receives a vaccination must be told in advance that the administration of vaccines provided by a pharmacist is not covered by MaineCare and the member will be responsible for payment. (MMA supported)

L.D. 1254, An Act To Repeal Inactive Boards and Commissions (P.L. 2009, Chapter 369; effective 9/12/09) *The bill repeals a number of inactive boards and commissions. (MMA monitored)*

L.D. 1417, An Act To Add Unlicensed Assistive Persons with Notations to the Maine Registry of Certified Nursing Assistants (P.L. 2009, Chapter 215; effective 9/12/09) *The bill authorizes the Department of Health and Human Services to investigate complaints against unlicensed assistive persons of abuse, neglect or misappropriation of property of a client, patient or resident in a home or health care setting. It requires the Maine Registry of Certified Nursing Assistants to list and include a notation to the unlicensed assistive person's listing on the registry when the department's decision becomes final that a complaint was substantiated. This is a limited expansion of the registry. It identifies the information that must be included in registry notations. It also requires the department to notify an individual of the right to request a hearing to contest a finding that a complaint was substantiated and gives the individual the right to petition the department to have a finding of neglect removed from the registry if the finding of neglect is a one-time occurrence and there is no pattern of neglect. Finally, the bill identifies unlicensed assistive persons who may not be employed or placed by a licensed, certified or registered agency or facility and authorizes the department to adopt routine technical rules. (MMA monitored)*

L.D. 1520, An Act to Allow the Board of Dental Examiners to Grant Permits to Qualified Individuals to Practice as Dental Residents (P.L. 2009, Chapter 464; effective 7/12/10) *The bill allows the Board of Dental Examiners to issue a temporary permit to a qualified individual to practice as a dental resident under the supervision of a licensed dentist within a board-approved dental residency program setting. (MMA monitored)*

L.D. 1572, An Act to Correct Errors in the Laws Relating to Unlicensed Practice and Other Provisions of the Professional and Occupational Licensing Laws (P.L. 2009, Chapter 465; effective 7/12/10) *The bill amends general provisions relating to the professional and occupational licensing programs within the Department of Professional and Financial Regulation, Office of Licensing and Registration to*

L.D. 353, An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011 (P.L. 2009, Chapter 213; effective 5/28/09) *The bill is the SFY 2010-2011 biennial budget of \$5.8 billion, \$400 million less than the previous biennial budget. It delays the increase in the MaineCare physician fee schedule from approximately 57% to approximately 70% of Medicare rates from July 1, 2009, as enacted in L.D. 45 above, to February 1, 2010. Effective July 1, 2009, the Department reduced hospital reimbursement. For acute care non-critical access hospitals, inpatient discharge rates, except those from psychiatric units, will be reduced 6.7% and reimbursement for outpatient services will decrease to 83.8% of costs. For critical access hospitals and hospitals reclassified to a wage area outside Maine, reimbursement for inpatient and outpatient services will be reduced to 109% of costs. For all acute care hospitals, including critical access, hospital-based physician reimbursement will be decreased from 100% to 93.3% of allowable costs for inpatient non-emergency physicians, to 93.4% of costs for inpatient emergency physicians and to 83.8% of costs for outpatient non-emergency physicians. Pending CMS approval, the Department caps the PIP payment so that the total payment to all hospitals is not less than 80%. Also, the Department eliminates the COLA adjustment for SFY 2010 and 2011 for acute care non-critical access hospitals for inpatient discharge rates and for psychiatric unit discharge rates. The Department estimates that this reimbursement reduction will result in a decrease of \$25,554,918 in annual aggregate (state and federal Medicaid funds) expenditures for settled hospital expenditures. (MMA monitored)*

L.D. 913, An Act To Authorize Bond Issues for Ratification by the Voters for the November 2009 and June 2010 Elections (P.L. 2009, Chapter 414; effective 9/12/09) *Part A of the bill authorizes a bond issue for improvements to highways and bridges, airports, public transit facilities, ferry and port facilities, including port and harbor structures, as well as funds for the LifeFlight Foundation, that will make the State eligible for federal and other matching funds. Part A requires a November 2009 referendum.*

Part B authorizes a bond issue to provide capital investment to stimulate economic development and job creation by making investments under the Communities for Maine's Future Program and establishing a revolving fund for the purpose of acquiring significant historic properties to be matched by public and private contributions; providing funding for research and development investments administered by the Maine Technology Institute to be matched by other funds; providing funds for disbursements to qualifying small businesses; and providing grants for food processing for fishing, agricultural, dairy and lumbering businesses within the State and redevelopment projects at the Brunswick Naval Air Station that will make the State eligible for federal and other matching funds. Part B requires a June 2010 referendum.

Part C authorizes a bond issue to provide funds for a drinking water revolving

loan fund and wastewater revolving loan fund; for wastewater grants to small communities and wastewater treatment facility construction grants; to investigate and clean up hazardous waste in uncontrolled sites; to provide assistance to homeowners whose homes are serviced by substandard or malfunctioning wastewater treatment systems; and to assist farmers in renovating or constructing pollution control structures and in developing sustainable water sources and distribution systems to be matched by federal and other funds. Part C requires a June 2010 referendum.

Part D authorizes a bond issue to provide for investments in weatherization and energy efficiency projects and green energy workforce development; for infrastructure and energy efficiency upgrades at campuses of the University of Maine System, the Maine Community College System and the Maine Maritime Academy; and for the creation of a fund to develop one or more ocean wind energy demonstration sites. Part D requires a June 2010 referendum.

Part E authorizes a bond issue to invest in land conservation and working waterfront preservation and to improve state parks to be matched by federal and other funds. Part E requires a November 2010 referendum.

Part F requires the Finance Authority of Maine to establish rules to administer funds for grants and loans for food processing for the fishing and agricultural industries contingent on approval of the bond issue authorized for that purpose.

Part G establishes the Communities for Maine's Future Program and an accompanying fund and the Historic Preservation Revolving Fund contingent on approval of the bond issue authorized for those purposes.

Part H establishes the Maine Marine Wind Energy Demonstration Site Fund and language to implement a demonstration site contingent on the passage of the bond issue authorized for that purpose. (MMA monitored)

L.D. 1215, An Act To Correct Administrative Procedures Regarding the Dental Care Access Credit (P.L. 2009, Chapter 141; effective 5/14/09) *The bill makes changes to the administration of the dental care access income tax credit in order to permit timely implementation of the credit. It amends the definition of "oral health program" and gives the Department of Health and Human Services the authority to adopt rules pertaining to the dental care access credit. The bill also corrects a conflict that was created by 2 public laws enacting the same provision of law with substantively different content. (MMA monitored)*

L.D. 1489, An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2009, June 30, 2010 and June 30, 2011 (P.L. 2009, Chapter 371; effective 6/11/09) *The bill is a SFY 2009-2011 supplemental budget. (MMA monitored)*

L.D. 1495, An Act to Implement Tax Relief and Tax Reform (P.L. 2009, Chapter 382; effective 9/12/09) *The bill incorporates the substance of Legislative Document*

been convicted of a crime involving abuse, neglect or misappropriation of property in a health care setting. It requires the department to submit a report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2010. It authorizes the Joint Standing Committee on Health and Human Services to submit legislation to the Second Regular Session of the 124th Legislature. (MMA supported)

L.D. 966, An Act To Amend the Licensing Requirements for Marriage and Family Therapists (P.L. 2009, Chapter 172; effective 9/12/09) *The bill allows the Board of Counseling Professionals Licensure to grant a temporary conditional license for a period not to exceed 6 months to an applicant who meets the requirements for licensure except for the successful completion of the examination prescribed by the board. It also requires the applicant to be employed at an agency under clinical supervision and to apply for and successfully complete the examination within this 6-month period. It also provides that if the applicant fails the examination, the applicant is prohibited from using any clinical experience gained during the 6-month period that the applicant held the temporary conditional license to qualify for licensure. (MMA monitored)*

L.D. 1193, Resolve, To Establish Uniform Protocols for the Use of Controlled Substances (Resolves 2009, Chapter 56; effective 9/12/09) *The bill directs the Board of Licensure in Medicine to convene stakeholders to develop common protocols for the use and administration of controlled substances for adoption by all licensed prescribers by February 1, 2010. The Joint Standing Committee on Business, Research and Economic Development is authorized to submit legislation on the subject matter of the resolve to the Second Regular Session of the 124th Legislature. (MMA opposed)*

L.D. 1223, An Act To Allow Pharmacists To Administer Certain Immunizations (P.L. 2009, Chapter 308; effective 9/12/09) *The bill allows a pharmacist to administer certain drugs and immunizations, including the influenza vaccine, intranasal influenza vaccine, pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine and tetanus-diphtheria vaccine with certain restrictions. It allows a licensed pharmacist to administer all forms of influenza vaccines to a person 9 years of age or older without a prescription. It also allows a licensed pharmacist to administer the pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine and tetanus-diphtheria vaccine to a person with a valid prescription when the person has an existing primary care physician or other existing relationship with an authorized Maine practitioner. In cases in which the person does not have an existing relationship with a primary care physician or other Maine practitioner the pharmacist may administer the vaccine according to a treatment protocol established by an authorized practitioner or a written standing order from a practitioner authorized under the laws of this State to issue an order, a prescription or a protocol to a person 18 years of age or older for pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine or booster tetanus-diphtheria vaccine. It also amends the continuing pharmacy*

Citizens by Clarifying the Scope of Prescription Authority by an Optometrist (P.L. 2009, Chapter 195; effective 9/12/09) *The bill clarifies that optometrists may not administer therapeutic drugs by injection, other than for emergency treatment of anaphylaxis, provides optometrists with the authority to dispense or sell contact lenses that contain and deliver pharmaceutical agents that are authorized under the Maine Revised Statutes, Title 32, chapter 34-A, removes restrictions on prescribing certain oral therapeutic drugs, and provides an optometrist with an advanced therapeutic license the authority to use and prescribe any therapeutic pharmaceutical agent, including any drug identified in schedules III, IV and V as described in 21 United States Code, Section 812, for any purpose associated with ocular conditions and diseases, except for oral chemotherapeutic agents, oral immunosuppressive agents and oral immunostimulant agents, and except that an optometrist who has received an advanced therapeutic license may prescribe one 5-day supply of any analgesic identified in schedules III, IV and V as described in 21 United States Code, Section 812. It also provides the standards pursuant to which optometrists are authorized to independently treat glaucoma. (MMA supported)*

1088, “An Act To Modernize the Tax Laws and Provide over \$50,000,000 to Residents of the State in Tax Relief,” as amended by Committee Amendment “A” and House Amendment “A” to Committee Amendment “A” with the following changes.

1. It enacts an income tax surcharge equal to .35% on taxable income over \$250,000, bringing the tax rate to 6.85% on Maine income over \$250,000. The tax surcharge applies to tax years beginning on or after January 1, 2010.
2. It eliminates the Maine minimum tax credit for individuals that may be claimed on returns due for tax years beginning on or after January 1, 2010. The credit still applies with respect to taxable corporations.
3. It makes the earned income tax credit refundable for tax years beginning after 2009 up to \$150 for taxpayers filing married joint returns and \$125 for all other taxpayers. Under current law, the credit is not refundable.
4. It eliminates the proposed real estate transfer tax increase.
5. It eliminates the proposed sales tax exemption for businesses that make snow for skiing, snowmobiling or similar activities of electricity or fuel used to make snow, machinery or equipment that is used for making snow and snow-grooming equipment.
6. It eliminates the proposed sales tax on fees charged for golf courses, bowling alleys, swimming pools, skating rinks, ski lifts, gymnasiums and tennis and racquetball courts and on proceeds from arcade games.
7. It specifies that the exemption from sales tax applies to fees charged by health and fitness centers and lessons or training in dance, music, theatre, arts and gymnastics, martial arts and other athletic pursuits.
8. It increases the amount that is deposited into the Tourism Marketing Promotion Fund from sales tax on meals and lodging.
9. It allocates funds to the Tourism Marketing Promotion Fund due to the increase in the percentage of certain sales tax revenue that is transferred to the fund. (MMA monitored)

L.D. 1671, An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2009, June 30, 2010 and June 30, 2011 (P.L. 2009, Chapter 571; effective 3/31/10) *The bill is a supplemental budget for the FY 2010-2011 biennium that closed a budget gap of approximately \$310 million. The gap was narrowed from an estimated \$438 million in January by modest improvement in the State’s financial situation and some additional federal stimulus funding. Most observers felt that the budget situation could have been much worse, particularly since the last biennial budget enacted in 2009 (L.D. 353) totaling \$5.8 billion already reflected a reduction of \$400 million from the previous biennial budget. This supplemental budget*

L.D. 710, An Act To Allow Qualified, Licensed Denturists To Practice to the Level of Their Educational Training (P.L. 2009, Chapter 227; effective 9/12/09) *The bill clarifies the definition of “practice of denturism” to include the fitting of a denture to an edentulous or partially edentulous arch or arches, including the making, producing, reproducing, constructing, finishing, supplying, altering and repairing of dentures, without performing alteration to natural or reconstructed tooth structure. It allows a denturist, upon the receipt of a written statement of oral condition by a licensed dentist, to complete clinical procedures related to the fabrication of a removable tooth-borne partial denture, including cast frameworks. It also amends the requirements for licensure as a denturist to require that, beginning October 1, 2009, in addition to the examination, all applicants must be graduates of a board-approved denturism postsecondary institution. Denturists licensed in this State prior to October 1, 2009 that do not have a diploma from a board-approved denturism postsecondary institution are required to successfully complete an upgraded curriculum approved by the board within 2 years before a license may be issued or renewed. (MMA monitored)*

L.D. 877, Resolve, to Review the Maine Registry of Certified Nursing Assistants (Resolves 2009, Chapter 68; effective 9/12/09) *The bill directs the Department of Health and Human Services to convene a working group to examine and make recommendations for changes to the current law prohibiting an individual from employment as a certified nursing assistant in certain settings if the individual has*

included net savings of approximately \$31.8 million in DHHS programs, down from the Governor's original proposal of \$91.5 million. The budget achieves approximately \$13.4 million in savings through various hospital initiatives and the balance of the savings comes from across the health care, mental health, mental retardation and developmental disabilities, elder, public health, and pharmacy service areas. (MMA opposed hospital reimbursement cuts)

- L.D. 1826, An Act to Authorize Bond Issues for Ratification by the Voters in the June 2010 Election and November 2010 Election (P.L. 2009, Chapter 645; effective 4/12/10) *The bill is the second session bond package that includes some oral health initiatives.*
1. *Part D authorizes a \$5,000,000 bond issue. An amount of \$3,500,000 is to be awarded on a competitive basis for a community-based teaching clinic affiliated with or operated by a college of dental medicine and \$1,500,000 is to be used to upgrade community-based health and dental care clinics across the State to increase their capacity.*
 2. *Part E establishes a regular monitoring requirement regarding grant recipients of funding authorized in Part D.*
 3. *Part F establishes the Oral Health Advisory Committee to award the funds authorized in Part D.*
 4. *Part G makes Part E and Part F contingent on passage of the General Fund bond issue described in Part D. (MMA monitored)*

Defeated

- L.D. 302, An Act To Require Review by the Joint Standing Committee on Appropriations and Financial Affairs of Transfers of MaineCare Funds (MMA monitored)
- L.D. 518, An Act To Authorize a General Fund Bond Issue To Enhance Funding for Stem Cell Research in Maine (MMA monitored)
- L.D. 563, An Act To Pay a State Share into the HealthInfoNet System (MMA supported)
- L.D. 670, An Act To Make Health Insurance More Affordable (MMA supported)
- L.D. 675, An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on Health and Human Services (MMA monitored)
- L.D. 701, An Act To Fund the Screening and Early Detection Elements of the Statewide Cancer Plan (MMA monitored)
- L.D. 729, An Act To Authorize a General Fund Bond Issue To Create a New Health Care Internet Infrastructure (MMA supported)
- L.D. 809, An Act To Preserve the Viability of Services to Maine's Citizens with Mental Retardation (MMA monitored)
- L.D. 909, An Act To Authorize a General Fund Bond Issue To Fund Research and

Physical Examinations and To Establish a Nurse Health Program (P.L. 2009, Chapter 47; effective 9/12/09) *The bill provides authority for the State Board of Nursing to require an applicant for licensure or a licensee to undergo a physical or mental health examination for purposes of determining fitness to practice nursing. The bill also provides for an alternative to a discipline program for nurses with substance abuse history by creating a nurse health program consistent with those available for other health care providers. (MMA supported)*

- L.D. 177, An Act To Modify the Maine Dental Education Loan Program (P.L. 2009, Chapter 8; effective 3/18/09) *The bill allows the Finance Authority of Maine to make more than 3 loans or loan repayment agreements annually under the Maine Dental Education Loan Program if funds permit. (MMA monitored)*
- L.D. 206, Resolve, To Fund the Nursing Education Loan Repayment Program (Resolves 2009, Chapter 11; effective 4/17/09) *The bill directs the Department of Health and Human Services, the Department of Labor, and the Department of Education to research federal funding sources to fund the nursing education loan repayment program and report to the joint standing committees with jurisdiction over those departments with suggested plans to obtain federal funding. (MMA monitored)*
- L.D. 565, Resolve, To Direct the Board of Dental Examiners To Review the Definition of "Edentulous Arch" in the Rules Governing Denturists (Resolves 2009, Chapter 34; effective 9/12/09) *The bill directs the Board of Dental Examiners to review the definition of "edentulous arch" in its rules governing denturists. It also directs the board to provide a summary of this review and any changes made as a result in a report to the Joint Standing Committee on Business, Research and Economic Development no later than January 30, 2010. (MMA monitored)*
- L.D. 630, An Act To Update and Streamline State Licensing Laws and Clarify the Process for Appealing Final Decisions of Certain Licensing Entities (P.L. 2009, Chapter 112; effective 9/12/09) *The bill contains various updating and streamlining provisions. It eliminates the requirement for licensed podiatrists, chiropractors, radiologic technologists, physical therapists, and real estate appraisers to publicly display licenses and repeals the license display requirement from the Maine Revised Statutes, Title 10. It clarifies language concerning podiatric assistants. It also grants authority to licensed psychologists and audiologists to use assistive personnel in the practice setting. It corrects the quorum requirement for the Board of Counseling Professionals Licensure and the State Board of Alcohol and Drug Counselors. It clarifies that appeals from final decisions of licensing programs within the Department of Professional and Financial Regulation, Office of Licensing and Registration, including decisions to suspend or revoke a license, are to the Maine Superior Court. It also clarifies that appeals to the Superior Court are based on the record made by the licensing entity. Finally, the bill clarifies that conviction of a crime may be considered in license denial matters to the extent permitted by the occupational license disqualification law. (MMA monitored)*

- L.D. 683, An Act To Promote Cost-effective and Broad-based Vision Care for Maine

inspect a health care facility or other entity subject to the Maine Certificate of Need Act of 2002 when the department has a reasonable basis to suspect that a violation has occurred. (MMA monitored)

L.D. 1688, An Act to Update the Laws Affecting the Department of Health and Human Services, Division of Licensing and Regulatory Services (P.L. 2009, Chapter 590; effective 7/12/10) *The bill authorizes the Department of Health and Human Services to charge a processing fee when a licensed, certified, or registered facility, health care provider or program must have a license, certificate, or registration reissued by the department because the licensee, certificate holder, or registration holder made changes that require the reissuance of the license, certificate, or registration. The bill authorizes the department to establish an annual registration fee for temporary nurse agencies and to increase the initial and renewal licensing fees for nursery schools, not to exceed \$40. The bill also authorizes the department to charge certain providers a transaction fee to renew licenses electronically. It authorizes the department to charge an annual verification fee to providers to check a certified nursing assistant's credentials and training history.* (MMA monitored)

Defeated

L.D. 63, An Act To Reduce Registration Fees for Certain Generators of Biomedical Waste (MMA monitored)

L.D. 502, An Act To Require Additional Information in the Annual Reports of Nonprofit Corporations (MMA monitored)

L.D. 757, An Act To Improve the Transparency of Certain Hospitals (MMA monitored)

L.D. 1057, An Act To Require Hospitals To Make Publicly Available the Cost of Medical Procedures (MMA monitored)

L.D. 1146, An Act To Authorize Municipalities To Impose Service Charges to Tax-exempt Property Owned by Certain Organizations Whose Primary Activities Are Not Charitable (MMA monitored)

L.D. 1687, Resolve, to Define High-Risk Populations for the Purposes of Hospital Surveillance for Methicillin-resistant Staphylococcus Aureus and to Implement P.L. 2009, Chapter 346 (MMA opposed)

SCOPE OF PRACTICE, LICENSING, & DISCIPLINARY ISSUES FOR INDIVIDUAL PRACTITIONERS

Enacted

L.D. 89, An Act To Amend the Laws Concerning Informal Conferences as Part of the Board of Licensure in Medicine's Disciplinary Proceedings (P.L. 2009, Chapter 28; effective 9/12/09) *The bill allows a subcommittee of the Board of Licensure in Medicine to request an informal conference with a licensee when the board finds a complaint warrants further action.* (MMA supported)

L.D. 94, An Act To Authorize the State Board of Nursing To Request Mental and

Development for Cancer (MMA supported)

L.D. 912, An Act To Authorize a General Fund Bond Issue for Capital Projects for Hospitals (MMA monitored)

L.D. 919, An Act To Prevent and Treat Cancer in Maine by Implementing Critical Portions of the Comprehensive Cancer Program (MMA monitored)

L.D. 1088, An Act To Modernize the Tax Laws and Provide over \$75,000,000 to Residents of the State in Tax Relief (MMA monitored)

L.D. 1244, Resolve, To Advance Health Care in Maine (MMA monitored)

L.D. 1761, An Act to Authorize a General Fund Bond Issue to Create a New Electronic Medical Records Infrastructure (MMA supported)

L.D. 1798, An Act to Authorize a General Fund Bond Issue to Create Access to Dental Care Throughout the State (MMA supported)

CHILDREN'S ISSUES

Enacted

L.D. 100, Resolve, To Direct the Department of Education and the Department of Health and Human Services To Implement Strategies To Increase the Provision of Oral Health Screenings to Preschool Children and Children Entering School (Resolves 2009, Chapter 67; effective 9/12/09) *The bill directs the Commissioner of Health and Human Services, in consultation with the Commissioner of Education, to establish pilot programs for oral health screenings at 3 sites. It authorizes the Department of Health and Human Services to use the Maine School Oral Health Fund as a funding source for the pilot programs.* (MMA supported)

L.D. 161, An Act To Amend the Special Education, School Health and School Nutrition Laws Regarding Scoliosis Screening, the School Lunch Program, Transitional Services, Gifted and Talented Education Programs and the Maine Mentoring Partnership Grant Program (P.L. 2009, Chapter 147; effective 9/12/09) *The bill makes the following changes to the education laws.*

1. *It repeals the requirement for scoliosis screening of students in schools.*
2. *It aligns foods outside of the school meal program with school nutrition standards and school lunch and milk program statutes and rules. It changes the rule-making provisions, allowing but not requiring the Department of Education to adopt rules in order to complete alignment with current Department of Education rules Chapter 51.*
3. *It changes references to "handicapped youths" to "students with disabilities" in statutes pertaining to transitional services for students with disabilities.*
4. *It repeals outdated funding provisions and timelines for implementation of gifted and talented provisions.*
5. *It repeals the Maine Mentoring Partnership Grant Program since there have*

been no appropriations for the program for several years and the program no longer is operational. (MMA supported)

L.D. 162, An Act To Clarify Child Abuse and Neglect Information Disclosure (P.L. 2009, Chapter 38; effective 9/12/09) *The bill makes corrections to the child abuse and neglect reporting statutes necessary to be in compliance with the federal Adoption and Safe Families Act of 1997, the Child Abuse Prevention and Treatment Act, and the Social Security Act* (MMA monitored)

L.D. 319, An Act To Track the Prevalence of Childhood Obesity in Maine (P.L. 2009, Chapter 407; effective 9/12/09) *The bill would create a protocol for all school nurses to follow in the collection of body mass index (BMI) data from children and provide a method for uniform reporting of aggregate data to the Department of Health and Human Services, Maine Center for Disease Control and Prevention* (MMA supported)

L.D. 373, An Act To Facilitate Lactation at the Workplace by New Mothers (P.L. 2009, Chapter 84; effective 9/12/09) *The bill clarifies that an employer, including the State, shall make reasonable efforts to provide a clean room or other location, other than a bathroom, where an employee may express breast milk in privacy. The time used may be unpaid break time or paid break time or meal time at the discretion of the employer.* (MMA supported)

L.D. 395, Resolve, To Further Regulate the Use of Tanning Booths by Minors (Resolves 2009, Chapter 119; effective 9/12/09) *The bill requires the Department of Health and Human Services to adopt rules regarding the use of tanning facilities by minors. It requires the department to convene a work group of interested parties and to report to the Joint Standing Committee on Health and Human Services by January 15, 2010. It authorizes the committee to submit legislation to the Second Regular Session of the 124th Legislature.* (MMA monitored)

L.D. 423, An Act To Provide a Safe Sleeping Environment for Children with Disabilities To Enable Them To Remain in Their Homes (P.L. 2009, Chapter 100; effective 9/12/09) *The bill requires the Department of Health and Human Services to provide reimbursement within existing resources for durable medical equipment that will provide a safe sleeping environment for individuals under 16 years of age if the equipment is: necessary to correct or ameliorate a behavioral health condition; the least restrictive alternative for the treatment of that condition; approved on a case-by-case basis by a review team specified in the bill; and cost-effective in comparison to other covered services or equipment for correction or amelioration of the condition. The bill authorizes the department to adopt routine technical rules as necessary to implement this proposed section of law.* (MMA monitored)

L.D. 427, An Act To Require School Bus Drivers and School Bus Attendants To Report Suspected Child Abuse (P.L. 2009, Chapter 41; effective 9/12/09) *The bill requires school bus drivers and school bus attendants to report, or cause a report to be made, to the Department of Health and Human Services if they suspect child abuse or neglect has occurred or is likely to occur.* (MMA monitored)

2. *Applies a threshold of \$2,000,000 for review of replacement equipment; and*
 3. *Applies a simplified review process for major medical equipment that costs more than \$2,000,000.* (MMA opposed)

L.D. 1435, An Act To Amend Sentinel Events Reporting Laws To Reduce Medical Errors and Improve Patient Safety (P.L. 2009, Chapter 358; effective 9/12/09) *The bill makes various amendments to the sentinel event reporting law. It gives the Joint Standing Committee on Health and Human Services authority to submit a bill related to the recommendations of the CY 2008 Sentinel Events report dated April 28, 2009 to the Second Regular Session of the 124th Legislature.*

It includes requirements for hospitals to follow standardized procedures for the identification, notification, and reporting requirements. It also adds a root cause analysis to the reporting requirements, but includes a provision to exclude protected professional competence review information from the root cause analysis submitted to the department's Division of Licensing and Regulatory Services. It provides immunity for good faith reporting of near misses, suspected or actual sentinel events, or root cause analysis. It requires the division to determine whether a suspected sentinel event constitutes a sentinel event, to complete an initial review, and to take other action within the jurisdiction of the division. It allows the division to conduct on-site visits and to report immediate jeopardy to the division's licensing section, but clarifies that personnel responsible for sentinel event oversight shall report only immediate jeopardy as defined in the Maine Revised Statutes, Title 22, section 8752, subsection 2-A and each condition of participation in the federal Medicare program related to the immediate jeopardy for which the provider is out of compliance. The bill increases the penalty for violations and authorizes the division to collect the penalty without going to court. (MMA monitored)

L.D. 1464, An Act To Amend Licensing, Certification and Registration Requirements for Health Care Providers and Other Facilities (P.L. 2009, Chapter 62; effective 7/12/10) *The bill requires licensed, certified, or registered providers to secure a criminal background check prior to hiring or placing a person who will have direct contact with a consumer. Providers will pay for the criminal background checks. Some providers are currently required by statute to obtain criminal background checks, and this bill adds several more providers, including hospitals, nursing facilities, ambulatory surgical facilities, intermediate care facilities for persons with mental retardation, assisted housing programs, children's homes, end-stage renal disease facilities, drug treatment centers, child placing agencies, hospice programs, agencies and facilities providing mental health services, temporary nurse agencies and nursery schools. The bill authorizes the Department of Health and Human Services to investigate complaints against temporary nurse agencies and provides enforcement mechanisms for violations. It requires the department to use income from penalties to improve the quality of care for residents of long-term care facilities.* (MMA monitored)

L.D. 1591, An Act to Amend the Maine Certificate of Need Act of 2002 Concerning Right of Entry and Investigation (P.L. 2009, Chapter 556; effective 3/26/10) *The bill authorizes the Department of Health and Human Services to enter and*

Establishment of the Capital Investment Fund, a Major Substantive Rule of the Governor's Office of Health Policy and Finance (Resolves 2009, Chapter 83; effective 9/12/09) *The bill approves final adoption of this major substantive rule.* (MMA monitored)

L.D. 1164, An Act To Amend the Maine Certificate of Need Act of 2002 To Change Nursing Facilities Review Thresholds for Energy Efficiency Projects and for Replacement Equipment (P.L. 2009, Chapter 430; effective 9/12/09) *Beginning January 1, 2010, the bill increases the threshold amount for nursing facility projects to \$1,000,000. It exempts from the full certificate of need approval certain nursing facility projects including capital expenditures under limited circumstances, nonmedical replacement equipment, information systems, communication systems, parking lots, garages, and projects that implement certain energy-efficient improvements. It requires the costs associated with energy-efficient projects to be excluded from the total cost of a project in determining whether the project is subject to review. It requires the department to amend the rules governing special reimbursement provisions for energy-efficient improvements and to include requirements that the Department of Health and Human Services respond to provider requests for prior approval of energy-efficient improvements within 30 days following the receipt of a request supported by sufficient information.* (MMA monitored)

L.D. 1260, An Act To Amend the Certificate of Need Act of 2002 for Nursing Facility Projects (P.L. 2009, Chapter 429; effective 9/12/09) *Beginning January 1, 2010, the bill increases the threshold amount for nursing facility projects to \$1,000,000. It exempts from the full certificate of need approval certain nursing facility projects including capital expenditures under limited circumstances, nonmedical replacement equipment, information systems, communication systems, parking lots, and garages. It changes the nursing facility MaineCare funding pool to create certain exceptions to the constraints of the pool. It permits certificate of need approval of different types of nursing facility projects as long as MaineCare neutrality is demonstrated. It permits nursing facilities to satisfy MaineCare neutrality requirements for projects that do not involve relocation of beds from one facility to another or a new facility when the entity proposing the changes is able to satisfy MaineCare neutrality requirements by dedicating beds under common ownership or acquiring beds from other nursing facilities. It charges the Department of Health and Human Services with working with stakeholders to identify possible methods for creating more flexibility in the laws governing nursing facility projects that are subject to MaineCare budget neutrality requirements.* MMA monitored)

L.D. 1395, An Act To Amend the Maine Certificate of Need Act of 2002 (P.L. 2009, Chapter 383; effective 9/12/09) *The bill amends the CON laws as follows:*

1. Establishes the threshold for review of the acquisition of major medical equipment and new technology at \$1,600,000 and the threshold for capital expenditures at \$3,100,000 and eliminates the automatic inflationary adjustment in the threshold levels;

L.D. 437, An Act To Require a Person under 18 Years of Age To Wear a Helmet While on a Motorcycle (P.L. 2009, Chapter 50; effective 9/12/09) *The bill changes the age under which a motorcycle operator or passenger is required to wear protective headgear from under 15 years of age to under 18 years of age. This change would bring the headgear requirements for motorcycle operators or passengers into conformity with the headgear requirements for snowmobile operators or passengers on trails funded by the Snowmobile Trail Fund and ATV operators or passengers.* (Maine Chapter, ACEP bill/MMA supported)

L.D. 866, Resolve, To Examine Data Discrepancies and Adequately Identify and Serve Children with Brain Injuries (Resolves 2009, Chapter 112; effective 9/12/09) *The bill requires the Department of Education to review the discrepancy in information available in data from MaineCare and the Office of Special Services regarding the number of children in the state identified with brain injuries. The department shall also investigate the availability of testing and screening that is available to develop a plan to institute annual health screening of children and youth in schools for brain injury. The department shall report to the Legislature by February 15, 2010 with its findings, recommendations, and suggested legislation.* (MMA monitored)

L.D. 914, An Act To Combat Childhood Obesity through the Creation of Recreational and Athletic Fields (P.L. 2009, Chapter 178; effective 9/12/09) *The bill allows money in the Land for Maine's Future Fund to be used to fund improvements to land for recreational purposes, including, but not limited to, recreational and athletic fields, upon application of a municipality.* (MMA supported)

L.D. 1027, Resolve, To Examine Concepts and Competencies from Family and Consumer Science for Achieving Educational Goals (Resolves 2009, Chapter 105; effective 9/12/09) *The bill directs the Commissioner of Education to bring together a working group to develop recommendations for the inclusion of family and consumer science concepts as performance indicators within the system of learning results.* (MMA monitored)

L.D. 1280, Resolve, To Provide a Program Model for Children with Autism Spectrum Disorder (Resolves 2009, Chapter 100; effective 9/12/09) *The bill directs the Department of Education to convene a work group with broad stakeholder representation, including parents, to conduct a study of educational services for children with autism and other pervasive developmental disorders. The Department of Education is directed to submit a report, including the findings and recommendations from the work group, to the Joint Standing Committee on Education and Cultural Affairs by January 29, 2010.* (MMA monitored)

L.D. 1300, Resolve, To Create a Working Group on the Prevention, Diagnosis and Treatment of Concussive Head Injuries in Student-athletes (Resolves 2009, Chapter 79; effective 9/17/09) *The bill directs the Commissioner of Education to establish a working group on the prevention, diagnosis, and treatment of concussive head injuries in student-athletes. The Commissioner is required to report the findings and recommendations of the working group to the Joint Standing*

Committee on Education and Cultural Affairs by March 1, 2010 and the committee is authorized to submit a bill to the Legislature on the issue of concussive head injuries in student-athletes following receipt of the report. (MMA monitored)

L.D. 1407, An Act To Implement the Recommendations of the PE4ME Planning and Oversight Team (P.L. 2009, Chapter 264; effective 9/12/09) *The bill requires the Commissioner of Education to conduct an assessment of the physical education capacities of elementary schools in the state using a survey or sampling methodology and to report on that assessment to the Joint Standing Committee on Education and Cultural Affairs by February 1, 2010. It also establishes the Obesity and Chronic Disease Fund in the Department of Education. It does not appropriate any funds to the Obesity and Chronic Disease Fund, but expressly allows the fund to receive public or private funds or income from other sources. The Commissioner of Education is not authorized, however, to make any expenditures from the fund prior to July 1, 2010. The bill also authorizes the Joint Standing Committee on Education and Cultural Affairs to submit a bill to the Second Regular Session of the 124th Legislature pertaining to physical education in elementary schools in the state after receipt of the assessment of the physical education capacity of elementary schools. (MMA supported)*

L.D. 1408, An Act to Establish the Universal Childhood Immunization Program (P.L. 2009, Chapter 595; effective 7/12/10) *The bill establishes the Universal Childhood Immunization Program to provide all children 18 years of age or younger in the State with access to a uniform set of vaccines. The program is administered by the Department of Health and Human Services for the purposes of optimizing public and private resources and lowering the cost of providing immunizations to children by leveraging contract prices for vaccines established through the United States Department of Health and Human Services, Centers for Disease Control and Prevention. The program and the Childhood Immunization Fund are overseen by the Maine Vaccine Board. The program costs associated with vaccines for children covered by health insurance carriers and 3rd-party administrators are funded by assessments on those entities. Any costs associated with vaccines for children covered by the United States Department of Health and Human Services, Centers for Disease Control and Prevention, Vaccines for Children Program are the responsibility of the State. Assessments are deposited into the fund, which does not lapse, to be used only for the purposes of the Universal Childhood Immunization Program. The board is required to report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters. (MMA supported)*

L.D. 1602, An Act to Clarify the Child Abuse or Neglect Substantiation Process (P.L. 2009, Chapter 558; effective 7/12/10) *The bill makes it explicit that the Department of Health and Human Services has authority to make findings as a result of allegations against the parents or caregivers regarding whether or not a child has been abused or neglected. (MMA supported)*

L.D. 1616, An Act to Enhance Newborn Blood Spot Screening to Conform to Federal

L.D. 239, An Act To Eliminate the Repeal Date on Nonhospital Expenditures in the Capital Investment Fund (P.L. 2009, Chapter 194; effective 5/22/09) *The bill eliminates the repeal date of the provision in the State Health Plan setting aside 12.5% of the capital investment fund, the annual limit established for expenditures approved through the certificate of need program, for nonhospital projects. (MMA bill/MMA supported)*

L.D. 322, An Act To Clarify the Prohibition on Payment for Health Care Facility Mistakes or Preventable Adverse Events (P.L. 2009, Chapter 31; effective 9/12/09) *The bill clarifies that an employer, as defined under the Maine Workers' Compensation Act of 1992, may not be charged by a health care facility to correct a mistake or preventable adverse event caused by that health care facility. (MMA monitored)*

L.D. 724, Resolve, To Create a Working Group To Provide Transparency Concerning Operating Expenses for Hospitals (Resolves 2009, Chapter 66; effective 9/12/09) *The bill directs the Maine Health Data Organization and the Governor's Office of Health Policy and Finance to convene a working group, including representatives of the Maine Hospital Association, the Maine Health Data Organization, and the Governor's Office of Health Policy and Finance and other stakeholders, to examine and make recommendations for hospital data reporting that will provide transparency concerning operating expenses, including, but not limited to, annual operating budgets and other financial information. It requires the Maine Health Data Organization and the Governor's Office of Health Policy and Finance to submit a report to the Joint Standing Committee on Health and Human Services by January 1, 2010. It authorizes the Joint Standing Committee on Health and Human Services to submit legislation to the Second Regular Session of the 124th Legislature. (MMA monitored)*

L.D. 960, Resolve, Requiring Rulemaking by the Maine Health Data Organization in Consultation with the Maine Quality Forum Regarding Clostridium Difficile and Methicillin-resistant Staphylococcus Aureus (Resolves 2009, Chapter 82; effective 9/12/09) *The bill directs the Maine Health Data Organization in consultation with the Maine Quality Forum to adopt rules to require that each hospital publicly report on the adoption of a methicillin-resistant Staphylococcus aureus and Clostridium difficile prevention program and the number of patients at high risk for methicillin-resistant Staphylococcus aureus surveilled in the hospital's targeted surveillance of high-risk populations. It requires the Maine Quality Forum, with input from stakeholders, to design metrics for assessing these reporting functions and to establish performance measures, which must be posted on the Maine Quality Forum's website and included in its annual report to the Legislature. (MMA monitored)*

L.D. 1038, An Act Regarding Screening for Methicillin-resistant Staphylococcus Aureus (P.L. 2009, Chapter 346; effective 9/12/09) *The bill requires all hospitals to perform targeted surveillance for methicillin-resistant Staphylococcus aureus in high-risk populations, as defined by the Maine Quality Forum, consistent with the federal Centers for Disease Control and Prevention guidelines. (MMA monitored)*

L.D. 1122, Resolve, Regarding Legislative Review of Portions of Chapter 101:

- L.D. 40, An Act To Prohibit Certain Uses of Cellular Telephones and Handheld Electronic Devices while Operating a Motor Vehicle (MMA monitored)
- L.D. 41, An Act To Prohibit the Use of a Handheld Cellular Telephone While Operating a Motor Vehicle (MMA monitored)
- L.D. 112, An Act To Prohibit the Use of Handheld Cellular Telephones while Driving (MMA monitored)
- L.D. 315, Resolve, Directing the Department of Health and Human Services and the Department of Agriculture, Food and Rural Resources To Develop a Plan To Facilitate the Procurement of Local Produce by Food Stamp Recipients (MMA monitored)
- L.D. 453, An Act To Require Motorcyclists To Wear Helmets (MMA monitored)
- L.D. 590, An Act to Establish a Wellness Tax Credit (MMA monitored)
- L.D. 646, An Act To Improve the Water Quality of Maine's Rivers (MMA monitored)
- L.D. 721, Resolve, Directing the Department of Health and Human Services To Raise Public Awareness of Reflex Sympathetic Dystrophy Syndrome (MMA monitored)
- L.D. 752, Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Stamps for the Purchase of Soft Drinks (MMA monitored)
- L.D. 753, Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Stamps for the Purchase of Taxable Food Items (MMA monitored)
- L.D. 916, An Act Regarding Trans Fat (MMA monitored)
- L.D. 1102, An Act To Establish the Maine Science Advisory Board (MMA monitored)
- L.D. 1142, Resolve, To Ensure Access to Speech and Hearing Services (MMA monitored)
- L.D. 1177, An Act To Establish the Maine Emergency Services Institute (MMA monitored)
- L.D. 1187, An Act To Allow the Sale and Use of Consumer Fireworks (MMA opposed)
- L.D. 1258, An Act To Create a Duty To Report Serious Injuries (MMA monitored)
- L.D. 1648, Resolve, to Repeal the Fee Increase for Copies of Vital Records (MMA monitored)
- L.D. 1665, An Act to Prevent the Spread of H1N1 (MMA monitored)
- L.D. 1691, An Act to Amend the Laws Governing Taste Testing of Alcoholic Beverages by Retail Licensees (MMA supported)
- L.D. 1738, An Act to Establish a Duty to Report Serious Injuries (MMA monitored)

REGULATION OF HEALTH CARE FACILITIES

Enacted

- Newborn Screening Standards (P.L. 2009, Chapter 514; effective 7/12/10) *The bill amends the newborn screening program law to describe conditions for which screening is available and reliable and for which treatment improves outcomes. The bill also allows the program to align with national and regional efforts in screening, treatment and evaluation consistent with the federal Newborn Screening Saves Lives Act of 2007. The department's genetics program is responsible to coordinate matters pertaining to detection, prevention and treatment of genetic conditions and metabolic disorders. The collection and sharing of data with other states involved in the same newborn blood spot screening programs will allow the department to assess the comprehensive newborn screening system's strengths and weaknesses and will promote quality assurance, quality improvement and ongoing evaluation of the effectiveness of the newborn blood spot screening program as established by rule of the Department of Health and Human Services. (MMA supported)*
- L.D. 1773, An Act to Improve Dental Insurance Coverage for Maine Children (P.L. 2009, Chapter 578; effective 7/12/10) *The bill requires dental insurance policies, contracts, and certificates that provide coverage of dependent children to allow the opportunity to enroll a dependent child in dental insurance coverage during the first 30 days of the child's life and any open or annual enrollment period. The provisions of this amendment apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed on or after January 1, 2011. (MMA monitored)*
- L.D. 1796, Resolve, Regarding Legislative Review of Chapter 881: Fees; Chemical use in Children's Products, a Major Substantive Rule of the Department of Environmental Protection (Resolves 2009, Chapter 194; effective 4/1/10) *The bill authorizes final adoption of Chapter 881: Fees; Chemical Use in Children's Products until February 1, 2013. The amendment also requires the Department of Environmental Protection to examine the first 2 years of experience regarding fees assessed under the rule and submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by February 1, 2013. Following its review of the report, the committee is authorized to submit a bill regarding fees related to chemical use in children's products to the First Regular Session of the 126th Legislature. (MMA supported)*
- Defeated***
- L.D. 17, An Act To Prohibit the Sale of Energy Drinks to Minors (MMA monitored)
- L.D. 21, An Act To Encourage the Diagnosis and Treatment of Autism Spectrum Disorders (MMA monitored)
- L.D. 136, An Act To Require the Provision of Unstructured Recess Time for Elementary School Students (MMA supported)
- L.D. 251, 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 (MMA opposed)

- L.D. 340, An Act To Provide Greater Access to ATVs by Lowering the Minimum Operating Age (MMA opposed)
- L.D. 343, An Act To Establish a Specialty License Plate To Increase Funding for Autism Programs (MMA monitored)
- L.D. 424, Resolve, Directing the Department of Education and the Department of Health and Human Services To Adopt Rules Requiring a Tetanus, Diphtheria and Pertussis Booster Vaccination in School-age Children (MMA supported)
- L.D. 523, Resolve, Directing the Department of Health and Human Services and Department of Education To Enter into a Memorandum of Understanding Regarding Early Childhood Intervention (MMA monitored)
- L.D. 599, An Act To Allow Noninvasive Testing of Infants for the Presence of Drugs without a Parent's Consent (MMA monitored)
- L.D. 610, An Act To Add 10 Days to the School Year and To Require Daily Physical Exercise for All School Children (MMA monitored)
- L.D. 735, An Act To Allow Unimmunized Children to Attend School Upon Parental Waiver (MMA opposed)
- L.D. 768, An Act To Improve the Dental Health of Children by Making Fluoride Treatments More Available (MMA opposed)
- L.D. 802, An Act To Require Reporting on Medical Services or Treatment Provided to Minors without Parental Consent (MMA opposed)
- L.D. 819, An Act To Encourage Transparency in Disclosing the Ingredients in Vaccinations for Children to Parents and Guardians (MMA opposed)
- L.D. 881, Resolve, To Ensure the Health of Maine Children by Requiring a Certain Vaccination (MMA supported)
- L.D. 1106, Resolve, To Establish a Schoolchildren's Well-being Stakeholder Group (MMA monitored)
- L.D. 1117, An Act To Create a Statewide Breast-feeding Resource System at Women, Infants and Children Offices (MMA monitored)
- L.D. 1163, Resolve, To Reduce Childhood Obesity in Schools by Adding to the Physical Education Curriculum (MMA supported)
- L.D. 1209, An Act Regarding the Consent of Minors To Receive Substance Abuse and Mental Health Treatment (MMA opposed)
- L.D. 1291, Resolve, Establishing a Study Commission on In Utero Narcotic Drug Exposure (MMA monitored)
- L.D. 1452, Resolve, Establishing the Committee To Study the Feasibility of Instituting Testing for Sports-related Head Injuries (MMA monitored)
- L.D. 1706, An Act to Create the Children's Wireless Protection Act (MMA monitored)

Land Use Regulation Commission consistent with the corresponding provisions applicable to the Department of Environmental Protection. These provisions allow the commission to require a preapplication notice of filing; allow the commission to require an applicant to attend a public meeting during the review of a wind energy development; allow the commission to extend the processing time with the consent of the applicant; and clarify that, in certain circumstances, associated facilities are not subject to the same time limits. It also clarifies the definitions associated with certain terms. It clarifies the provision of law regarding the consideration by the Maine Land Use Regulation Commission of the effects of a wind energy development on scenic character and existing uses relating to scenic character for a wind energy development with a generating capacity of 100 kilowatts or greater but less than grid-scale. It specifies that in the jurisdiction of the commission, all wind energy developments are subject to fee provisions as extraordinary projects, allowing the commission to recover costs associated with processing of the applications, including the cost of noise or other studies. (MMA monitored)

L.D. 1685, An Act to Clarify the Enforcement Role of the Mixed Martial Arts Authority of Maine (P.L. 2009, Chapter 582; effective 7/12/10) *The bill authorizes the board of directors of the Mixed Martial Arts Authority of Maine to conduct specific inspections of mixed martial arts competitions, exhibitions, or events and enhances enforcement mechanisms of the board. It requires the authority to adopt rules regarding the certification process for authorized participants and a requirement that a physician be present during each mixed martial arts competition, exhibition, or event. It allows the board to discipline authorized participants if they fail to adhere to the rules adopted by the authority and allows for fines up to \$500 for each violation. It extends the deadline for the authority to adopt rules from March 1, 2010 to October 15, 2010. (MMA monitored)*

L.D. 1709, An Act to Enhance Public Awareness of Lyme Disease (P.L. 2009, Chapter 494; effective 3/8/10) *The bill does the following:*

1. *It establishes the month of May as Lyme Disease Awareness Month. It also directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to make appropriate information available to the public to improve education and awareness about the prevention, diagnosis and treatment of Lyme disease.*
2. *It clarifies the annual reporting requirements on Lyme disease and other tick-borne illnesses to include information on diagnosis as well as treatment. It also requires the Maine Center for Disease Control and Prevention to maintain a publicly accessible website to provide public awareness and education on Lyme disease and other tick-borne illnesses, including links to resources made available and recommended by the United States Department of Health and Human Services.*
3. *It requires health insurers to report claims data related to Lyme disease diagnosis as well as treatment. (MMA opposed)*

Defeated

establishments, eating and lodging places, lodging places, recreational camps, youth camps, and camping areas and allows the department to collect a transaction fee from a licensee who renews a license electronically. It increases the fee for a voluntary inspection by the department of an electrologist's training, place of practice and equipment. It increases the license fee for micropigmentation practitioners and tattoo and body piercing artists. It provides that fees collected by the department for an inspection of an electrologist's training, place of practice and equipment and license fees for micropigmentation practitioners and tattoo and body piercing artists must be deposited into a special revenue account for health inspections. (MMA monitored)

L.D. 1599, An Act Regarding the Maternal and Infant Death Review Panel (P.L. 2009, Chapter 531; effective 3/22/10) The bill authorizes the maternal and infant death panel coordinator to have access to fetal death certificates. It requires the panel coordinator to review the majority of fetal deaths occurring after 28 weeks' gestation. It prohibits the panel coordinator from reviewing cases of abortion. It repeals the sunset on the maternal and infant death review panel on January 1, 2011. (MMA supported)

L.D. 1631, An Act to Provide Leadership Regarding the Responsible Recycling of Consumer Products (P.L. 2009, Chapter 516; effective 7/12/10) The bill authorizes the Department of Environmental Protection to submit on an annual basis a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on products and product categories that when generated as waste may be appropriately managed under a product stewardship program. It authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to submit annually a bill to establish new product stewardship programs or revise existing product stewardship programs after the committee's review of the department report. (MMA monitored)

L.D. 1640, An Act to Provide for the Safety of Maine Athletes (P.L. 2009, Chapter 484; effective 7/12/10) The bill applies rules of the road for bicyclists to roller skiers. It clarifies that roller skis may be prohibited from divided highways. It provides that a person who is in the business of renting roller skis shall post or make available to a person renting roller skis a written notice explaining the helmet requirement in Maine law and shall provide an appropriate helmet to an operator of roller skis who has not attained 16 years of age. Current law provides that a reasonable fee may be charged for the helmet rental. The bill further provides that a person who is in the business of renting roller skis who complies with the helmet requirement in Maine law is not liable in a civil suit for damages for injuries sustained by a roller ski operator as a result of the operator's failure to use a helmet. It clarifies that, for a first violation of the helmet requirement for a person under 16 years of age who is an operator of roller skis on a public roadway or public bikeway, a law enforcement officer may provide safety information to the person. (MMA monitored)

L.D. 1680, An Act to Assist in Reviewing Wind Energy Applications (P.L. 2009, Chapter 492; effective 3/5/10) The bill amends the laws governing the siting of wind energy developments. It makes certain provisions of the laws governing the Maine

FIREARMS & DOMESTIC VIOLENCE ISSUES

Enacted

L.D. 282, An Act Regarding the Requirement That the Treatment of a Gunshot Wound Be Reported (P.L. 2009, Chapter 49; effective 9/12/09) The bill amends the existing requirement that treatment of a gunshot wound be reported. It specifies that a health care practitioner or emergency medical services person report the treatment of a wound apparently caused by the discharge of a firearm to a law enforcement agency immediately by the quickest means of communication. (MMA monitored)

L.D. 690, Resolve, To Establish a Working Group Concerning Domestic Violence and Firearms (Resolves 2009, Chapter 86; effective 9/12/09) The bill directs the Commissioner of Public Safety to convene a working group concerning domestic violence and firearms. The group shall look at incorporating into state law the prohibition of possession of firearms by a person convicted of a misdemeanor crime of domestic violence in order to conform to federal law. The working group must invite representatives from each of the following to participate: the Office of the Attorney General, the Maine Prosecutors Association, the Maine Coalition to End Domestic Violence, the Maine Association of Criminal Defense Lawyers, Maine Citizens Against Handgun Violence, the Sportsman's Alliance of Maine, the Maine Chiefs of Police Association, the Maine Sheriffs' Association and up to 3 other entities that the Commissioner of Public Safety determines appropriate. The Commissioner of Public Safety shall report the working group's recommendations, including recommended legislation, to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 15, 2010. The Joint Standing Committee on Criminal Justice and Public Safety may submit legislation to the 124th Legislature in 2010 based on the report. (MMA supported)

L.D. 1138, Resolve, To Provide Assistance to Private Sellers of Firearms (Resolves 2009, Chapter 53; effective 9/12/09) The bill directs the Department of Public Safety to assist private sellers of firearms by providing information about how to collect appropriate information about the purchasers of firearms and how to obtain criminal history record checks on those purchasers. In this effort, the Department of Public Safety shall invite the United States Attorney for the District of Maine and the Sportsman's Alliance of Maine to collaborate in order to educate the public and private sellers and encourage access to the United States Department of Justice's Project Safe Neighborhoods website where private sellers can obtain a gun seller's tool kit. The department shall also invite the United States Attorney for the District of Maine and the Sportsman's Alliance of Maine to assist it in contacting Maine's federally licensed firearms dealers and compiling a list of those dealers who are willing to perform criminal history record checks of buyers purchasing firearms from private sellers. The department shall post that list on its website and shall invite both the United States Attorney for the District of Maine and the Sportsman's Alliance of Maine to include the list on their existing websites and shall publicize the information to educate the public. The

department shall report its progress to the Joint Standing Committee on Criminal Justice and Public Safety by February 1, 2010. (MMA supported)

L.D. 1737, An Act to Clarify Safety Requirements in Acadia National Park (P.L. 2009, Chapter 607; effective 7/12/10) *The bill promotes public safety and the preservation of wildlife and maintains consistency with the State's laws governing the possession of firearms in state parks by prohibiting, subject to certain exceptions, the possession of firearms in all units of the United States National Park System within the State. It also authorizes possession of a firearm when the firearm is a concealed firearm carried by a qualified law enforcement officer pursuant to 18 United States Code, Section 926B who possesses photographic identification; when the firearm is a concealed firearm carried by a qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C who possesses photographic identification; or when the firearm is a concealed firearm carried by a person to whom a valid permit to carry a concealed firearm has been issued as provided in the Maine Revised Statutes, Title 25, chapter 252. This amendment also establishes penalties for violations of this prohibition.* (MMA supported)

Defeated

L.D. 726, An Act To Improve the Process for Issuing Concealed Weapons Permits (MMA supported)

L.D. 814, An Act Regarding the Sale of Weapons at Gun Shows (MMA supported)

L.D. 985, An Act To Increase Public Safety by Requiring a Federally Licensed Firearms Dealer To Facilitate the Transfer of Firearms (MMA supported)

L.D. 1116, An Act To Ensure Health Care Practitioners Understand and Screen for Domestic Abuse for Pregnant Women and New Mothers (MMA opposed)

L.D. 1817, An Act to Implement the Recommendations of the Working Group Concerning Domestic Violence and Firearms (MMA supported)

HEALTH CARE INFORMATION AND CONFIDENTIALITY ISSUES

Enacted

L.D. 101, An Act To Extend the Operation of the Maine Health Data Processing Center and To Amend the Maine Health Data Organization Statutes (P.L. 2009, Chapter 71; effective 5/4/09) *The bill extends the operation of the Maine Health Data Processing Center to September 1, 2015 and increases the length of time individuals may serve on the center's board of directors. It also repeals the requirement for hospitals and ambulatory surgical centers to maintain lists of average charges for procedures specified by the Maine Health Data Organization through rulemaking. In place of the lists, individual hospitals and surgical centers shall, upon request from an individual, provide the average charge for any service rendered by the facility. In addition, the bill requires the Maine Health Data Organization to create an interactive website displaying prices paid for specific procedures performed at all Maine hospitals and impacted surgical, diagnostic or*

L.D. 1568, An Act to Clarify Maine's Phaseout of Polybrominated Diphenyl Ethers (P.L. 2009, Chapter 610; effective 7/12/10) *The bill does the following*

1. *It bans the manufacture, sale and use of products, other than shipping pallets, that are manufactured from recycled shipping pallets containing the "deca" mixture of polybrominated diphenyl ethers.*
2. *Beginning January 1, 2012, it bans the manufacture, sale and use of shipping pallets containing the "deca" mixture of polybrominated diphenyl ethers, except for shipping pallets manufactured before January 1, 2012 that contain the "deca" mixture and shipping pallets that are manufactured from recycled shipping pallets containing the "deca" mixture.*
3. *It provides for an exemption process under which a manufacturer may apply to the Commissioner of Environmental Protection for an exemption to the January 1, 2012 ban. The commissioner shall grant an exemption if certain criteria are met. An exemption may not extend beyond January 1, 2013.*
4. *It requires a manufacturer or owner of shipping pallets that are subject to the restrictions to annually certify compliance with the restrictions to the Department of Environmental Protection.*
5. *It requires a manufacturer of shipping pallets containing the "deca" mixture to notify persons that sell the product of the restrictions.*
6. *It specifies the criteria a chemical alternative must meet in order to be used as a replacement for the "deca" mixture.*
7. *It authorizes information submitted to the department that is related to the manufacture, sale or use of the "deca" mixture to be designated as confidential.*
8. *It authorizes the department to supervise an alternatives assessment study to determine the availability of safer alternatives to the use of the "deca" mixture in shipping pallets. The study may be voluntarily funded by a manufacturer or owner of shipping pallets subject to the restrictions in the law. It requires the department to determine by January 1, 2011 whether there is reasonable basis to conclude that information available to the department demonstrates that a safer alternative to the use of the "deca" mixture in shipping pallets exists. It requires the Commissioner of Environmental Protection to consider applicable fire safety standards, approvals and tests and relevant performance standards that are consistent with the specifications of the manufacturer and industry practices. (MMA monitored)*

L.D. 1592, An Act to Update the Laws Affecting the Maine Center for Disease Control and Prevention (P.L. 2009, Chapter 589; effective 4/1/10) *The bill authorizes the Department of Health and Human Services to charge municipalities fees for services and paper related to vital records, the fees to be established through major substantive rulemaking and to be reviewed every 3 years. It requires the department to review every 3 years the fees charged by municipalities for vital records. It increases the maximum fees that may be charged with respect to certain documents regarding birth, marriage, and death. It increases the maximum fee that may be charged for certain plumbing permits. It increases the license fee for certain eating*

the requirements of the law. It also requires the department to submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report on a revised fee structure by January 5, 2013. (MMA monitored)

L.D. 1482, An Act to Amend Mercury Standards for Air Emission Sources (P.L. 2009, Chapter 338; effective 9/12/09) *The bill is submitted by the Joint Standing Committee on Natural Resources pursuant to the Maine Revised Statutes, Title 38, section 585-B, subsection 6. It provides an alternative method for an air emission source to comply with mercury standards. It also directs the Department of Environmental Protection to submit an updated report relating to mercury emissions and standards and authorizes the committee to report out legislation to the 124th Legislature in connection with the updated report.* (MMA monitored)

L.D. 1497, An Act to Amend the Law Pertaining to Smoke Detectors and Carbon Monoxide Detectors (P.L. 2009, Chapter 551; effective 7/12/10) *The bill makes the following clarifications to the law governing smoke detectors and carbon monoxide detectors.*

1. *Smoke detectors are required in each unit in a multifamily building and in any single-family dwelling built after January 1, 1982. Smoke detectors are also required in any single-family dwelling in which an addition adding a new bedroom is constructed, or in any dwelling that is converted to a single-family dwelling, after September 19, 1985. These dates reflect the effective dates of the original legislation requiring smoke detectors.*
2. *Smoke detectors are required in all rental units rather than only rental apartments.*
3. *Smoke detectors must be installed in rental units at the time of a new occupancy if they are not already present.*
4. *Smoke detectors and carbon monoxide detectors must be installed in accordance with the manufacturer's requirements at the time of installation.*
5. *Smoke detectors installed or replaced after the effective date of the bill within 20 feet of a kitchen or bathroom with a tub or shower must be of a photoelectric type, except that ionization detectors are permitted in bedrooms even if the bedroom is within 20 feet of a kitchen or bathroom with a tub or shower.*
6. *It requires a buyer of a single-family dwelling or multiapartment building to certify at closing that the buyer will install smoke detectors and carbon monoxide detectors within 30 days of acquisition rather than on the day of closing.*
7. *Carbon monoxide detectors are required in all rental units. At the time of new occupancy, the landlord must ensure that carbon monoxide detectors are present.*
8. *The Commissioner of Public Safety may transfer up to \$100,000 from the Department of Public Safety, Office of the State Fire Marshal for the purpose of purchasing carbon monoxide detectors for distribution. This amends Public Law 2009, chapter 162, which required the transfer of \$100,000 for this purpose.*
9. *One-time funding of \$115,000 is provided in fiscal year 2010-11 for the purpose of purchasing carbon monoxide detectors and educational materials.* (MMA monitored)

other nonhospital facilities. Additionally, it adds the Executive Director of Dirigo Health or a designee to the Maine Health Data Organization board of directors. It removes the requirement that the Superintendent of Insurance appoint a member to the board and adds the Commissioner of Professional and Financial Regulation or a designee, serving in a nonvoting capacity. It adds language to specify that the total number of board members includes one nonvoting member and to reflect the fact that there are representatives of state agencies in addition to the Department of Health and Human Services now serving on the board. (MMA supported)

L.D. 1183, An Act To Prevent Predatory Marketing Practices against Minors Regarding Data Concerning Health Care Issues (P.L. 2009, Chapter 230; effective 9/12/09) *The bill prohibits the knowing collection of both health-related and personal information from minors for marketing purposes. It includes a penalty provision providing that, notwithstanding the provisions of the Maine Unfair Trade Practices Act, each violation constitutes a civil violation for which a fine may be assessed of no less than \$10,000 and no more than \$20,000 for a first violation and no less than \$20,000 for a 2nd violation or any subsequent violation. It also provides that, if the Attorney General finds evidence of a violation of the federal Children's Online Privacy Protection Act of 1998, it may bring a civil action pursuant to 15 United States Code, Section 6504.* (MMA monitored)

L.D. 1411, 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 (Resolves 2009, Chapter 84; effective 6/2/09) *The bill approves final adoption of this major substantive rule.* (MMA monitored)

L.D. 1490, An Act Regarding the Transfer of Patient Health Care Information through an Electronic Health Information Exchange (P.L. 2009, Chapter 387; effective 6/12/09) *The bill amends the law on the confidentiality of patient health care information by adding a health information exchange to the provision that allows health care practitioners and health care facilities to disclose information to agents, employees, and contractors of practitioners and facilities to carry out the usual and customary activities relating to the delivery of health care and for the purposes of billing, risk management, quality assurance, utilization review, and peer review. It provides an opt-out mechanism for individuals. It authorizes the MaineCare program to transfer that same information for the purposes of diagnosis, treatment, or care of MaineCare members while retaining protection for sensitive health information that is controlled by other provisions of state or federal law and providing an opt-out mechanism for members. It also requires a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2011.* (MMA monitored)

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; effective 7/12/10) *The bill amends the laws governing the Maine Health Data Processing Center to remove the phrase "Maine Health Information Center" and replace it with "Onpoint Health Data," the new name of the organization. It modifies the composition*

of the Board of Directors of the Maine Health Data Processing Center. It restructures the laws governing reports produced by the Maine Health Data Organization and removes the requirement that the organization publish a notice of the availability of these reports at least once per year in the 3 daily newspapers of the greatest general circulation published in the State. It prohibits the Board of Directors of the Maine Health Data Organization and the Attorney General from assessing fines, initiating enforcement actions, or seeking injunctive relief against a payor that has submitted claims data for any billing provider data element contained in the claim furnished by the provider or any service provider data element when associated with the billing provider elements, or that has failed to meet the thresholds for these data elements. This provision is repealed July 1, 2011. It also establishes a working group to work on issues regarding submission of data to the Maine Health Data Organization. By November 15, 2010, the working group must report to the Joint Standing Committee on Health and Human Services with a plan to resolve the service and provider issues and with an implementation schedule. (MMA opposed)

L.D. 1677, An Act Regarding the Laws Governing Data Collection and Marketing Practices Directed at Minors (P.L. 2009, Chapter 560; effective 3/29/10) The bill repeals the law enacted by L.D. 1183 (P.L. 2009, Chapter 230). (MMA monitored)

L.D. 1780, Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization (Resolves 2009, Chapter 193; effective 4/1/10) The bill states that the Legislature approves the major substantive rule on health care-associated infection quality data set filing if the rule is amended to require reporting of the results of a hospital's active surveillance culturing of high-risk patients for methicillin-resistant *Staphylococcus aureus* and to clarify that the Maine Quality Forum must within 90 days of adoption of the rule establish a schedule for periodic prevalence studies. (MMA monitored)

L.D. 1781, An Act to Allow Electronic Filing of Vital Records and Closing of Records to Guard Against Fraud and Make Other Changes to the Vital Records Laws (P.L. 2009, Chapter 60); effective 7/12/10) The bill changes the name of the Department of Health and Human Services, Office of Health Data and Program Management to the Office of Data, Research and Vital Statistics. It enables the Office of Data, Research and Vital Statistics to establish a system for the electronic filing of death certificates. It acknowledges the change in name or the Veterans Administration Center at Togus to the United States Department of Veterans Affairs at Togus. The bill shortens the time period in which a vital record may be corrected or completed from one year to 90 days. It closes vital records from public procurement to guard against fraud. It enables the State Registrar of Vital Statistics to appoint subregistrars. The bill allows a disposition of human remains permit to be issued for a fetus regardless of gestational age. It enables the State Registrar of Vital Statistics to change the design of forms for adult adoptee access to records without using the rule-making process. It allows inspection of vital records by and issuance of noncertified copies of vital records to persons doing genealogical research who hold researcher identification cards. Finally, it directs the Department of Health and Human Services to adopt

University of Maine Cooperative Extension for educating homeowners in integrated pest management. (MMA monitored)

L.D. 1259, An Act To Increase Access to Nutrition Information (P.L. 2009, Chapter 395; effective 2/1/11) The bill requires a chain restaurant defined in the law as an eating establishment doing business under the same trade name in 20 or more locations, at least one of which is located in the state to provide accurate calorie information on its menus, menu boards, and food display labels for the food and beverage items it regularly sells, not including limited-time offers, condiments, items in sealed manufacturer's packaging with nutrition information or custom orders. The bill also requires a chain restaurant to state on its menu and menu boards: "To maintain a healthy weight, a typical adult should consume approximately 2,000 calories per day; however, individual calorie needs may vary." It allows a chain restaurant to state on its menu and menu boards: "Nutrition information is based upon standard recipes and product formulations; however, modest variations may occur due to differences in preparation, serving sizes, ingredients or special orders." (MMA supported)

L.D. 1363, An Act To Establish and Promote Statewide Collaboration and Coordination in Public Health Activities and To Enact a Universal Wellness Initiative (P.L. 2009, Chapter 355; effective 9/12/09) The bill coordinates and streamlines the public health system in this State. It prepares the state public health system for national federally recognized public health accreditation and ensures the effective, efficient, and evidence-based delivery of essential public health services. It recognizes and formally establishes Healthy Maine Partnerships, district coordinating councils for public health, and the Statewide Coordinating Council for Public Health. It also establishes a universal wellness initiative using the existing resources of the public health infrastructure. The initiative requires the development and distribution of a resource toolkit for the uninsured and a health risk assessment for all people of the State with a focus on the uninsured and those facing health disparities. It also requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to issue an annual report card on health for each public health district in the State and for the state health plan to publish the report cards. (MMA supported)

L.D. 1423, An Act To Improve Toxics Use Reduction and Reduce Energy Costs by Maine Businesses (P.L. 2009, Chapter 579; effective 7/12/10) The bill repeals the Maine Revised Statutes, Title 38, chapter 26 effective July 1, 2012. It directs the Department of Environmental Protection to establish by rule a list of priority toxic chemicals by July 1, 2011 and to review and revise the list at least every 3 years. Commercial and industrial facilities that use in excess of 1,000 pounds of a priority toxic chemical per year are required by July 1, 2012 to develop a pollution prevention plan or environmental management system and by July 1, 2013 to begin filing annual usage reports with the department. Information contained in the report may be classified as confidential. It also requires the department to develop a technical assistance program and authorizes the department to develop a recognition program. The bill authorizes the department to exempt facilities from

business, research and economic development matters, including an evaluation of the authority's success in meeting the goals, outcomes and performance expectations contained in its business plan. The bill also allows a mixed martial arts competition, exhibition, or event to be held in the State effective March 1, 2010, as long as the authority has adopted the rules required by this chapter. (MMA opposed)

L.D. 1140, Resolve, Directing the Department of Education and the Department of Agriculture, Food and Rural Resources To Convene a Work Group To Strengthen Farm-to-school Efforts in the State (Resolves 2009, Chapter 106; effective 9/12/09) *The bill requires the Department of Education and the Department of Agriculture, Food and Rural Resources to convene a work group consisting of agencies, groups, and organizations involved in supporting Maine agriculture, public health, the environment, and the Maine economy to study farm-to-school initiatives and programs in the State and develop recommendations for strengthening farm-to-school efforts in the State.* (MMA monitored)

L.D. 1171, An Act To Amend the Laws Governing Outdoor Wood Boilers (P.L. 2009, Chapter 209; effective 9/12/09) *The bill amends the definition of "outdoor wood boiler" to include fuel burning devices that use hot air instead of circulating hot water. It allows an outdoor wood boiler meeting a particulate matter emission limit of 0.06 pounds per million British Thermal Units heat output to avoid any setback requirement as long as it meets the stack height requirements for boilers meeting the emission standard that takes effect April 1, 2010. It directs the Department of Environmental Protection to amend its rules to allow a person who upgrades or replaces a nuisance outdoor wood boiler when money is not available from the Outdoor Wood Boiler Fund to be eligible for reimbursement from the fund when money is available.* (MMA monitored)

L.D. 1228, Resolve, To Direct Action on Health Disparities of the Passamaquoddy Tribe and Washington County (Resolves 2009, Chapter 93; effective 9/12/09) *The bill directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention, offices of minority health and data, research and vital statistics, and a Washington County health organization to work with the Passamaquoddy health directors to help reduce health disparities between the Passamaquoddy Tribe and the State and the United States and Washington County and the State and the United States. This work must include development of an action plan to address health disparities found between Washington County and the State and the United States and the Passamaquoddy Tribe and the State and the United States and the development of recommendations for data collection methods to address the disparities. A report must be submitted to the Joint Standing Committee on Health and Human Services by January 15, 2011, and the committee may submit legislation related to the report to the First Regular Session of the 125th Legislature.* (MMA monitored)

L.D. 1239, An Act to Provide Funding to Educate Homeowners in Integrated Pest Management (P&S.L. 2009, Chapter 31; effective 7/12/10) *The bill provides a one-time transfer of \$50,000 from the Board of Pesticides Control to the*

routine technical rules to implement this provision. (MMA monitored)

Defeated

L.D. 99, An Act To Allow Authorization for the Release of HIV Information on a General Medical Information Release Form (MMA opposed)

L.D. 738, An Act To Require Patients of Opioid Treatment Programs To Release Medical Information to a Designated Primary Care Physician (MMA monitored)

L.D. 783, An Act To Protect the Privacy of Consumer Financial Information (MMA monitored)

L.D. 1340, An Act To Protect Consumers' Health Information Records (MMA opposed)

HEALTH CARE REFORM PROPOSALS

Enacted

L.D. 1002, Resolve, To Conduct an Updated Study of the Feasibility of Establishing a Single-payer Health Care System in the State and the Impact of Any Federal Health Care Reform (Resolves 2009, Chapter 135; effective 9/12/09) *The bill directs the Legislative Council to contract for an update to a 2002 study about the feasibility of establishing a single payer health care system in the state. It must include a preliminary analysis of the impact of any federal health care reform legislation on state legislation to establish a single-payer health care system or other mechanism for universal health care. The updated study must be submitted to the Second Regular Session of the 124th Legislature by January 15, 2010 and the Joint Standing Committee on Insurance and Financial Services may submit legislation based on the updated study.* (MMA monitored)

L.D. 1071, An Act To Add a Member to the Advisory Council on Health Systems Development (P.L. 2009, Chapter 179; effective 9/12/09) *The bill adds to the membership of the Advisory Council on Health Systems Development an individual with expertise in health disparities and representing the State's racial and ethnic minority communities.* (MMA monitored)

L.D. 1264, An Act To Stabilize Funding and Enable DirigoChoice To Reach More Uninsured (P.L. 2009, Chapter 359; effective 9/12/09) *The bill requires the Board of Trustees of Dirigo Health to reach more uninsured and underinsured individuals through a more affordable product and to report to the Joint Standing Committee on Insurance and Financial Services regarding changes to the Dirigo Health Program by January 1, 2010. The bill replaces the savings offset payment (SOP), currently assessed at a variable rate up to 4% of paid claims determined each year depending on savings, with a fixed 2.14% access payment on paid claims paid monthly.* (MMA supported)

L.D. 1358, Resolve, To Study Implementation of Shared Decision Making To Improve Quality of Care and Reduce Unnecessary Use of Medical Services (Resolves 2009, Chapter 104; effective 9/12/09) *The bill requires the Maine Quality Forum*

to convene an advisory group of stakeholders to develop a plan for implementation of shared decision making as a strategy for improving the quality of medical care and for controlling the unnecessary use of preference-sensitive health care services. It requires the Maine Quality Forum to submit a preliminary report on February 1, 2010 and a final report by February 1, 2011 to the joint standing committees of the Legislature having jurisdiction over health and human services matters and insurance and financial services matters. (MMA monitored)

L.D. 1819, An Act to Implement the Recommendations of the Advisory Council on Health Systems Development Relating to Payment Reform (P.L. 2009, Chapter 609; effective 7/12/10) *The bill is submitted by the Joint Standing Committee on Insurance and Financial Services and implements the recommendations made by the Advisory Council on Health Systems Development related to payment reform. The bill requires the Advisory Council on Health Systems Development to submit a preliminary report outlining suggested legislation no later than December 1, 2010.* (MMA monitored)

Defeated

L.D. 257, An Act To Establish the Health Technology Clinical Committee (MMA opposed)

L.D. 1003, Resolve, Directing the Office of Program Evaluation and Government Accountability To Perform a Performance Evaluation and Cost-benefit Analysis of the Dirigo Health Program (MMA monitored)

L.D. 1005, An Act To Continue Access to Dirigo Choice Health Insurance by Reducing Administrative Costs and Replacing the Savings Offset Payment (MMA supported)

L.D. 1206, An Act To Fund the Dirigo Health Program through a High-risk Pool (MMA monitored)

L.D. 1365, An Act To Establish a Single-payer Health Care System (MMA opposed)

INSURANCE MANDATES

Enacted

L.D. 20, An Act To Require Insurance Companies To Cover the Cost of Prosthetics (P.L. 2009, Chapter 603; effective for contracts after 1/1/11) *Under current law, health insurance carriers are required to provide coverage for prosthetic devices, but coverage is not required for those devices containing a microprocessor. The bill removes the exclusion for prosthetic devices that include a microprocessor. It applies to insurance policies, contracts and certificates issued or renewed on or after January 1, 2011.* (MMA monitored)

L.D. 234, An Act To Expand Access to Oral Health Care (P.L. 2009, Chapter 307; effective for contracts after 1/1/10) *The bill requires dental insurers and health insurers and health maintenance organizations that include coverage for dental services in their policies and contracts to provide coverage for dental services*

weights may be sold until January 1, 2012. (MMA monitored)

L.D. 1042, An Act To Continue To Reduce Mercury Use and Emissions (P.L. 2009, Chapter 277; effective 9/12/09) *The bill clarifies the definition of the term “mercury switch” as used in the law on mercury-added products. It amends the law governing removal of mercury switches from motor vehicles to give automakers flexibility in the design of systems put in place to collect mercury switches from automobile recyclers and junkyard operators who are required by law to remove the switches. The bill consolidates the law banning the sale of mercury thermostats with the law that requires manufacturers to establish a program to collect and recycle mercury thermostats placed in service before the ban. Finally, the bill makes various technical amendments to the law on collection and recycling of mercury thermostats.* (MMA monitored)

L.D. 1089, An Act To Regulate Mixed Martial Arts Competitions, Exhibitions and Events (P.L. 2009, Chapter 352; effective 9/12/09) *The bill establishes the Mixed Martial Arts Authority of Maine as a body corporate and politic and a public instrumentality of the State to regulate and promote mixed martial arts competitions, exhibitions, and events in the State and removes any criminal prohibition for any such event authorized by the authority. It provides that the authority is governed and its powers exercised by a board of directors that consists of 5 voting members appointed by the Governor. It establishes the Mixed Martial Arts Reserve Fund and allows the board to receive revenue from mixed martial arts competitions, exhibitions and events, as well as from the sale of goods and merchandise and allows the authority to apply for, solicit, and receive grants, donations and gifts and to receive appropriations from the State and funds from other governmental authorities. It requires that all funds received must be spent solely to assist with operational expenses. It requires the State Controller at the close of each fiscal year to transfer from the fund any revenue in excess of operating expenses to the General Fund. It also requires the authority to adopt rules no later than March 1, 2010 to protect the health and safety of participants and the integrity of competition, as well as to set the fee schedules for all authorized participants. The rules must include rules of competition, weighing of participants, scoring of decisions, length of contests and rounds, availability of medical services, age limits, weight limits and classification of participants, physical condition of participants, qualifications of referees and other authorized participants, uniforms, attire, safety gear and equipment of participants, referees and other officials, specifications of facilities and equipment and requirements for health and accident insurance providing coverage in the event of injury or death to authorized participants. It requires a promoter of a mixed martial arts competition, exhibition or event to pay a fee set by the authority in advance of the mixed martial arts competition, exhibition or event. In the event a promoter fails to pay the required fee, the promoter is prohibited from promoting this competition and any further competitions, exhibitions or events until the fees and any penalties are paid in full or satisfactory arrangements are made with the authority. It requires the authority to submit an annual report by March 15th of each year beginning in 2010 on its activities to the joint standing committee of the Legislature having jurisdiction over*

5. It provides that students occupying positions at schools of osteopathic or allopathic medicine through the Access to Medical Education Program on or before September 30, 2009 remain eligible for loans through the Health Professions Loan Program through June 30, 2012. It further provides that the existing revolving fund that supports the Access to Medical Education Program and the Health Professions Loan Program must continue to support students eligible for these programs through June 30, 2012. (MMA supported)

L.D. 943, An Act To Reduce Lung Cancer Rates in Maine (P.L. 2009, Chapter 278; effective 9/12/09) The bill requires a landlord or other lessor of a residential building to test the residential building for radon by 2012 and every 10 years thereafter. It provides that testing and mitigation, if necessary, must be performed by a person registered with the Department of Health and Human Services. If a level of radon at 4.0 picocuries per liter of air or above is detected, the bill also requires landlords to mitigate the radon until it is reduced to a level below 4.0 picocuries per liter of air. The mitigation must occur within 6 months or, if any local permits are required prior to mitigation, within 6 months of obtaining the necessary permits. The bill includes a \$250 financial penalty for a violation. It also requires persons registered with the department to include the street address of the property and any additional data required when reporting the provision of mitigation services under current law. (MMA monitored)

L.D. 973, An Act To Provide for the Safe Collection and Recycling of Mercury-containing Lighting (P.L. 2009, Chapter 272; effective 9/12/09) The bill requires the Department of Environmental Protection to establish mercury standards based on California standards. It defines "manufacturer" and adds a definition of "municipal collection site." It defines mercury-added lamp manufacturer recycling programs by:

1. Requiring that each manufacturer of mercury-added lamps sold or distributed for household use in the State on or after January 1, 2001 implement a recycling program; and
2. Requiring manufacturer recycling programs to include municipal collection sites. It provides that motor vehicles and watercraft are not subject to the requirements of the law. It requires the Department of Environmental Protection to submit a report by January 1, 2010 to the Joint Standing Committee on Natural Resources on the recycling of mercury-added lamps from households, and it authorizes the committee to submit legislation to implement the recommendations in the report. (MMA monitored)

L.D. 986, An Act To Protect the Public Health and the Environment by Prohibiting the Sale of Wheel Weights Containing Lead or Mercury (P.L. 2009, Chapter 125; effective 9/12/09) The bill provides as follows:

1. Beginning January 1, 2011, the use of lead or mercury wheel weights is prohibited when replacing or balancing a tire on a vehicle required to be registered in the State; and
2. Beginning January 1, 2011, the sale of lead or mercury wheel weights is prohibited, except that new motor vehicles equipped with lead or mercury wheel

performed by an independent practice dental hygienist if those services would be covered under the policy or contract and those services are within the lawful scope of practice of the independent practice dental hygienist. The bill applies to all individual and group policies and contracts issued or renewed on or after January 1, 2010. It requires the Department of Professional and Financial Regulation, Bureau of Insurance to submit a report related to the experience of carriers with the mandate requiring coverage for dental services performed by a licensed independent practice dental hygienist. The report must be submitted by February 1, 2013. The joint standing committee of the Legislature having jurisdiction over insurance and financial services matters is authorized to report out a bill to the First Regular Session of the 126th Legislature. (MMA monitored)

L.D. 425, An Act To Require Private Insurance Coverage for Certain Services for Children with Disabilities (P.L. 2009, Chapter 634; effective 1/1/11) The bill requires individual and group health insurance policies and health maintenance organization contracts to provide coverage for children's early intervention services after a referral from a primary care provider for children from birth to 3 years of age if the child has an identified developmental disability or delay as described in the federal Individuals with Disabilities Education Act, Part C. The bill limits coverage to \$3,200 per year per child up to a maximum of \$9,600 by the child's 3rd birthday. The bill applies to all policies, contracts and certificates issued or renewed on or after January 1, 2011. (MMA monitored)

L.D. 1073, An Act To Provide for Insurance Coverage of Telemedicine Services (P.L. 2009, Chapter 169; effective 9/12/09) The bill requires that a carrier offering a health plan may not deny coverage for health care services provided through telemedicine if those services would be covered by the carrier were they provided through in-person consultation. It requires that carriers provide coverage for telemedicine in a manner consistent with coverage for health care services provided through in-person consultation and requires that any deductible, copayment, or coinsurance for telemedicine may not exceed the deductible, copayment, or coinsurance applicable to an in-person consultation. (MMA supported)

L.D. 1198, An Act To Reform Insurance Coverage To Include Diagnosis for Autism Spectrum Disorders (Resolves 2009, Chapter 56; effective 1/1/11) The bill requires individual health insurance policies and contracts as well as group policies, contracts and certificates for health insurance to provide coverage for the diagnosis and treatment of autism spectrum disorders for persons 5 years of age and under. To be eligible for coverage, applied behavior analysis services must be provided by a person professionally certified as a behavior analyst or under the supervision of a professionally certified behavior analyst. Coverage for applied behavior therapy is subject to a maximum annual benefit of \$36,000 per year. The provisions of the bill apply to individual and group policies, contracts, and certificates issued or renewed on or after January 1, 2011. The bill also requires the Department of Professional and Financial Regulation, Bureau of Insurance to submit a report related to the experience of carriers with the mandate requiring coverage for diagnosis and treatment of autism spectrum disorders, particularly applied behavior analysis

services. *The report must be submitted by February 1, 2015. The joint standing committee of the Legislature having jurisdiction over insurance and financial services matters is authorized to report out a bill to the First Regular Session of the 127th Legislature.* (MMA monitored)

Defeated

- L.D. 255, An Act To Allow Persons Licensed for the Practice of Manicuring To Provide Treatment for Diabetics (MMA opposed)
- L.D. 782, An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Prevention Measures and Products (MMA opposed)
- L.D. 1040, An Act Relating to Health Benefit Plan Coverage of Chemotherapy (MMA supported)
- L.D. 1366, An Act To Increase Access to Health Care by Providing Insurance Coverage for Telemedicine (MMA supported)

INSURANCE PRACTICES

Enacted

- L.D. 754, An Act Regarding Subrogation of Medical Payments Coverage (P.L. 2009, Chapter 222; effective 9/12/09) *The bill allows subrogation or priority over the insured of medical payments in certain instances in a casualty insurance policy for any hospital, nursing, medical, or surgical services or of any expenses paid or reimbursed under the medical payments coverage in the policy only when an insured's awarded or settled damages exceed \$20,000.* (MMA monitored)
- L.D. 1004, An Act Relating to Self-insurance (P.L. 2009, Chapter 232; effective 9/12/09) *The bill makes changes to the laws relating to group self-insurance reinsurance accounts to:*

1. *Authorize individual self-insurers authorized under Maine law to participate in an account; and*
 2. *Authorize the formation of a protected cell mechanism under which group self-insurers authorized under the laws of other states may participate in an account, similar to the structure currently provided for in the National Association of Insurance Commissioners Protected Cell Company Model Act and in the Maine Revised Statutes, Title 24-A, section 784-A.* (MMA monitored)
- L.D. 1084, Resolve, To Improve Continuity of Coverage for Participants in Medicare Advantage Plans (Resolves 2009, Chapter 59; effective 9/12/09) *The bill requires the Department of Professional and Financial Regulation, Bureau of Insurance to amend its rules to extend from one year to 3 years the period during which a Medicare beneficiary who is enrolled in a Medicare Advantage plan may return to original Medicare and enroll in a standardized Medicare supplement plan.* (MMA monitored)

- L.D. 1180, An Act To Clarify and Update the Laws Related to Life and Health Insurance (P.L. 2009, Chapter 244; effective 6/3/09) *The bill makes the following*

over health and human services matters is authorized to report out a bill related to the subject of the report to the First Regular Session of the 125th Legislature. (MMA supported)

- L.D. 708, An Act To Create a Moratorium on the Open-air Production of Genetically Engineered Pharmaceutical Crops in Maine (P.L. 2009, Chapter 388; effective 9/12/09) *The bill defines "pharmaceutical or industrial crop" and restricts production to indoor laboratory and research settings to prevent release of genetically engineered material from these crops. It requires the Commissioner of Agriculture, Food and Rural Resources to monitor and report changes in the federal regulation of these crops. The provision sunsets on July 1, 2012.* (MMA monitored)
- L.D. 853, An Act To Encourage Maine Residents To Attend Medical School and Practice in Maine (P.L. 2009, Chapter 410; effective 6/16/09) *The bill does the following:*
1. *It establishes the Doctors for Maine's Future Scholarship Program to provide a tuition subsidy of 50% of the cost of attendance annually, up to a maximum of \$25,000 per student annually, for eligible students who enter qualifying Maine-based medical school programs, for the purpose of increasing the number of physicians in the State who practice in primary care, underserved specialties or underserved areas of the State.*
 2. *It defines "qualifying Maine-based medical school program" as an allopathic or osteopathic medical school program in which an educational or health care institution located in the State participates in curriculum development, selects no fewer than 10 students for admission per class year, requires that all students complete not less than one academic year of the medical school curriculum at facilities located in the State, raises funds through philanthropic resources and the private sector to match 100% of those funds appropriated or allocated by the State for scholarships and includes a required clerkship experience and a curriculum that focuses on rural health care and primary care.*
 3. *It establishes the Doctors for Maine's Future Scholarship Fund as a nonlapsing, interest-earning, revolving fund under the jurisdiction of the Finance Authority of Maine. The authority is authorized to receive, invest and expend money from gifts, grants, bequests and donations or other sources in addition to funds appropriated or allocated by the State to the Doctors for Maine's Future Scholarship Program.*
 4. *It provides for the gradual phaseout of the Access to Medical Education Program by establishing that, beginning January 1, 2010, the Chief Executive Officer of the Finance Authority of Maine may not secure any additional new positions at schools of allopathic or osteopathic medicine under this program and shall secure only the number of positions necessary to allow students already occupying such positions as of January 1, 2010 to complete their remaining one to 3 years of medical education at their respective institutions. It also provides that, beginning July 1, 2013, the Chief Executive Officer of the Finance Authority of Maine may not secure any further positions at schools of allopathic or osteopathic medicine under the Access to Medical Education Program.*

to report out legislation relating to the water sampling program to the Second Regular Session of the 124th Legislature. (MMA monitored)

L.D. 550, An Act To Protect Maine Residents from Home Fires and Carbon Monoxide (P.L. 2009, Chapter 162; effective 9/12/09) *The bill does the following:*

1. It requires smoke detectors in all single-family dwellings.
 2. It requires smoke detectors to be powered by both electricity and battery.
 3. It requires tenants to notify landlords in writing that a smoke detector or carbon monoxide detector is not working.
 4. It clarifies that tenants shall keep smoke detectors and carbon monoxide detectors in working order, test them periodically, and refrain from disabling them.
 5. It requires the buyer of a single-family dwelling or multiapartment building to certify at closing that the building is provided with smoke detectors and carbon monoxide detectors.
 6. It clarifies that carbon monoxide detectors must be powered by electricity and battery and clarifies that electrical service means powered by a battery and either a device plugged into an electrical outlet or hardwired.
 7. It requires that carbon monoxide detectors must be near or in bedrooms.
 9. It requires the Department of Public Safety, Office of the State Fire Marshal to spend \$100,000 to purchase carbon monoxide detectors to be distributed to organizations that promote the placement of carbon monoxide detectors in homes and have the ability to install them.
 10. It requires the Office of the State Fire Marshal to develop standards for substantial compliance and a plan for an education program to achieve substantial compliance with the Maine Revised Statutes, Title 25, section 2468. (MMA supported)
- L.D. 572, An Act To Expand the Membership of the Maine Elder Death Analysis Review Team (P.L. 2009, Chapter 149; effective 9/12/09) *The bill amends the section of law that lists the composition of the Maine Elder Death Analysis Review Team in the Attorney General's Office. It makes a change to reflect the updating of a position title and it adds 3 positions, a sexual assault nurse examiner, a physician and an emergency medical services professional. (MMA monitored)*
- L.D. 624, Resolve, to Study Expenditures for Oral Health Care in the MaineCare Program (Resolves 2009, Chapter 146; effective 7/12/10) *The bill directs the Department of Health and Human Services to convene a working group to perform a study of oral health care in the MaineCare program. The study is directed to review MaineCare dental coverage, reimbursement, and utilization and must identify ways to reduce or redirect expenditures with the goal of providing more cost-effective, high-quality care for MaineCare members. The working group is directed to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters during the First Regular Session of the 125th Legislature. The joint standing committee of the Legislature having jurisdiction*

changes to Maine's insurance code:

1. It protects those who switch from one Medicare supplement plan to another from losing protection against medical underwriting or preexisting condition exclusions if during a past period they were covered under a Medicare Advantage plan rather than traditional Medicare with a Medicare supplement plan.
2. It expands the current law regarding notice to parents regarding coverage of dependent children to apply to adult children as well as minors, as long as the adult child consents. It also makes the requirement applicable to health maintenance organizations.
3. It repeals the provisions for special rate hearings on individual, small group, and Medicare supplement insurance. These provisions provide for shifting the burden of proof as to whether rates are excessive from the insurer to the Department of Professional and Financial Regulation, Bureau of Insurance or other party asserting they are excessive if certain conditions are met. Under the bill, the burden of proof remains with the insurer.
4. It amends and strengthens the law prohibiting discrimination in insurance based on genetic information. The amendments conform state law to the federal Genetic Information Nondiscrimination Act of 2008.
5. It amends the State's continuity of coverage law with respect to group health insurance to conform to the federal Health Insurance Portability and Accountability Act of 1996. The current law waives medical underwriting and preexisting condition exclusions only to the extent that benefits would have been payable under a prior contract or policy. As amended, medical underwriting and preexisting condition exclusions in group health insurance policies are waived entirely in most cases as long as there was some prior coverage.
6. It also specifies, consistent with the federal Health Insurance Portability and Accountability Act of 1996, that when a group policy is replaced by another group policy, the "look-back" period for preexisting exclusions is measured from the date of enrollment in the first policy. In addition, this bill adds a provision to the Maine Insurance Code to require compliance with the federal Children's Health Insurance Program Reauthorization Act of 2009, Section 311.
7. It clarifies the applicability of individual and small group rating laws to group health insurance policies issued to associations and other groups. Coverage of employees of small employers, including those covered through employee leasing companies, is subject to small group rating laws. Coverage of individuals not covered through employment is subject to individual rating laws.
8. It clarifies that rates for individual health insurance and certain small group health insurance are subject to approval by the Superintendent of Insurance. Current law provides for disapproval of rates but does not explicitly refer to approval of rates.
9. It clarifies that the period of time after which interest is payable on an individual life insurance claim is 2 months.

10. *It clarifies that the Standard Nonforfeiture Law for Individual Deferred Annuities applies to certain group annuities. (MMA monitored)*
- L.D. 1444, An Act To Protect Consumers and Small Business Owners from Rising Health Care Costs (P.L. 2009, Chapter 350; effective 9/12/09) *Part A of the bill directs the Advisory Council on Health Systems Development to develop recommendations on payment reform. Part B directs the Superintendent of Insurance to adopt rules for physician performance measurement, reporting, and tiering programs. The Superintendent may consult with the advisory council.*
- Part C requires that the Department of Health and Human Services post on its publicly accessible website the federal Internal Revenue Service Form 990 and forms already filed by hospitals with the department within 30 days of the effective date of the bill, as amended. (MMA supported)*
- L.D. 1498, An Act to Adopt a Drug Benefit Equity Law (P.L. 2009, Chapter 519; effective 7/12/10) *The bill prohibits a carrier from refusing to contract with a pharmacy provider that meets the terms and conditions established by the carrier. A carrier may offer enrollees incentives to encourage the use of certain preferred pharmacy providers as long as the carrier makes the same terms applicable to preferred pharmacy providers available to all pharmacy providers. It also requires a carrier to pay all clean electronic claims within 21 days after the claim is received by the carrier. (MMA monitored)*
- L.D. 1510, An Act to Maintain Compliance of Maine's Insurance Laws with National Standards (P.L. 2009, Chapter 511; effective 7/12/10) *The bill makes changes to conform Maine's insurance laws to new national standards adopted by the National Association of Insurance Commissioners. (MMA supported)*
- L.D. 1620, An Act to Protect Health Care Consumers from Catastrophic Debt (P.L. 2009, Chapter 588; effective for contracts after 1/1/11) *The bill prohibits individual or group health plans covering Maine residents from including provisions that terminate payment of further claims after a defined maximum specified aggregate dollar amount of health care claims has been paid on an annual, lifetime, or other basis on behalf of an individual, family, or group. It adds exceptions to the prohibition on limits for several specific types of health plans and requires a health plan issued after the effective date of the provision to include a disclosure of a permitted limit. The bill applies the provisions to health plans issued or renewed on or after January 1, 2011. (MMA supported)*
- L.D. 1676, An Act to Protect Maine Citizen's Credit (P.L. 2009, Chapter 526; effective 7/12/10) *The bill exempts from the definition of "consumer credit transaction" under the Maine Consumer Credit Code, an agreement to accept payments on debts for health care services without interest over time and requires that a health care provider disclose to a consumer any available payment arrangements, which, if offered, must enable the consumer to rehabilitate defaulted loans by meeting certain payment requirements. (MMA opposed)*
- L.D. 1708, An Act to Expand the Opportunity for Persons to Acquire Health Care

- (MMA supported)
- L.D. 975, An Act To Establish the Maine Medical Marijuana Act (MMA opposed)
- L.D. 1070, Resolve, Directing the University of Maine at Orono To Conduct a Pilot Project Regarding the Benefits of Medical Marijuana (MMA monitored)
- L.D. 1153, An Act To Require the Department of Health and Human Services To Procure an Equal Supply of Vaccine from Each Manufacturer of That Vaccine under Certain Circumstances (MMA monitored)
- L.D. 1262, An Act To Restrict Gifts to Health Care Practitioners from Pharmaceutical and Medical Device Manufacturers (MMA monitored)

PUBLIC HEALTH & SAFETY ISSUES

Enacted

- L.D. 221, An Act To Modify the Laws Regarding Seat Belts (P.L. 2009, Chapter 34; effective 9/12/09) *The bill provides that a newspaper delivery person who is engaged in the actual delivery of newspapers from a vehicle or is performing newspaper delivery duties that require frequent entry into and exit from a vehicle is exempt from the seat belt requirement in current law. (MMA monitored)*
- L.D. 232, An Act To Require Businesses To Make Toilet Facilities Available to Individuals with Certain Medical Conditions (P.L. 2009, Chapter 152; effective 9/12/09) *The bill requires an owner or employee of a retail establishment to make an employee toilet facility available to an individual upon request if that individual has an eligible medical condition as specified in the bill. It includes liability protection for an owner or employee of a retail establishment who provides a customer with an eligible medical condition access to an employee toilet facility. (MMA monitored)*
- L.D. 297, An Act To Ensure That Medical Equipment Found in a Repossessed Vehicle Is Returned to the Owner (P.L. 2009, Chapter 45; effective 9/12/09) *The bill provides that if a consumer notifies a debt collector that unsecured property taken with a repossessed vehicle includes a medical device or equipment necessary for health and welfare and that the consumer does not have practicable means to retrieve the medical device or equipment, then the debt collector is required to make arrangements to have the medical device or equipment promptly returned to the consumer if the consumer has made a reasonable request that the medical device or equipment be returned. It also provides that the debt collector can add the cost of returning the medical device or equipment to the consumer's debt. (MMA monitored)*
- L.D. 330, An Act To Change the Classification of Certain Waters of the State (P.L. 2009, Chapter 163; effective 9/12/09) *The bill amends the classification of various waters in the state. It also directs the Department of Environmental Protection to establish and implement a water quality sampling program for the lower Androscoggin River, to initiate the procedures for reclassification, and to report to the Joint Standing Committee on Natural Resources. It authorizes the committee*

under the Maine Revised Statutes, Title 24-A. It directs the State Auditor to work with state agencies so that the agencies may ensure that the pharmacy benefits managers with which they do business comply with the requirements of existing state law. (MMA monitored)

L.D. 1672, Resolve, Regarding the Dispensing of Antiepileptic Drugs (Resolves 2009, Chapter 188; effective 7/12/10) *The bill directs a study group to examine substitution within the antiepileptic class of medications, current state laws governing substitutions generally, the powers available to prescribers under current substitution laws, and whether there is a need to grant any additional powers to prescribers in this State for any one class of drugs. The study group shall submit its findings in a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 15, 2011.* (MMA monitored)

L.D. 1727, Resolve, Regarding Legislative Review of Portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, a Major Substantive of the Department of Health and Human Services, Office of Substance Abuse (Resolves 2009, Chapter 175; effective 3/26/10) *The bill approves final adoption of this major substantive rule with an amendment that requires that the includes an intervention approach to be undertaken with certain MaineCare members, not to include terminating the member from MaineCare services.* (MMA monitored)

L.D. 1811, An Act to Amend the Maine Medical Marijuana Act (P.L. 2009, Chapter 631; effective 4/9/10) *The bill clarifies definitions and certain terms, including changing the term for marijuana that is used for medical purposes from "usable marijuana" to "prepared marijuana," changes implementation dates to July 1, 2010 and delays repeal of the provisions on affirmative defense that apply to qualifying patients and caregivers who do not hold registration cards. It adds 3 health care practitioners to the advisory board that will consider adding medical conditions, diseases and treatments to the list of qualifying debilitating conditions and provides additional confidentiality protections. It provides a physician review process for qualifying patients who are minors and allows for the administration of marijuana to registered patients in food and in other preparations. The bill clarifies the rights of visiting registered patients, allowing possession of marijuana for medical use for 30 days based on the other jurisdiction's registry card while not allowing the visiting qualifying patient to obtain marijuana based on that registry card. It prohibits the employment of minors in marijuana dispensaries and requires an annual report from the Department of Health and Human Services by April 1st each year. The bill sets the fee for dispensaries, as determined by rule adopted by the department, at no less than \$5,000 and no greater than \$15,000 per year. It limits the number of dispensaries to one per department public health district for the first year, with review by the department after one year.* (MMA supported)

Defeated

L.D. 821, An Act To Support Collection and Proper Disposal of Unwanted Drugs

Coverage under the State's "Mini-COBRA" Program (P.L. 2009, Chapter 574; effective 7/12/10) *Current law limits eligibility for Maine's so-called mini-COBRA law to persons who are temporarily laid off or who have a condition that makes them eligible for workers' compensation. The bill modifies Maine's so-called mini-COBRA law to make persons permanently laid off from their employment eligible to maintain, at their expense, coverage under their former employer's group health plan. It conditions the eligibility for those permanently laid off on the availability of a subsidy pursuant to federal law.* (MMA supported)

L.D. 1769, An Act to Expand Access to Federal Health Insurance Premium Assistance (P&S.L. 2009, Chapter 39; effective 3/26/10) *The American Recovery and Reinvestment Act of 2009 provided help to people who lost their jobs from September 1, 2008 to December 31, 2009 by paying 65% of their so-called COBRA health insurance coverage for a period of 9 months from the time they were terminated. Public Law 2009, chapter 244, Part J provided a 2nd election period for certain workers who had declined coverage referred to as Mini-COBRA coverage before the federal subsidies were available. The United States Congress then passed an extension of the COBRA coverage provisions, extending the job termination date for eligibility for the subsidies from December 31, 2009 to February 28, 2010 and the COBRA 65% assistance from 9 months to 15 months. The bill extends the coverage period consistent with federal law for those workers who enrolled in Mini-COBRA during the 2nd election period.* (MMA monitored)

Defeated

L.D. 191, An Act Regarding Insurance Copayments for Short-term Prescriptions (MMA monitored)

L.D. 274, An Act To Require That Insurance Contracts Include a Plain Language Summary (MMA monitored)

L.D. 290, An Act To Allow Maine Residents To Purchase Health Insurance from Out-of-state Insurers (MMA monitored)

L.D. 323, An Act To Improve Transparency in the Health Insurance Markets (MMA monitored)

L.D. 392, An Act To Reduce Minimum Participation to 60% for Group Health Insurance (MMA monitored)

L.D. 825, An Act To Allow the Consecutive Purchase of 6-month Health Insurance Policies (MMA monitored)

L.D. 859, An Act To Control Premium Costs in the Small Group Health Insurance Market (MMA supported)

L.D. 1091, An Act To Reduce the Cost of Health Insurance (MMA monitored)

L.D. 1198, An Act To Establish a Reinsurance Mechanism To Expand Health Insurance for Individuals and Groups (MMA monitored)

L.D. 1285, An Act To Create the Insurance Fraud Division within the Department of

Professional and Financial Regulation, Bureau of Insurance (MMA monitored)
L.D. 1653, An Act to Improve Health Insurance Security (MMA monitored)

LONG-TERM CARE ISSUES

Enacted

L.D. 1245, Resolve, To Improve the Continuity of Care for Individuals with Behavioral Issues in Long-term Care (Resolves 2009, Chapter 122; 6/10/09) *The bill directs the Department of Health and Human Services:*

1. *To implement the recommendations contained in the report to the Joint Standing Committee on Health and Human Services pursuant to Resolve 2007, chapter 61, which was enacted by the 123rd Legislature;*
2. *To work with interested parties to review the current case mix reimbursement system used to establish payment for individuals in long-term care facilities to determine if current reimbursement is adequate and reasonable for the provision of high-quality care for individuals with behavioral issues. It requires the Department of Health and Human Services to report to the Joint Standing Committee on Health and Human Services by February 1, 2010;*
3. *In conjunction with interested parties, including but not limited to representatives from long-term care facilities and hospitals, to develop and implement a standardized transfer protocol, including improving the support offered to long-term care facilities once a hospital has determined an individual is ready to be discharged back to the facility. It requires the Department of Health and Human Services to report by February 1, 2010 to the Joint Standing Committee on Health and Human Services;*

4. *To review existing and potential payment sources for psychiatric assessments and psychiatric treatments that are currently unavailable to individuals with behavioral issues because the individuals do not have a diagnosis of severe and persistent mental illness. It requires the Department of Health and Human Services to report by February 1, 2010 to the Joint Standing Committee on Health and Human Services; and*

5. *To work with interested parties to explore the need for a supplementary level of care to accommodate the needs of individuals with behavioral issues who, because of the severity of their behaviors, are not appropriate candidates for return to an existing long-term care facility but who no longer require an acute geropsychiatric hospital setting. It requires the Department of Health and Human Services to report by February 1, 2010 to the Joint Standing Committee on Health and Human Services.*

Finally, it authorizes the Joint Standing Committee on Health and Human Services to submit legislation related to the standardized transfer protocol and improved discharge planning to the Second Regular Session of the 124th Legislature. It requires the department to conduct the work within existing resources and to coordinate it with similar work addressing similar issues. (MMA monitored)

committee by January 15, 2011. Upon receiving that report, the committee may report out a bill to the 125th Legislature. (MMA monitored)

Defeated

L.D. 98, Resolve, To Direct the Department of Education and the Department of Health and Human Services To Require the Teaching of Mental Health Awareness in Middle Schools Based on a National Curriculum (MMA monitored)

L.D. 228, An Act To Prevent Teenage Substance Abuse and Suicide (MMA monitored)
L.D. 362, An Act To Support New Mothers Who Are in Substance Abuse Treatment Programs (MMA monitored)

L.D. 941, Resolve, To Assist Families with Substance Abuse Issues (MMA monitored)
L.D. 1067, Resolve, To Establish a Blue Ribbon Commission To Study Methods of Protecting Emergency Medical Services Personnel during the Transportation of Persons with Mental Illness (MMA monitored)

L.D. 1076, An Act To Create a Statewide Training and Protocol for Responding to Mental Health Crises (MMA monitored)

L.D. 1276, An Act To Ensure That High-quality Services Are Provided to Behavioral Health Clients (MMA monitored)

L.D. 1281, An Act To Increase the Efficiency and Effectiveness of Licensing Behavioral Health Care Providers (MMA monitored)

L.D. 1342, Resolve, To Direct the Commissioner of Health and Human Services To Establish a Blue Ribbon Task Force To Examine the Attorney General's Report Regarding Police Shootings as It Relates to Deaths of Persons with Mental Illness (MMA monitored)

L.D. 1376, Resolve, To Reduce Homelessness for People with Mental Illness or Dual Diagnoses (MMA monitored)

L.D. 1396, An Act To Establish a Mental Health Services Advisory Commission To Improve Mental Health Services in the State (MMA monitored)

L.D. 1433, An Act Regarding the Creation of Capitated Behavioral Health Pilot Programs (MMA monitored)

PRESCRIPTION DRUG ISSUES

Enacted

L.D. 1339, An Act To Improve Oversight of Pharmaceutical Purchasing (P.L. 2009, Chapter 581; effective 7/12/10) *The bill requires pharmacy benefits managers to register with the Superintendent of Insurance beginning April 1, 2011, sets the registration fee at \$100 and the annual renewal fee at \$100, and gives to the superintendent rule-making authority and enforcement powers. It provides in the prescription drug practices law that the enforcement powers granted to the Attorney General do not limit the authority of the Superintendent of Insurance*

by the State Forensic Service that such commitment would materially enhance its ability to conduct the examination. The State Forensic Service may make this determination based upon consultation with the parties and the court and upon such other information it determines appropriate. Finally, the bill ensures that when a person who has been evaluated by the State Forensic Service on behalf of a court is committed into the custody of the Commissioner of Health and Human Services, the court shall order the State Forensic Service to share any information it has gathered with respect to that person with the institution in which the person is placed. (MMA supported)

L.D. 1360, An Act Regarding Mental Health Treatment (P.L. 2009, Chapter 651; effective 4/14/10) *The bill provides a definition for “medical practitioner” in the laws on commitment for mental illness. It redefines “likelihood of serious harm,” “mentally ill person,” and “patient.” It decreases the number of examiners for the purposes of mental health commitment from 4 to 2. It increases the time period, with an extension, for a hearing on court commitment from 24 days total to 35 days total. It establishes a new option for the court in a civil commitment hearing, the option of ordering the person to participate in a program of outpatient treatment, and provides for compliance and consequences for noncompliance with the treatment program. It allows an alternative community treatment team or the Commissioner of Health and Human Services to petition the court for an order that an alternative community treatment team participant be ordered to participate in outpatient treatment. It extends the time period in which the District Court must hold a hearing under the progressive treatment program from 14 to 21 days. It decreases the examiners for civil commitment under the Maine Revised Statutes, Title 34B, section 3864 from 2 examiners to one and gives preference to the patients’ choice of examiner. It extends the time period for the progressive treatment program from 6 months to 12 months. It requires a comprehensive report from the Department of Health and Human Services by January 1, 2012. It delays implementation of the provisions that authorize an ACT team director to apply for a court order to admit a patient to a progressive treatment program until rulemaking has been completed and the new MaineCare claims management process is functioning. The bill authorizes emergency rulemaking to adopt rules regarding nationally recognized essential standards and basic principles for ACT teams. (MMA monitored)*

L.D. 1611, Resolve, Directing the Department of Corrections to Coordinate Review of Due Process Procedures and to Ensure Transparency in Policies Regarding the Placement of Special Management Prisoners (Resolves 2009, Chapter 210; effective 7/12/10) *The bill directs the Commissioner of Corrections, in consultation with the mental health and substance abuse focus group of the State Board of Corrections, to review due process procedures and other policies related to the placement of special management prisoners. The bill also requires the commissioner to consider an appropriate timeline for regular reporting to the joint standing committee of the Legislature having jurisdiction over corrections matters and to report all recommendations, including any suggested policy or legislative changes, to that*

Defeated

L.D. 217, Resolve, To Increase Transparency in the Long-term Care Planning and Delivery Process To Ensure Maine’s Elderly Can Make Informed Choices (MMA monitored)

L.D. 524, An Act To Provide Assistance to Family Members, Friends and Neighbors Who Provide Home Health Care for Senior Citizens (MMA monitored)

L.D. 854, Resolve, Directing the Department of Health and Human Services To Create a New Health Care Internet Infrastructure (MMA monitored)

MANAGED CARE ISSUES

Enacted

L.D. 1205, An Act To Establish a Health Care Bill of Rights (P.L. 2009, Chapter 439; effective 9/12/09) *The bill does the following.*

1. *Part A requires carriers to provide a toll-free telephone number that certificate holders can call to determine if a policy has been cancelled or reinstated after payment of the premium. It requires carriers to provide notice to plan enrollees regarding any exclusions or limits of coverage for childhood immunizations. Part A also requires carriers to post at least 5 individual and 5 small group health plans on its publicly accessible website for comparison purposes and sets minimum standards for explanation of benefits documents used by carriers.*

2. *Part B establishes standards for provider profiling programs used by carriers.*

3. *Part C requires carriers and health maintenance organizations to include certain information about product offerings in the annual report supplement to the Department of Professional and Financial Regulation, Bureau of Insurance.*

4. *Part D extends the notice period for carriers to notify policyholders of proposed rate increases. It also permits the Attorney General to request a rate hearing regarding proposed rate increases for individual health plans.*

5. *Part E requires health maintenance organizations to disclose loss information upon request from contract holders in the same manner as insurance companies. Part E also authorizes the Superintendent of Insurance to adopt rules requiring small group health carriers to offer standardized small group health plans.*

6. *Part E also requires the Superintendent of Insurance to undertake market conduct exams of health insurance companies no less frequently than once every 3 years, beginning in 2010.*

7. *Part F requires a carrier replacing a previous carrier to honor any prior authorizations for prescription drugs for an enrollee undergoing a course of treatment for a period of 6 months. (MMA supported)*

L.D. 1397, An Act To Allow Efficient Health Insurance Coverage (P.L. 2009, Chapter 357; effective 9/12/09) *The bill allows carriers to include financial incentives to members to use designated providers and gives the Superintendent of Insurance*

the authority to approve a financial incentive pilot program similar to the pilot program used by the State Employee Health Plan that allows companies to offer products in which consumers can choose to travel further for improved quality, patient safety, and efficiency without adversely affecting quality of care. It also enacts again language that is scheduled to be repealed July 1, 2009 regarding limits, including geographic access requirements, on the incentives used by health plans to encourage in-network designated providers. (MMA monitored)

MEDICAID ISSUES

Enacted

- L.D. 611, Resolve, to Provide Reimbursement in the MaineCare Program for Board-certified Behavior Analysts (Resolves 2009, Chapter 33; effective 9/12/09) *The bill directs the Department of Health and Human Services to amend the federally approved Medicaid state plan and adopt rules to provide for reimbursement for supervisory services only for board-certified behavior analysts. (MMA monitored)*
- L.D. 625, Resolve, To Ensure All Children Covered by MaineCare Receive Early and Periodic Screening, Diagnosis and Treatment Services (Resolves 2009, Chapter 26; effective 9/12/09) *The bill directs the Department of Health and Human Services to form a work group to evaluate the current system for providing early and periodic screening, diagnosis and treatment services in the State and to report the work group's findings to the Joint Standing Committee on Health and Human Services. The joint standing committee is authorized to submit legislation to the Second Regular Session of the 124th Legislature. (MMA monitored)*
- L.D. 1359, An Act To Improve the Use of Data from the Controlled Substances Prescription Monitoring Program (P.L. 2009, Chapter 298; effective 9/12/09) *The bill authorizes release of information from the Controlled Substances Prescription Monitoring Program under the Maine Revised Statutes, Title 22, chapter 1603 to the MaineCare program for the purposes of managing care, monitoring the purchase of controlled substances, and avoiding duplicate dispensing of controlled substances. (MMA supported)*
- L.D. 1412, Resolve, Regarding Legislative Review of Portions of Chapter 101: 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, Office of MaineCare Services (Resolves 2009, Chapter 85; effective 6/2/09) *The bill approves final adoption of this major substantive rule. (MMA monitored)*
- L.D. 1804, An Act Concerning Certain MaineCare Rules Regarding Services Provided through the Child Development Services System and School Administrative Units (P.L. 2009, Chapter 643; effective 4/12/10) *The bill establishes parameters for the adoption or amendment of MaineCare program rules regarding reimbursement payments for eligible services provided through the auspices of the Child Development Services System and school administrative units. The bill provides that:*

2012-13 net income from the Bangor racino equal to \$50,000 to be distributed to the General Fund for the administrative expenses of the Gambling Control Board be transferred to the Gambling Addiction Prevention and Treatment Fund. In fiscal year 2013-14 and for each fiscal year thereafter the transfer is increased to \$100,000. The Office of Substance Abuse is required to report annually to the joint standing committee of the Legislature having jurisdiction over gambling matters regarding the use of the fund. (MMA monitored)

L.D. 1166, An Act To Implement the Recommendations of the Ad Hoc Task Force on the Use of Deadly Force by Law Enforcement Officers Against Individuals Suffering From Mental Illness (P.L. 2009, Chapter 451; effective 9/12/09) *The bill implements legislative recommendations from the Attorney General's Ad Hoc Task Force on the Use of Deadly Force by Law Enforcement Officers Against Individuals Suffering From Mental Illness. The bill includes recommendations for increased law enforcement training and awareness of mental illness and the involuntary commitment process, increased sharing of mental health patients' information by mental health professionals to law enforcement consistent with Health Insurance Portability and Accountability Act of 1996 standards, and increased education and awareness on the part of mental health providers regarding prohibitions of access to firearms by persons who are to be discharged from commitment. (MMA supported)*

L.D. 1200, An Act To Streamline the Process for Court-ordered Mental Health Examinations in Criminal Cases (P.L. 2009, Chapter 268; effective 9/12/09) *The bill is proposed by the Criminal Law Advisory Commission. The bill reorganizes the Maine Revised Statutes, Title 15 provisions that govern court-ordered mental health examinations of criminal defendants by linking the court's authority to order an examination to the specific issues to be addressed by the examination. It creates different provisions governing examinations to review competency to proceed, criminal responsibility, and abnormal condition of the mind and mental condition relevant to other issues. By doing so, the bill will conserve resources by eliminating existing language that often resulted in the State Forensic Service's being ordered to address all of these issues when a narrower review would have satisfied the needs of the court and the parties. The bill also eliminates existing language that requires examination by both a psychologist and a psychiatrist in insanity cases, often resulting in the expensive and unnecessary duplication of effort. Instead, the bill gives the court discretion to determine, in conjunction with the State Forensic Service, the number and type of examinations required under the circumstances of a particular case. It provides a more flexible mechanism for the court to order a defendant committed for observation in an appropriate institution for the care and treatment of people with mental illness or mental retardation for the purpose of conducting the examination. Under existing law, such commitment may only occur after the State Forensic Service has conducted an initial examination and recommended commitment in its report to the court. The existing procedure often results in unnecessary expense and delay. Instead, the bill authorizes the court to order commitment when advised*

may apply to the District Court for one extension of participation for up to 6 months and the process by which the court makes a determination of whether to order an extension of participation. (MMA supported)

L.D. 478, An Act To Ensure That the Membership of the State Board of Corrections Includes a Representative with Expertise in Issues Regarding Mental Illness (P.L. 2009, Chapter 89; effective 9/12/09) *The bill specifies that of the 9 members of the State Board of Corrections, one must be a person who has expertise in issues relating to mental illness.* (MMA supported)

L.D. 549, An Act To Amend the Employment Practices Law Regarding Substance Abuse Testing (P.L. 2009, Chapter 133; effective 9/12/09) *The bill provides that employers using substance abuse testing may use tests that have been recognized by the federal Food and Drug Administration as accurate and reliable through a clearance or approval process and directs the use of cleared or approved cutoff levels and procedures specified in federal law.* (MMA monitored)

L.D. 609, An Act To Amend the Laws Governing Involuntary Hospitalization Procedures (P.L. 2009, Chapter 281; effective 9/12/09) *The bill amends the laws regarding involuntary hospitalization to permit a court to separate hearings on commitment from hearings on involuntary treatment. It also enlarges the time within which the hearing on involuntary treatment may be heard.* (MMA monitored)

L.D. 623, An Act To Provide the Office of Chief Medical Examiner Access to Controlled Substances Prescription Monitoring Program Data for the Purpose of Conducting Cause of Death Investigations (P.L. 2009, Chapter 196; effective 9/12/09) *The bill amends the controlled substances prescription monitoring laws to authorize Office of Chief Medical Examiner access to prescription monitoring information. Office of Chief Medical Examiner access would be for the limited purpose of conducting investigations into the cause, manner, and circumstances of death in medical examiner cases.* (MMA supported)

L.D. 654, Resolve, To Review Statutes, Rules and Policies Regarding Mental Retardation, Pervasive Developmental Disorders and Other Cognitive and Developmental Disorders (Resolves 2009, Chapter 123; effective 9/12/09) *The bill directs the Department of Health and Human Services to complete its work conducted pursuant to Resolves 2007, Chapter 78 regarding the review of laws, rules, and policies regarding services, definitions, limitations, eligibility, and levels of care for adults with mental retardation, pervasive developmental disorders, and other cognitive and developmental disorders and to report to the Joint Standing Committee on Health and Human Services. It authorizes the committee to submit legislation related to the recommendations of the working group to the Second Regular Session of the 124th Legislature.* (MMA monitored)

L.D. 833, An Act To Distribute Funds Received from the Racino in Bangor to the Department of Health and Human Services, Office of Substance Abuse (P.L. 2009, Chapter 622; effective 7/12/10) *The bill establishes the Gambling Addiction Prevention and Treatment Fund to be administered by the Department of Health and Human Services, Office of Substance Abuse. It directs that through fiscal year*

1. *The Department of Health and Human Services, Office of MaineCare Services shall consult with the Department of Education and other interested parties prior to the adoption or amendment of any Medicaid rule that pertains to special education and related services that are provided in accordance with the federal Individuals with Disabilities Education Act;*

2. *The Department of Health and Human Services, Office of MaineCare Services shall prepare a monthly report to the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters on the status of any proposed adoption or amendment of Medicaid program rules that pertain to special education and related services that are provided in accordance with the federal Individuals With Disabilities Education Act;*

3. *The Department of Health and Human Services is required to amend or adopt Medicaid program rules to provide for the inclusion of a group of interested parties in the MaineCare Advisory Committee;*

4. *The Department of Health and Human Services and the Department of Education are required to review the Department of Health and Human Services Chapter 101 rules, including, but not limited to, the MaineCare Benefits Manual, Chapters II and III, Sections 28, 41, 65, 68, 85, 96 and 109, in order to ensure that the rules satisfy certain federal Medicaid requirements and to ensure continued access by Child Development Services System regional sites and schools to Medicaid payment for services that qualify for reimbursement; and*

5. *The Commissioner of Education and the Commissioner of Health and Human Services are required to submit interim reports and a final report on the status of the rules review to the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters.* (MMA monitored)

Defeated

L.D. 18, An Act To Ensure Access to MaineCare Services (MMA monitored)

L.D. 233, An Act To Include Independent Practice Dental Hygienists in MaineCare (MMA monitored)

L.D. 320, Resolve, Regarding the Use of MaineCare for Catastrophic Illness (MMA monitored)

L.D. 359, An Act To Ensure That MaineCare Reimbursements to Hospitals Do Not Pay For Hospital Advertisements (MMA monitored)

L.D. 405, An Act To Reevaluate the Scope of Coverage for the Childless Adult Waiver Program (MMA monitored)

L.D. 552, Resolve, Authorizing Coverage of Enteral Formula under the MaineCare Program (MMA supported)

- L.D. 637, An Act To Ensure Services for Adults with Developmental Disabilities (MMA monitored)
- L.D. 794, Resolve, To Adjust Copayment Rules To Ensure Access to Home-based Care Services (MMA monitored)
- L.D. 795, Resolve, to Enhance Public Information about the MaineCare Program (MMA monitored)
- L.D. 940, An Act To Estimate the Financial Costs to Providers in Implementing MaineCare Rules (MMA monitored)
- L.D. 1050, An Act To Establish a Waiting Period for MaineCare Participants (MMA monitored)
- L.D. 1055, An Act To Alter MaineCare Benefits as Allowed by the Federal Deficit Reduction Act of 2005 (MMA opposed)
- L.D. 1086, Resolve, Directing the Department of Health and Human Services To Implement an Oral Health Capitated Care System for Children Covered by MaineCare and the Children's Health Insurance Program (MMA monitored)
- L.D. 1229, Resolve, Directing the Department of Health and Human Services To Extend MaineCare Dental and Oral Health Services (MMA monitored)
- L.D. 1354, Resolve, Directing the Department of Health and Human Services To Limit Prescriptions for Narcotic Drugs under MaineCare without Prior Authorization (MMA opposed)
- L.D. 1615, An Act to Reimburse Pharmacies under the MaineCare Program Based on Wholesale Acquisition Costs (MMA monitored)

MEDICAL ETHICS/MEDICAL RIGHTS ISSUES

Enacted

- L.D. 1020, An Act To End Discrimination in Civil Marriage and Affirm Religious Freedom (P.L. 2009, Chapter 82; effective 9/12/09) *The bill repeals the provision that limits marriage to one man and one woman and replaces it with the authorization for marriage between any 2 persons that meet the other requirements of Maine law. It also specifies that a marriage between 2 people of the same sex in another state that is valid in that state is valid and must be recognized in this State. It also clarifies that the authorization of marriage between 2 people of the same sex does not compel any religious institution to alter its doctrine, policy, or teaching regarding marriage or to solemnize any marriage in conflict with that doctrine, policy or teaching. It also specifies that a person authorized to join persons in marriage and who fails or refuses to join persons in marriage is not subject to any fine or other penalty for such failure or refusal.* (MMA monitored)
- L.D. 1039, An Act Concerning Advanced Directives To Give Effect to a Person's End-of-life Health Care Decisions (P&S.L. 2009, Chapter 17; effective 9/12/09) *The bill directs the Attorney General to develop 2 education programs. The first education*

program is directed at educating the public about the steps necessary to have their end-of-life decisions honored by medical personnel. The 2nd education program is aimed at the legal community and others who prepare or help individuals complete living wills and other advance health care directives. (MMA monitored)

MEDICAL LIABILITY ISSUES

Enacted

- L.D. 428, An Act To Amend the Laws Concerning Wrongful Death (P.L. 2009, Chapter 180; effective 9/12/09) *The bill amends the laws concerning wrongful death by increasing the amount of punitive damages that may be awarded from \$75,000 to \$250,000.* (MMA monitored)
- L.D. 803, An Act To Authorize an Active Retired Justice or Judge To Conduct Arbitration and Chair Medical Malpractice Screening Panels (P.L. 2009, Chapter 136; effective 9/12/09) *The bill amends the law to allow an active retired justice or judge to chair medical malpractice screening panels in addition to those retired justices and judges who may perform those duties now. It also would permit the Supreme Judicial Court to adopt rules that would permit an active retired justice or judge to conduct arbitration.* (MMA supported)
- Defeated***
- L.D. 372, An Act To Authorize the Administration of Epinephrine Autoinjectors and Asthma Inhalers in Emergencies (MMA monitored)
- L.D. 491, An Act To Reform Maine's Judicial System (MMA opposed)
- L.D. 1192, An Act To Change the Statute of Limitations for Health Care Practitioners (MMA opposed)

MENTAL HEALTH, MENTAL RETARDATION, & SUBSTANCE ABUSE ISSUES

Enacted

- L.D. 337, An Act Regarding Emergency Involuntary Admission of a Participant in the Department of Health and Human Services' Progressive Treatment Program to a State Mental Institute (P.L. 2009, Chapter 276; effective 9/12/09) *The bill broadens the list of persons who are authorized to petition the District Court for rehospitalization of a participant in the progressive treatment program to include 2 categories of nurses who are already authorized to certify emergency hospitalization.* (MMA monitored)
- L.D. 341, An Act To Amend the Department of Health and Human Services' Progressive Treatment Program (P.L. 2009, Chapter 321; effective 9/12/09) *The bill lowers the minimum age for participation in the progressive treatment program to 18 years of age. It provides the process by which the assertive community treatment team for a person in the progressive treatment program*