

# 125

## **Summary of Health Care Legislation**

**125<sup>th</sup> MAINE LEGISLATURE  
JANUARY 2011 - MAY 2012**

by

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# TABLE OF CONTENTS

Abortion & Reproductive Health .....	3
Budget & Fiscal Policy .....	3
Children’s Issues .....	5
Disability Rights.....	11
Government Transparency .....	14
Health Care Information & Confidentiality .....	14
Health Care Reform .....	18
HIV/AIDS .....	19
Hospital & Health Care Facility Regulation .....	20
Insurance Mandates .....	24
Insurance Practices .....	24
Long-Term Care .....	28
Managed Care .....	29
Medicaid .....	29
Medical Ethics & Medical Rights .....	34
Medical Liability .....	34
Mental Health, Mental Retardation & Substance Abuse .....	34
Practice Management .....	37
Prescription & Other Drug Policy.....	40
Public Health & Safety .....	44
Scope of Practice, Licensing & Discipline for Individual Practitioners .....	51
Tobacco .....	56
Workers’ Compensation .....	57
More Legislative Advocacy Resources.....	60

# ABORTION & REPRODUCTIVE HEALTH

## Defeated

- L.D. 90**, An Act Regarding Graphic Images Displayed with the Intention of Interfering with Civil Rights (MMA Monitored)
- L.D. 116**, An Act to Require a 24-hour Waiting Period Prior to an Abortion (MMA Monitored)
- L.D. 924**, An Act to Educate Women on the Medical Risks Associated with Abortion (MMA Opposed)
- L.D. 1457**, An Act to Strengthen the Consent Laws for Abortion Performed on Minors and Incapacitated Person (MMA Opposed)
- L.D. 1463**, An Act Regarding Offenses Against an Unborn Child (MMA Opposed)

# BUDGET & FISCAL POLICY

## Enacted

- L.D. 100**, 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, 2011 (P.L. 2011, Chapter 1; effective 2/8/11) *The bill is a SFY 2011 supplemental budget bill. It included a net increase in hospital payments of \$247.4 million and offset General Fund MaineCare shortfalls from program growth and matching rate assumptions totaling \$71.8 million. It included cuts to the Doctors for Maine's Future Scholarship Fund but also language that those cuts be restored no later than fiscal year 2012-13.* (MMA Opposed)
- L.D. 280**, Resolve, Reauthorizing the Balance of the 2005 Maine Biomedical Research Fund and Marine Infrastructure and Technology Fund Bond Issues (Resolves 2011, Chapter 73, effective 6/13/11) *This resolve reauthorizes the balance of the 2005 Maine biomedical research and marine infrastructure and technology bond issues.* (MMA Monitored)
- L.D. 1043**, 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, 2012 and June 30, 2013 (P.L. 2011, Chapter 280; effective 6/20/11) *This is a \$6.1 billion biennial budget for the two state fiscal years beginning July 1, 2011. The budget restores many of the health care and social service cuts proposed by the Governor in early February. The bill avoids most of the proposed cuts to the Fund for a Healthy Maine, avoids elimination of so-called "non-categorical" MaineCare coverage, and moderates the other "welfare reform" proposals. It will eliminate MaineCare coverage for an estimated 1550 legal non-citizens who have not lived in the U.S. for at least 5 years. The bill assumes \$20 million in future revenue from wholesale liquor sales to offset some of these restorations.* (MMA Monitored)

- L.D. 1372**, An Act to Make Additional Supplemental Appropriations and Allocations for the Fiscal Year Ending June 30, 2011 (P.L. 2011, Chapter 28; effective 4/14/11) *This bill is a SFY 2011 supplemental budget.* (MMA Monitored)
- L.D. 1746**, 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 Years Ending June 30, 2012 and June 30, 2013 (P.L. 2011, Chapter 657; effective 8/14/12) *This bill is a SFY 2013 supplemental budget bill. The approved budget fills a \$78.5 million budget gap for DHHS by, among other things, ending MaineCare coverage for young adults and some parents; reducing or ending Fund for a Healthy Maine dollars and MaineCare coverage for certain preventive services; and redesigning MaineCare coverage for opiates. It also finds some savings in other areas of government outside of the DHHS and includes several spending initiatives as well as income tax reductions.* (MMA Opposed)
- L.D. 1816**, An Act To Implement the Recommendations of the Streamline and Prioritize Core Government Services Task Force for the Fiscal Years Ending June 30, 2012 and June 30, 2013 and To Make Certain Other Allocations and Appropriations and Changes to the Law Necessary to the Operation of State Government (P.L. 2011, Chapter 477; effective 2/23/12) *This bill is a supplemental budget bill primarily for the 2012 fiscal year. Among other things, this bill freezes enrollment in the MaineCare childless adult waiver program and imposes a spending cap in the program; ends MaineCare eligibility for working parents with incomes above 133% of the federal poverty level; reduces MaineCare coverage for vision, chiropractic and smoking cessation services; limits coverage for brand name prescription drugs and inpatient hospital stays; and reduces reimbursement for methodone treatment, occupational and physical therapy, podiatry and adult family care. It also includes requirements for prescribers to enroll in the prescription monitoring program and limits on opiate prescriptions.* (MMA Opposed)
- L.D. 1870**, 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 To Address Revenue Shortfalls Projected for the Fiscal Year Ending June 30, 2012 (P.L. 2011, Chapter 575; effective 3/30/12) *This is a change package to the Governor's Second Supplemental Budget for the 2012 and 2013 fiscal years. It largely deals with non-DHHS issues.* (MMA Monitored)
- L.D. 1903**, An Act to Make Additional Supplemental Appropriations and Allocations and To Change Certain Provisions of the Law for the Fiscal Years Ending June 30, 2012 and June 30, 2013 (P.L. 2011, Chapter 655; effective 4/24/12). *This is a supplemental budget bill largely dealing with non-DHHS issues for 2012 and 2013. In the end, the compromise budget package did include staff layoffs at Dorthea Dix Hospital, changes in financing to Riverview Psychiatric Hospital and some minor reductions in the General Assistance program.* (MMA Opposed as introduced)

## Defeated

- L.D. 189**, An Act to Achieve Cost Savings by Eliminating Deputy Commissioner Positions throughout State Government (MMA Monitored)
- L.D. 225**, An Act to Authorize a General Fund Bond Issue in the Amount of \$50,000,000 to Fund Research and Development (Governor Veto) (MMA Monitored)
- L.D. 287**, An Act to Provide Savings to the State by Contracting Out Certain Services (MMA Monitored)
- L.D. 381**, An Act to Establish a New Method of Determining the State Budget (MMA Monitored)
- L.D. 399**, An Act to Authorize a General Fund Bond Issue to Fund LifeFlight (MMA Monitored)
- L.D. 409**, An Act to Authorize a General Fund Bond Issue for Research and Development for Technology Advancement (MMA Monitored)
- L.D. 587**, An Act to Reduce the Cost of Delivering Certain State Services (MMA Monitored)
- L.D. 831**, Resolve, To Protect the State from Accumulating Future Hospital Debt (MMA Monitored)
- L.D. 1224**, An Act to Fund the Screening and Early Detection Elements of the Statewide Cancer Plan (MMA Supported)
- L.D. 1225**, An Act to Create an Income Tax Return Checkoff to Fund Cancer Screening, Detection and Prevention (MMA Supported)

## CHILDREN'S ISSUES

### Enacted

- L.D. 51**, An Act Regarding Access to Sexually Explicit Material (P.L. 2011, Chapter 39; effective 9/28/11) *This bill creates new guidelines for access to sexually explicit material in a criminal investigation or proceeding. This material is now accessible to defendants pursuant to Maine Rules of Criminal Procedure, Rule 16, which permits copying or photographing. This bill authorizes reasonable access for inspection of the sexually explicit material but prohibits any reproduction of the material and requires that it be inspected in a facility under the control of the attorney for the State. The custody, control and care of the material must remain with the attorney for the State or the court.* (MMA Monitored)
- L.D. 300**, An Act to Increase the Availability of Lead Testing for Children (P.L. 2011, Chapter 183, effective 9/28/11) *This bill allows Head Start facilities and health care providers, health care facilities and clinics that dispense benefits of the Women, Infants and Children Special Supplemental Food Program to perform in-office blood lead analyses under the Lead Poisoning Control Act.* (MMA Supported)

- L.D. 412**, Resolve, Regarding Legislative Review of Portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a Major Substantive Rule of the Department of Environmental Protection. (Resolves 2011, Chapter 25; effective 4/25/11) *The resolve approves final adoption of this major substantive rule.* (MMA Supported)
- L.D. 505**, An Act To Align State Standards Pertaining to Food and Beverages outside of the School Lunch Program to Federal Standards (P.L. 2011, Chapter 224; effective 9/28/11) *This bill amends state law to allow the Department of Education to adopt rules that are consistent with federal school nutrition standards regarding standards for food and beverages sold or distributed on school grounds but outside of school meal programs. The bill exempts culinary arts programs provided by career and technical schools and programs from the requirements of the rules.* (MMA Monitored)
- L.D. 837**, Resolve, To Enhance the Use of Integrated Pest Management on School Grounds (Resolves 2011, Chapter 59; effective 9/28/11) *The resolve directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to develop and disseminate best management practices for the establishment and maintenance of school lawns, playgrounds and athletic fields. It directs the board to assess compliance with regulation of pesticides use in schools and on school grounds and to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than February 1, 2012. It requires a follow-up report to the legislative committee of jurisdiction in 2014.* (MMA Monitored)
- L.D. 1129**, An Act to Provide the Department of Environmental Protection with Regulatory Flexibility Regarding the Listing of Priority Chemicals (P.L. 2011, Chapter 319; effective 9/28/11) *The bill makes a number of changes to the priority chemical program.*
- 1. It prohibits the Department of Environmental Protection from initiating rulemaking under the Maine Revised Statutes, Title 38, chapter 16-D unless the chemical at issue has been included in a regulatory agenda disclosed to the Legislature pursuant to the Maine Administrative Procedure Act or the rulemaking is in response to a petition by a person to adopt or modify a rule pursuant to the Maine Administrative Procedure Act.*
  - 2. It changes the name of the list of "chemicals of high concern" to "chemicals of concern." Conforming name changes are made throughout the bill. By January 1, 2012, the department is required to remove chemicals from the original list that are exempt from regulation. A person may petition for removal of chemicals that don't meet the listing criteria.*
  - 3. By July 1, 2012, a new list of up to 70 "chemicals of high concern" must be developed by the Department of Health and Human Services, Maine Center for Disease Control and Prevention and published by the Department of Environmental Protection based on a finding of strong credible evidence of toxicity and one or more indicators of likely exposure.*
  - 4. The Department of Environmental Protection, in rule, is required to specify*



*appropriate de minimis levels for each chemical of high concern. “De minimis level” is defined. For a chemical present in a product as a contaminant, the de minimis level is 100 parts per million. For a chemical that’s intentionally added to a product by a manufacturer, the de minimis level is the practical quantification limit, which is the lowest concentration of the chemical that can be reliably and accurately measured.*

5. *The Commissioner of Environmental Protection is required to review the published list of chemicals of high concern at least every 3 years and may, with the concurrence of the Department of Health and Human Services, Maine Center for Disease Control and Prevention, remove chemicals that no longer meet the listing criteria and may add chemicals that meet the criteria. The list of chemicals of high concern may not consist of more than 70 or fewer than 10 chemicals, unless fewer than 10 meet the listing criteria.*
6. *Effective July 1, 2012, a “priority chemical” may be designated only if the chemical has been listed on the list of chemicals of high concern.*
7. *The definition of “children’s product” is amended by limiting it to those products intended, made and marketed for use by children under 12 years of age and other consumer products through which a child under 12 years of age or a fetus is likely to be exposed to a chemical of concern.*
8. *The definition of “consumer product” is narrowed to mean items sold for indoor use in a residence, child care facility or school, or for outdoor residential use if children may have direct contact with the items.*
9. *Definitions of “credible scientific evidence” and “practical quantification limit” have been added.*
10. *The criteria to be considered for designating a priority chemical are reduced from 6 to 3.*
11. *In determining whether a safer alternative is available, the Department of Environmental Protection may presume that a safer alternative is available if another state bans that chemical only if that state based its action on the availability of safer alternatives.*
12. *It provides that the Department of Environmental Protection may consider the extent to which a chemical is adequately regulated by the Federal Government or another state agency in Maine in exercising its discretionary authority under the law.*
13. *It provides that the following are exempt from the requirements for disclosing information for priority chemicals and from any sales prohibition:*
  - A. *Inaccessible components, except that the Department of Environmental Protection may adopt a rule based on a case-by-case evaluation to subject inaccessible components to those requirements; and*
  - B. *A priority chemical that occurs in a product component only as a contaminant, if the manufacturer had a manufacturing control plan and exercised due diligence.*
14. *It allows a manufacturer 30 days instead of 10 days to respond to the Department of Environmental Protection’s request for a certificate of compliance.*

15. *It provides that any reporting requirements for products containing existing priority chemicals that have been adopted by rule by the Department of Environmental Protection are extended to the effective date of this legislation. It makes this provision retroactive to the date the reports are currently required, July 8, 2011. (MMA Supported)*

**L.D. 1237**, An Act To Prohibit Bullying in Schools (P.L. 2011, Chapter 659; effective 8/30/12) *This bill requires the Department of Education to develop a model policy on bullying and cyberbullying in accordance with the requirements set forth in the statute by January 1, 2013 and requires that when a school board revises the school administrative unit's existing policies and procedures established to address bullying, the school board shall adopt a policy that is consistent with the provisions established to prohibit bullying at school or on school grounds, including cyberbullying that takes place at school or elsewhere through the use of technology. (MMA Supported)*

**L.D. 1280**, An Act to Establish a Pilot Physical Education Project in Four Maine Schools (P.L. 2011, Chapter 108; effective 5/19/11) *This bill implements the recommendations of the PE4ME planning and oversight team related to improving the health and physical fitness of elementary school children. The bill accomplishes the following:*

1. *It amends the provisions of the Obesity and Chronic Disease Fund to authorize the Department of Education and the Department of Health and Human Services to use resources allocated from this fund to develop improved physical education programs for elementary schools in the State.*
2. *It directs the Commissioner of Education, the Commissioner of Health and Human Services and the Maine Governor's Council on Physical Activity to reconvene the PE4ME planning and oversight team, established pursuant to Resolve 2007, chapter 102, to further implement plans for improving the health, nutrition and physical fitness of elementary school children in the State.*
3. *It directs the PE4ME planning and oversight team to design and implement a pilot project to demonstrate the efficacy of progressive practices involving physical education and health education in up to 4 elementary schools in the State. The PE4ME planning and oversight team is required to submit an interim report to the Legislature's Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services by January 31, 2012 and a final report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 31, 2013. The Department of Education and the Department of Health and Human Services are not required to select pilot project sites and implement pilot projects if sufficient funds are not available from the Obesity and Chronic Disease Fund. (MMA Monitored)*

**L.D. 1446**, Resolve, To Develop and Implement a Farm and Fish to School Pilot Program (Resolves 2011, Chapter 91; effective 9/28/11) *This resolve directs*

*the Department of Agriculture, Food and Rural Resources, the Department of Education and the Department of Marine Resources to, within existing resources, support or otherwise assist one or more cooperating nonprofit organizations in the development and implementation of a pilot program to examine the benefits of promoting the purchasing of food grown or raised and fish raised or caught by Maine food producers for use in primary and secondary school meal programs. (MMA Supported)*

- L.D. 1504**, Resolve, To Ensure a Strong Start for Maine's Infants and Toddlers by Extending the Reach of High-quality Home Visitation (Resolves 2011, Chapter 77; effective 9/28/11) *This resolve directs the Department of Health and Human Services to develop a plan for the full use of federal, private and special revenue funds for home visitation programs or services, with an emphasis on serving infants who are at risk due to physical, emotional, developmental or environmental factors, and to report to the Joint Standing Committee on Health and Human Services. The committee may report out a bill in 2012 on the department's progress in ensuring improved health outcomes, reduced costs to taxpayers and enhanced future productivity through these efforts. (MMA Monitored)*
- L.D. 1705**, Resolve, To Create the Task Force on the Prevention of Sexual Abuse of Children (Resolve 2011, Chapter 162; effective 5/21/12) *This resolve establishes the Task Force on the Prevention of Sexual Abuse of Children, which is directed to research issues regarding child sexual abuse in Maine and to adopt policies to address those issues. The policies may include age-appropriate curricula for schoolchildren from prekindergarten to grade 5 and methods to increase teacher, student and parent awareness of the issues regarding child sexual abuse. The task force is also directed to submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters, and the joint standing committee is authorized to submit legislation to the First Regular Session of the 126th Legislature based on that report. (MMA Monitored)*
- L.D. 1873**, An Act To Direct the Commissioner of Education To Adopt a Model Policy Regarding Management of Head Injuries in School Activities and Athletics (P.L. 2011, Chapter 688; effective 5/21/12) *The bill directs the Commissioner of Education to propose a model policy for public schools and private schools enrolling more than 60% of their students at public expense in this State on the management of concussive and other head injuries in school activities and athletics. The bill directs the commissioner to invite representatives of educational stakeholders and interested parties to participate in a working group that will meet during the spring and summer of 2012 to develop a model policy that addresses the prevention, diagnosis and treatment of concussive and other head injuries in students and student athletes. It establishes that schools are required to adopt a policy on management of head injuries and begin implementation of the policy by January 1, 2013 and further provides that schools must gradually implement the policy during the 2012-2013 and 2013-2014 school years. (MMA Supported)*

## Defeated

- L.D. 31**, An Act to Protect the Safety of Maine Children by Requiring the Express Consent of a Legal Guardian to Dispense Prescription Medication to a Minor (MMA Opposed)
- L.D. 98**, Resolve, Directing the Commissioner of Education to Adopt a Policy Regarding Management of Head Injuries in Youth Sports (MMA Supported)
- L.D. 146**, An Act to Prohibit the Use of Mercury Amalgams in Dental Procedures for Children, Pregnant Women and Nursing Mothers (MMA Opposed)
- L.D. 218**, An Act to Improve the Safety of Minors by Collecting Data on Vehicle Collision Rates (MMA Monitored)
- L.D. 492**, An Act to Ensure that Children's Products are Free of Cadmium (MMA Monitored)
- L.D. 508**, An Act to Adjust Certain Age Limits in the Laws Concerning Sex Offenses to Further Protect Minors (MMA Monitored)
- L.D. 646**, Resolve, To Improve Communication Regarding and the Coordination of Care for Children Who Are Prescribed Antipsychotic Medications (MMA Opposed as introduced)
- L.D. 694**, An Act to Encourage Transparency in Disclosing the Ingredients in Vaccinations for children to Parents and Guardians (MMA Opposed)
- L.D. 746**, An Act Regarding the Consent of Minors for Mental Health and Substance Abuse Aid (MMA Opposed)
- L.D. 758**, Resolve, to Establish a Schoolchildren's Well-being Stakeholder Group (MMA Monitored)
- L.D. 920**, An Act to Ensure the Availability of Preventive Health Care Services for Children (MMA Monitored)
- L.D. 941**, An Act to Prohibit Mandatory Immunizations (MMA Opposed)
- L.D. 971**, An Act to Improve the Health of Maine Students (MMA Supported)
- L.D. 980**, An Act to Prohibit Cyberbullying in Public Schools (MMA Supported)
- L.D. 988**, An Act Concerning Immunity for School Administrative Units in the Discharge of Their Responsibilities (MMA Monitored)
- L.D. 1014**, An Act to Create the Children's Wireless Protection Act (MMA Monitored)
- L.D. 1062**, An Act to Ensure Access to Certain Health Care Services for Children (MMA Opposed)
- L.D. 1185**, An Act to Amend the Process for Prioritizing Toxic Chemicals in Children's Products (MMA Opposed)
- L.D. 1193**, An Act to Strengthen Confidentiality Laws for Child Victims of Crime (MMA Monitored)

- L.D. 1293**, Resolve, to Establish a Study Group to Promote the Use of Locally Grown Foods in Schools (MMA Monitored)
- L.D. 1346**, An Act to Enhance Access to the Workplace for Minors (MMA Monitored)
- L.D. 1666**, An Act To Guarantee Basic Preventive Dental Health Services for Children in Maine (MMA Supported)

## **DISABILITY RIGHTS**

### **Enacted**

- L.D. 143**, An Act Relating to Disability License Plates and Placards for People with Permanent Disabilities (P.L. 2011, Chapter 23; effective 9/28/11) *The bill provides that a person with a disability whose physician, physician assistant, nurse practitioner or registered nurse certifies that the disability is permanent does not need to continue to show proof of that disability every 4 years for a disability plate or placard. The exception applies only to the person with a disability and not to a vehicle owner who is a spouse, parent or legal guardian of the person with a disability, when the person with a disability is a resident of this State or a member of the relative's or guardian's household and dependent on the vehicle owner as the primary means of transportation. This exception also does not apply to an organization or agency in this State that transports persons with disabilities.* (MMA Monitored)
- L.D. 456**, An Act to Create a Temporary Disability Parking Permit (P.L. 2011, Chapter 117; effective 9/28/11) *This bill directs the Secretary of State to create a 21-day parking permit for a person with a disability to be used while that person is waiting to receive a disability registration plate or placard. The bill also directs the Secretary of State to adopt rules to establish qualifications and requirements for a person authorized to issue a 21-day parking permit.* (MMA Supported)
- L.D. 744**, An Act to Amend the Definition of "Service Animal" To Conform with Federal Law (P.L. 2011, Chapter 369; effective 9/28/11) *This bill retains a current definition of "service animal" in the Maine Human Rights Act, which applies in fair housing circumstances. It adds a definition of "service animal" for public accommodations circumstances: a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability.* (MMA Monitored)

## **FIREARMS & DOMESTIC VIOLENCE**

### **Enacted**

- L.D. 35**, An Act Relating to Concealed Firearms Locked in Vehicles (P.L. 2011, Chapter 393; effective 9/28/11) *This bill specifies that an employer or agent of an employer may not prohibit an employee who has a valid permit to carry a*

*concealed firearm under the Maine Revised Statutes, Title 25, chapter 252 from keeping a firearm in the employee's vehicle as long as the vehicle is locked and the firearm is not visible. The bill does not authorize an employee to carry a firearm in a place where carrying a firearm is prohibited by law. The bill also specifies that an employer or an agent of an employer may not be held liable in any civil action for damages, injury or death resulting from or arising out of another person's actions involving a firearm or ammunition transported or stored pursuant to this provision. (MMA Monitored)*

**L.D. 446**, An Act to Allow Law Enforcement Officers from Out of State to Carry Concealed Firearms (P.L. 2011, Chapter 396; effective 9/28/11) *This bill allows a law enforcement officer or retired law enforcement officer who is a resident of another state to carry a firearm in this State without a permit to carry a concealed firearm. (MMA Monitored)*

**L.D. 1347**, An Act Relating to Locations where Concealed Weapons May be Carried (P.L. 2011, Chapter 394; effective 9/28/11) *This bill eliminates the prohibition on certain persons possessing firearms in certain locations, including state parks and historic sites. (MMA Monitored)*

**L.D. 1439**, An Act Regarding Permits To Carry Concealed Firearms (P.L. 2011, Chapter 298; effective 9/28/11) *This bill makes the following changes to the laws governing permits to carry concealed firearms: It adds a definition of "handgun" to the laws regarding permits to carry concealed firearms. It clarifies that concealed firearm permits allow permittees to carry only handguns, such as pistol-type firearms, on the person, not long guns or machine guns. It prohibits criminal justice agencies from charging fees to conduct record checks in relation to background checks that are conducted by issuing authorities as part of the process of reviewing a permit application. (MMA Monitored)*

**L.D. 1603**, An Act To Amend the Law Relating to Concealed Firearms Locked in Vehicles (P.L. 2011, Chapter 537; effective 8/30/12) *This bill provides that the State may not prohibit a state employee who has a valid permit to carry a concealed firearm from keeping a firearm in the employee's vehicle on state property as long as the vehicle is locked and the firearm is not visible. (MMA Opposed)*

**L.D. 1711**, An Act To Adopt the Use of Standardized Risk Assessment in the Management of Domestic Violence Crimes (P.L. 2011, Chapter 680; effective dates vary) *This bill requires that in a case involving domestic violence, a bail commissioner shall not set preconviction bail for a defendant before making a good faith effort to obtain from the arresting officer, the responsible prosecutorial office, a jail employee or other law enforcement officer beginning no later than January 1, 2015, the results of a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse. (MMA Supported)*

**L.D. 1760**, An Act To Ensure Notification of Victims of Domestic Violence, Sexual Assault and Stalking When Defendants Are Released on Bail (P.L. 2011, Chapter

639; effective 8/30/12) *The bill provides that in a case of domestic violence, sexual assault or stalking the arresting law enforcement officer must obtain the victim's contact information and provide it to the jail where the defendant is delivered. It requires the jail to notify the victim when the defendant is released on preconviction bail or, if the victim cannot be reached, to notify the arresting law enforcement agency, which must make a reasonable effort to contact the victim.* (MMA Supported)

**L.D. 1859**, An Act To Protect Firearm Ownership during Times of Emergency (P.L. 2011, Chapter 626; effective 8/30/12) *This bill prohibits a person acting on behalf or under the authority of the State or a political subdivision of the State from prohibiting or restricting the otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency. This bill also removes the power of the Governor to suspend or limit the sale, dispensing and transportation of firearms during a declared state of emergency.* (MMA Monitored)

**L.D. 1867**, An Act To Protect Victims of Domestic Violence (P.L. 2011, Chapter 640; effective 8/30/12) *Among other things, this bill does the following. In certain cases involving domestic violence, it prohibits a bail commissioner from setting preconviction bail for a defendant. In cases involving domestic violence, it requires the bail commissioner to make a good faith effort to obtain from the arresting officer, the responsible prosecutorial office, a jail employee or other law enforcement officer information about the severity of the alleged offense. It requires a judge to order a defendant in a domestic violence case to be committed without bail pending a bail revocation hearing unless the judge makes certain findings on the record.* (MMA Monitored)

## Defeated

**L.D. 386**, An Act to Implement the Recommendations of the Working Group Concerning Domestic Violence and Firearms (MMA Monitored)

**L.D. 578**, An Act to Allow Municipalities to Restrict the Possession of Firearms in Certain Circumstances (MMA Monitored)

**L.D. 658**, An Act to Modify the Requirement of a Permit to Carry a Concealed Weapon (MMA Monitored)

**L.D. 717**, An Act to Increase the Penalties for Possessing and Displaying a Firearm on School Property (MMA Monitored)

**L.D. 827**, An Act to Bring the State's Laws into Compliance with the National Instant Criminal Background Check System (MMA Monitored)

**L.D. 932**, An Act to Allow Concealed Weapons in the State House (MMA Monitored)

**L.D. 1168**, An Act to Exempt Firearms Manufactured in this State from Federal Regulation (MMA Opposed)

- L.D. 1176**, An Act to Enhance Reciprocity Agreements Regarding Permits to Carry Concealed Firearms (MMA Opposed)
- L.D. 1232**, An Act to Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons (MMA Opposed)
- L.D. 1525**, An Act To Expand Reciprocity by Allowing Certain Nonresidents To Possess a Firearm in Maine (MMA Opposed)
- L.D. 1678**, An Act To Amend the Laws Governing Stalking and Domestic Violence (MMA Monitored)
- L.D. 1704**, An Act to Amend the Maine Bail Code to Protect Victims of Domestic Violence (MMA Monitored)
- L.D. 1728**, An Act To Strengthen the Integrity of Nonresident Concealed Handgun Permits (MMA Monitored)

## **GOVERNMENT TRANSPARENCY**

### Enacted

- L.D. 1806**, An Act To Promote Transparency in Government (P.L. 2011, Chapter 643; effective 8/30/12) *This bill amends the laws governing disclosure reports required of Legislators and certain executive branch employees.* (MMA Monitored)

### Defeated

- L.D. 1805**, An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning a Public Records Exception for Proposed Legislation, Reports and Working Papers of the Governor (MMA Monitored)

## **HEALTH CARE INFORMATION & CONFIDENTIALITY**

### Enacted

- L.D. 258**, An Act Relating to Access to Vital Records (P.L. 2011, Chapter 58; effective 9/28/11) *This bill clarifies that informational copies of vital records are noncertified copies. It shortens the time period for access to vital records. It opens to inspection and allows for purchase of noncertified copies of vital records created prior to 1892. It requires custodians of vital records to permit inspection of the records by a person who has a direct and legitimate interest and by a researcher engaged in genealogical research who holds a researcher identification card.* (MMA Monitored)
- L.D. 572**, An Act to Amend the Laws Governing the Maine Health Data Organization Relating to Retail Pharmacies (P.L. 2011, Chapter 233; effective



9/28/11) *This bill removes retail pharmacies from the list of entities funding and reporting to the Maine Health Data Organization. (MMA Opposed)*

**L.D. 1082**, An Act Concerning the Protection of Personal Information in Communications with Elected Officials (P.L. 2011, Chapter 264; effective 9/28/11) *This bill consists of the recommendations of the majority of the members of the legislative subcommittee of the Right to Know Advisory Committee in response to Resolve 2009, chapter 184. This bill amends the definition of “public record” in the freedom of access laws to provide that certain information in communications between constituents and elected officials is not a public record. Specifically, information is not a public record if the information would be confidential if it were in the possession of another public agency or official or if the information is of a personal nature. Information of a personal nature consists of:*

1. *An individual’s medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;*
2. *Credit or financial information;*
3. *Information pertaining to the personal history, general character or conduct of the constituent or any member of the constituent’s immediate family;*
4. *Complaints, charges of misconduct, replies to complaints or charges of misconduct or memoranda or other materials pertaining to disciplinary action; or*
5. *An individual’s social security number. (MMA Monitored)*

**L.D. 1271**, An Act to Require Use of the Electronic Death Registration System (P.L. 2011, Chapter 371; effective 9/28/11) *This bill states that, beginning July 1, 2012, death certificates filed by funeral directors or certain other persons may be filed using the electronic death registration system maintained by the State Registrar of Vital Statistics. (MMA Monitored)*

**L.D. 1331**, An Act to Increase Health Care Quality through the Promotion of Health Information Exchange and the Protection of Patient Privacy (P.L. 2011, Chapter 347; effective 9/28/11) *This bill amends the law regarding health information exchanges to specify when and under what circumstances information may be shared between a health care practitioner or health care facility and a health information exchange. The health information exchange must provide the ability for the client or individual to opt out. The bill specifies when information may be disclosed even if a client or individual has opted out. The bill prohibits a provider or health insurer from refusing to provide medical assistance or insurance coverage based on the individual’s decision to participate or not participate in a health information exchange. The bill prohibits reference to the participation or nonparticipation of a health care practitioner or health care facility in a health information exchange from being used as evidence in negligence or other civil action. (MMA Monitored)*

**L.D. 1337**, An Act to Ensure Patient Privacy and Control with Regard to Health Information Exchanges (P.L. 2011, Chapter 373; effective 9/28/11) *This bill makes it easier for patients to opt out of the state-designated statewide health information exchange. It prohibits a health care practitioner or health insurer*

*from refusing to provide medical assistance or insurance coverage based on a patient's decision to participate or not to participate in a health information exchange. It also prohibits reference to the participation or nonparticipation of a health care practitioner or health care facility in a health information exchange from being used as evidence in actions for negligence or other civil actions. The health information exchange is required to establish a secure website accessible to a patient that must allow the patient to determine who accessed the patient's records and must include a method to decline participation in the exchange. The bill also requires the health information exchange to meet or exceed all federal laws related to privacy, security and breach notification regarding personally identifiable protected health information. (MMA Opposed)*

**L.D. 1467**, Resolve, To Evaluate the All-payor Claims Database System for the State (Resolves 2011, Chapter 109; effective 9/28/11) *This resolve creates a working group to review and make recommendations on the availability of and access to health care data and to examine the all-payor claims database systems. The working group consists of 17 members, all invited to participate by the Commissioner of Health and Human Services. The working group is required to obtain outside nonstate funding to support staffing and administrative costs. The Department of Health and Human Services is required to submit a report to the Joint Standing Committee on Health and Human Services by January 31, 2012. (MMA Monitored)*

**L.D. 1627**, An Act Regarding the Filing of Birth, Death and Marriage Data (P.L. 2011, Chapter 511; effective 8/30/12) *This bill expedites electronic filing of vital records and protects persons named in vital records from identity theft and fraud by closing to public inspection filed notices of intentions to marry for the same time frame that marriage certificates are closed, except for the names of the persons who intend to marry and the intended date of marriage or to a researcher engaged in genealogical research. The bill helps align state law regarding the delayed filing of records with the requirements of the Federal Government. (MMA Monitored)*

**L.D. 1743**, 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 (Resolve 2011, Chapter 124; effective 3/14/12) *This resolve provides for legislative review of portions of Chapter 270: Uniform Reporting System for Quality Data Sets. (MMA Monitored)*

**L.D. 1804**, An Act to Implement Recommendations of the Right to Know Advisory Committee Concerning Public Records Exceptions (P.L. 2011, Chapter 1804; effective 8/30/12) *This bill incorporates recommendations of the Right To Know Advisory Committee. Among other things, it repeals the provision that designates as confidential lists maintained by the Attorney General's office of known unlicensed tobacco retailers. The Attorney General no longer maintains such lists as a result of a United States Supreme Court decision that state law is preempted by federal law. It gives the Department of the Attorney General, Office*

*of Chief Medical Examiner the discretion to release confidential information and materials about a missing person if the Chief Medical Examiner determines that releasing the information or materials may assist in the search for the missing person. It removes language related to confidentiality of data held by the former Maine Health Care Finance Commission. The bill retains language authorizing the Board of Directors of the Maine Health Data Organization to determine certain financial data submitted to the organization by health care providers to be confidential if disclosure of the data will place the provider at a competitive economic disadvantage. It amends current law to clarify that the confidentiality provisions of the Maine Health Security Act govern the confidentiality of reports to appropriate medical licensing boards. (MMA Monitored)*

**L.D. 1813**, An Act To Amend the Laws Governing Confidentiality of Health Care Information (P.L. 2011, Chapter 572; effective 3/30/12). *This bill allows health care facilities and practitioners to report information that the health care facility's officials or health care practitioner in good faith believes constitutes evidence of criminal conduct that occurred on the premises of the health care facility or health care practitioner. (MMA Supported)*

**L.D. 1818**, Resolve To Extend the Reporting Deadline of the Working Group on an All-payor Claims Database System (P.L. 2011, Chapter 121; effective 1/31/12) *This resolve amends the reporting date of Resolve 2011, chapter 109 to extend the reporting date of the working group on an all-payor claims database system from January 31, 2012 to December 1, 2012. (MMA Monitored)*

**L.D. 1868**, An Act To Correct Errors and Inconsistencies in the Laws of Maine (P.L. 2011, Chapter 691; effective 5/22/12) *Section A- 20 corrects a conflict created by Public Law 2011, chapters 347 and 373, which enacted the same provision of law dealing with state information exchanges. This section repeals the provision and replaces it with the chapter 373 version. (MMA Monitored)*

## Defeated

**L.D. 388**, An Act to Allow a Personal Representative to Obtain a Copy of a Death Certificate and To Direct the Department of Health and Human Services to Amend its Rules Governing Vital Records Fees (MMA Monitored)

**L.D. 596**, An Act to Allow Medical Records to Contain an Option Regarding HIV Status Disclosure (MMA Monitored)

**L.D. 636**, An Act to Ensure Proper Health Information Management (MMA Monitored)

**L.D. 1181**, An Act to Increase Access to Vital Records (MMA Monitored)

**L.D. 1426**, An Act Concerning Notification to an Employer of Misrepresented Medical Information Under the Maine Human Rights Act (MMA Monitored)

# HEALTH CARE REFORM

## Enacted

**L.D. 540**, An Act to Implement the Insurance Payment Reform Recommendations of the Advisory Council on Health Systems Development (P.L. 2011; Chapter 270; effective 9/28/11) *This bill allows the Superintendent of Insurance, beginning March 1, 2012, to authorize pilot projects that allow a health insurance carrier that offers health plans in this State to implement payment reform strategies with providers through an accountable care organization to reduce costs and improve the quality of patient care. Prior to approving a pilot project, the superintendent shall consider whether the proposed pilot project is consistent with the principles for payment reform developed by the Advisory Council on Health Systems Development.* (MMA Supported)

**L.D. 1497**, An Act To Comply with the Health Exchange Provision of the Patient Protection and Affordable Care Act (P.L. 2011, Chapter 631; effective 8/30/12) *The bill requires that only licensed insurance producers may sell, solicit or negotiate health insurance or enroll an individual or employer in a qualified health plan offered through an exchange established or operated in this State pursuant to state or federal law. The bill also requires the Superintendent of Insurance to develop criteria for the selection and certification of navigators prior to the establishment of any exchange in this State pursuant to state or federal law and prohibits individuals from acting as navigators without certification from the superintendent unless the individuals are licensed insurance producer.* (MMA Supported with Reservations, as introduced)

**L.D. 1582**, Resolve, Creating the Advisory Committee on Maine's Health Insurance Exchange (Resolves 2011, Chapter 105; effective 7/6/11) *This resolve is reported out pursuant to joint order by the Joint Standing Committee on Insurance and Financial Services. The resolve creates the Advisory Committee on Maine's Health Insurance Exchange. The charge of the advisory committee is to make recommendations to the Legislature and to the Governor on courses of action to ensure federal funding for the creation of a health insurance exchange and to provide draft enabling legislation for the creation of a health insurance exchange.* (MMA Supported)

## Defeated

**L.D. 57**, Resolve, To Update the Study Regarding the Feasibility of Establishing a Single-payor Health Care System (MMA Monitored)

**L.D. 58**, An Act to Prohibit Enforcement of the Federal Patient Protection and Affordable Care Act (MMA Opposed)

**L.D. 226**, An Act to Allow Maine Citizens to Buy Health Insurance Across State Lines (MMA Monitored)

- L.D. 455**, Resolve, Directing the Superintendent of Insurance to Form a Compact with Other State Commissioners of Insurance on the Purchase of Insurance Out of State (MMA Opposed)
- L.D. 473**, An Act to Enable Maine Residents to Purchase Health Insurance Over State Lines (MMA Opposed)
- L.D. 757**, An Act to Add a Member to the Advisory Council on Health Systems Development (MMA Monitored)
- L.D. 934**, An Act to Reform the Dirigo Health Program (MMA Monitored)
- L.D. 1029**, Resolve, to Reduce Health Care Costs through Interstate Collaboration (MMA Monitored)
- L.D. 1030**, An Act to Reduce Costs for Small Businesses (MMA Monitored)
- L.D. 1131**, An Act to Require Public Disclosure of Health Care Prices (MMA Opposed)
- L.D. 1162**, An Act to Allow Members of Professional Associations to Purchase Health Insurance Across State Lines (MMA Opposed)
- L.D. 1179**, An Act to Require Advance Review and Approval of Certain Small Group Health Insurance Rate Increases and to Implement the Requirements of the Federal Patient Protection and Affordable Care Act (MMA Monitored)
- L.D. 1200**, An Act to Authorize the Health Care Choice Compact to Permit the Purchase of Health Insurance from New Hampshire (MMA Opposed)
- L.D. 1233**, An Act to Prohibit Enforcement by a Federal or State Official of the Federal Patient Protection and Affordable Care Act (MMA Monitored)
- L.D. 1393**, An Act to Require Estimates of Patient Costs in Any Plan of Care Prior to Treatment (MMA Opposed)
- L.D. 1397**, An Act to Establish a Single-payor Health Care System to be Effective in 2017 (MMA Monitored)
- L.D. 1498**, An Act To Phase Out Dirigo Health and Establish the Maine Health Benefit Exchange for Small Businesses and Individuals (MMA Support)

## **HIV/AIDS**

### **Enacted**

- L.D. 702**, An Act to Prevent HIV Transmission from a Pregnant Mother to a Child (P.L. 2011, Chapter 229; effective 9/28/11) *Subject to consent and procedure requirements, a health care provider who is providing care for a pregnant woman shall include an HIV test in a standard set of medical tests performed on the woman. A health care provider who is providing care for a newborn infant shall test the infant for HIV and ensure that the results are available within 12 hours of birth of the infant if the health care provider does not know the HIV status of the mother or the health care provider believes that HIV testing is medically*

*necessary unless a parent objects to the test on the grounds that it conflicts with the sincere religious or conscientious beliefs and practices of the parent. If a woman declines to be tested for HIV, the health care provider shall document the woman's decision in the woman's medical record. (MMA Supported)*

**L.D. 724**, Resolve, to Create an Evidence-based Study and Comprehensive Plan for HIV and AIDS Services in Maine (Resolves 2011, Chapter 55; effective 9/28/11) *This resolve directs the Maine HIV Advisory Committee to conduct a study and develop a comprehensive plan for HIV and AIDS prevention and care services in Maine. The committee is to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2013. (MMA Supported)*

## **HOSPITAL & HEALTH CARE FACILITY REGULATION**

### **Enacted**

**L.D. 360**, An Act To Amend the Maine Certificate of Need Act of 2002 (P.L. 2011, Chapter 424; effective 2/15/12) *This bill amends Maine's Certificate of Need Act. Part A amends certificate of need laws by raising thresholds for review, providing for later threshold increases tied to the Consumer Price Index medical care services index and eliminating the certificate of need requirements for the purchase of replacement equipment. The bill includes a threshold of \$3,000,000 for capital expenditures for a new health service by a new or existing health care facility. The bill exempts from the requirement of a certificate of need process certain capital expenditures by health care facilities that have been certified by the Efficiency Maine Trust as cost-effective and requires the trust to develop and implement a process for certification. Part B amends the certificate of need laws by increasing the threshold for nursing facility projects, providing for later threshold increases tied to the Consumer Price Index, limiting MaineCare budget neutrality requirements and the MaineCare nursing facility funding pool to apply solely to projects that propose to add additional nursing facility beds to the total inventory of beds within the State, making other changes to certificate of need laws and clarifying that projects need to comply with the principles of the Maine Quality Forum only when such standards are directly applicable to nursing facility projects. Part C requires the Department of Health and Human Services to amend its rules on certificate of need by January 1, 2012 to permit applications to be filed at any time, rather than on a cycle, and to allow applicants to waive having a technical assistance meeting. It also requires the Department of Health and Human Services to convene a stakeholder group to review certificate of need laws and rules. Part D shortens by half the time periods in the laws on the application and review processes for certificate of need.*

*Part E adds an effective date of February 15, 2012 except that the provision requiring the Department of Health and Human Services to amend its rules to permit certificate of need applications to be filed at any time takes effect December 1, 2011 and the provision requiring the department to convene a stakeholder group takes effect October 1, 2011. (MMA Supported)*

- L.D. 472**, An Act to Enhance the Security of Hospital Patients, Visitors and Employees (P.L. 2011, Chapter 254; effective 9/28/11) *This bill requires a licensed hospital to adopt a safety and security plan on an annual basis and prohibits interference with a person making a report as provided in the plan. It applies to critical access hospitals beginning July 1, 2012 and to all other hospitals beginning January 1, 2012. (MMA Monitored)*
- L.D. 581**, An Act to Repeal the Laws Governing the Capital Investment Fund (P.L. 2011, Chapter 213; effective 9/28/11) *This bill repeals the laws governing the capital investment fund, which is a limit for resources allocated annually under the certificate of need program under the Maine Revised Statutes, Title 22, chapter 103-A. (MMA Supported)*
- L.D. 759**, An Act to Increase Efficiency and Effectiveness in the Licensing of Certain Health and Human Services Providers (P.L. 2011, Chapter 145; effective 9/28/11) *This bill requires the Department of Health and Human Services to deem in compliance with state licensing rules those substance abuse treatment, child and adult welfare and behavioral health agencies, programs and facilities that receive and maintain accreditation by national accrediting bodies approved by the department. (MMA Monitored)*
- L.D. 806**, An Act to Provide Public Access to Price Lists of Hospitals and Ambulatory Surgical Facilities (P.L. 2011, Chapter 525; effective 8/30/12) *This bill requires the Maine Health Data Organization, when posting on its website price information regarding health care facilities and practitioners, to post the information semiannually, to post information that is current to within 12 months of the date of submission of the information and to display on the website the date of posting, beginning October 1, 2012. (MMA Opposed as introduced)*
- L.D. 1008**, Resolve, To Encourage State Agencies to Limit Their Use of Social Security Numbers (Resolves 2011, Chapter 56; effective 9/28/11) *This resolve requires the Department of Administrative and Financial Services to create a policy to provide guidance to state agencies to limit their use of social security numbers in outgoing written correspondence and interdepartmental correspondence by either not including a social security number at all or using only the last 4 digits of a number. (MMA Monitored)*
- L.D. 1212**, An Act to Improve Hospital Reporting of MRSA Data (P.L. 2011, Chapter 316; effective 9/28/11) *The bill replaces the existing methicillin-resistant Staphylococcus aureus, or MRSA, screening protocol that was adopted in 2009, which focuses on the presence of MRSA in patients as they are admitted to a hospital, with a protocol that focuses on MRSA infections that occur in the patient population while at hospitals. The bill adds a second multidrug resistant*

organism, *Clostridium difficile*, to the data collection and public reporting system. The bill also provides the Maine Center for Disease Control and Prevention time to validate the data that was reported by the hospitals and requires the public reporting of that data following validation. (MMA Opposed)

**L.D. 1537**, An Act To Amend Licensing and Certification Laws Administered by the Department of Health and Human Services (P.L. 2011, Chapter 257; effective 9/28/11) *This bill requires the Department of Health and Human Services to classify a finding, after an investigation of a complaint of abuse, neglect or misappropriation of property of a client, patient or resident against an unlicensed assistive person, as an unsubstantiated finding or as either an indicated or substantiated finding based on the level of abuse, neglect or misappropriation found by the department.*

*The bill clarifies that current hospital, convalescent home and nursing home licensing renewal fees are calculated by taking the amount of the renewal fee per bed multiplied by the number of beds in the facility, and multiplying that product by the number of years included in the term of the renewed license.*

*This bill updates the laws concerning the licensing of end-stage renal disease facilities. (MMA Monitored)*

**L.D. 1624**, An Act To Lessen The Regulatory Burden on Medical Laboratories by Removing Outdated Requirements for the Maine Medical Laboratory Act (P.L. 2011, Chapter 531; effective 8/30/12). *This bill amends the Maine Medical Laboratory Act as follows:*

*It removes the requirement that an application for a medical laboratory license be notarized. Other licensing laws do not have this requirement;*

*It allows specimens to be collected or processed by licensed health care professionals and their designees acting within their scope of practice and qualified medical laboratory personnel who are authorized by the director of the medical laboratory.*

*It keeps the requirement for the patient to receive an itemized statement of laboratory services, but enacts it as a separate section within the Maine Medical Laboratory Act. (MMA Opposed as introduced)*

**L.D. 1848**, An Act To Expand the Notification Requirements of the Maine Certificate of Need Act of 2002 (P.L. 2011, Chapter 636; effective 8/30/12) *The bill expands the notification requirements of the Maine Certificate of Need Act of 2002 in the bill to specify that if an existing health care facility may close or lose bed capacity as a result of a proposal for which a certificate of need application has been filed, the Department of Health and Human Services must notify the municipal officers of the municipality in which that health care facility is located and the members of the State House of Representatives and the State Senate representing any part of that municipality. The amendment requires the published notice to identify the name and location of any health care facility that may close or lose bed capacity as a result of the proposal for which a certificate of need has been filed. (MMA Supported)*



**L.D. 1909**, An Act To Simplify the Certificate of Need Process and Lessen the Regulatory Burden on Providers (P.L. 2011, Chapter 648; effective 8/30/12) *This bill amends the Maine Certificate of Need Act of 2002, including certain changes to the application and review process.* (MMA Monitored)

## Defeated

- L.D. 29**, An Act to Limit Salaries of Hospital Administrators (MMA Opposed)
- L.D. 157**, An Act to Encourage Access to Health Care in Maine (MMA Monitored)
- L.D. 267**, An Act to Strengthen the Laws on Methicillin-resistant Staphylococcus Aureus and to Improve Health Care (MMA Opposed)
- L.D. 303**, An Act to Improve Hospital Transparency (MMA Monitored)
- L.D. 353**, An Act Regarding Agencies Contracted by the Department of Health and Human Services to Provide Regulatory Oversight and Billing Services (MMA Supported)
- L.D. 466**, An Act to Require Hospitals to Adopt Employee Illness and Injury Prevention Programs and to Provide Lift Teams and To Require Reduced Workers' Compensation Insurance Rates for those Hospitals (MMA Monitored)
- L.D. 577**, An Act to Limit Taxes on Hospitals (MMA Monitored)
- L.D. 582**, An Act to Amend the Maine Certificate of Need Act of 2002 (MMA Supported)
- L.D. 639**, An Act to Protect Medical Care Providers and Hospital Staff (MMA Supported)
- L.D. 674**, An Act to Authorize the Department of Health and Human Services to Administratively Suspend or Revoke Facility Licenses (MMA Monitored)
- L.D. 747**, An Act to Require Hospital Credit Reporting That Is Fair to Consumers (MMA Monitored)
- L.D. 825**, An Act to Amend the Maine Certificate of Need Act of 2002 for Nursing Facility Projects to Provide Alternative Means to Satisfy MaineCare Neutrality (MMA Monitored)
- L.D. 828**, An Act to Amend the Maine Certificate of Need Act of 2002 for Nursing Facility Projects (MMA Monitored)
- L.D. 1106**, An Act to Lower the Cost of Health Care through Improved Energy Efficiency (MMA Monitored)
- L.D. 1270**, Resolve, To Convene a Task Force to Study Staffing Ratios and Issues for Nursing Homes and Residential Care Facilities (MMA Monitored)
- L.D. 1406**, An Act Regarding the Scope of Services That May Be Provided by Pharmacies Owned by Hospitals (MMA Supported)
- L.D. 1700**, An Act To Provide and Alternative Method of Calculating Minimum Staffing Levels in Nursing Homes (MMA Monitored)

# INSURANCE MANDATES

## Defeated

- L.D. 364**, Resolve, Directing Updated Review and Evaluation of Maine’s Mental Health Parity Law (MMA Supported)
- L.D. 712**, An Act to Expand Access to Clinical Trials (MMA Supported)
- L.D. 720**, An Act to Mandate Insurance Coverage for Infertility Treatment (MMA Monitored)
- L.D. 882**, An Act to Limit Health Care Mandates (MMA Monitored)
- L.D. 1215**, An Act to Require Health Insurers to Provide Coverage for Nutritional Wellness and Illness Prevention Measures and Products (MMA Opposed)
- L.D. 1229**, An Act to Require Health Insurance Coverage for Hearing Aids for Adults (MMA Monitored)
- L.D. 1239**, An Act to Further Expand Access to Oral Health Care by Requiring Insurance Coverage for Services Performed by Denturists (MMA Monitored)

# INSURANCE PRACTICES

## Enacted

- L.D. 313**, An Act To Permit Insured Persons To Designate a 3rd Party To Receive Notice of Cancellation of Medicare Supplement Policies and To Restrict the Cancellation of Certain Insurance Policies for Nonpayment of Premium Due to Cognitive Impairment or Functional Incapacity (P.L. 2011, Chapter 123; effective 9/28/11) *The bill extends the right for an insured person to designate a 3rd party to receive notice of cancellation of Medicare supplement insurance policies. The bill also provides the ability to reinstate life, health and Medicare supplement insurance policies to reduce the danger that a policyholder who suffers from cognitive impairment or functional incapacity will lose coverage for nonpayment of premium due to that cognitive impairment or functional incapacity. These provisions are consistent with the restrictions on cancellation due to cognitive impairment or functional incapacity already in place with respect to long-term care insurance. The provisions apply to all insurance policies, contracts and certificates issued or renewed on or after January 1, 2012.* (MMA Monitored)
- L.D. 950**, An Act to Exempt Health Care Sharing Ministries from Insurance Requirements (P.L. 2011, Chapter 192; effective 9/28/11) *This bill defines “health care sharing ministry” and exempts these ministries from regulation as insurers under the Maine Insurance Code.* (MMA Monitored)
- L.D. 1326**, An Act to Allow School Administrative Units to Seek Less Expensive Health Insurance Alternatives (P.L. 2011, Chapter 395; effective 9/28/11) *This bill allows school administrative units to offer group self-insurance health and dental programs and to enter into cooperative agreements with other school administrative units or municipalities to provide such programs.* (MMA Monitored)

**L.D. 1333**, An Act to Modify Rating Practices for Individual and Small Group Health Plans and to Encourage Value-based Purchasing of Health Care Services (P.L. 2011, Chapter 90; effective dates vary, beginning 9/28/11) This bill makes a number of changes to Maine health insurance laws, including:

Part A makes the following changes to the community rating laws for individual and small group health insurance:

1. It changes the maximum rate differential for individual health plans on the basis of age from 1.5:1 to 5:1. The changes in rating for individual health plans are phased in over a period of 4 years;
2. It changes the maximum rate differential for small group health plans on the basis of age from 1.5:1 to 5:1. The changes in rating for small group health plans are phased in over a period of 4 years;
3. It authorizes a maximum rate differential on the basis of smoking status of 1.5:1; and
4. It authorizes a maximum rate differential on the basis of geographic area of 1.5:1.

Part B modifies the laws relating to guaranteed issuance in the individual health insurance market to permit carriers to reinsure coverage offered to certain individuals identified using a health statement. Carriers are prohibited from using health status for any other purpose. Part B also creates the Maine Guaranteed Access Reinsurance Association. The purpose of the association is to provide reinsurance to spread the cost of certain individuals among all health insurers. The bill funds the guaranteed access reinsurance through an assessment on insurers.

Part C, among other provisions, permits insurers authorized to transact individual health insurance in Connecticut, Massachusetts, New Hampshire or Rhode Island to offer their individual health plans for sale in this State after January 1, 2014 if certain requirements of Maine law are met, including minimum capital and surplus and reserve requirements, disclosure and reporting requirements and grievance procedures.

Part D adopts the definition of medical loss ratio in federal law and the minimum medical loss ratio requirements of federal law.

Part E repeals the State Health Plan and the Advisory Council on Health Systems Development.

Part F, among other things, repeals the geographic access standards.

Part G authorizes the renewal of short-term health insurance policies for a period not to exceed 24 months instead of the current 12 months.

Part H provides a tax credit to employers of 20 or fewer employees for the expense of developing, instituting and maintaining wellness programs for their employees in the amount of \$100 per employee, up to a maximum of \$2,000. A wellness program includes programs for behavior modification, such as smoking cessation programs, equipping and maintaining an exercise facility and providing incentive awards to employees who exercise regularly.

Part I amends the chapter of the Maine Insurance Code governing captive insurance companies. (MMA Monitored)

- L.D. 1551**, An Act To Clarify and Update the Laws Related to Health Insurance, Insurance Producer Licensing and Surplus Lines Insurance (P.L. 2011, Chapter 238; effective 9/28/11) *This bill makes the following changes to the laws governing insurance: It provides protection to enrollees from balance billing by participating providers in all managed care plans. It clarifies that a policy meeting both the definition of a group health policy and the description of a blanket policy is a group policy. It clarifies that rates for blanket health policies must be filed for informational purposes. It clarifies that short-term health insurance policies are not subject to guaranteed issue, guaranteed renewal or community rating. It amends the definition of “federally creditable coverage” to eliminate a syntax problem that created an ambiguity. It amends the guaranteed renewability laws to clarify that when a carrier ceases offering an individual or small group product, policyholders, and in some cases certificate holders, are offered the opportunity to purchase any other product the carrier offers to that market. It eliminates the independent producer authority for resident and nonresident insurance producers. (MMA Monitored)*
- L.D. 1554**, An Act To Implement the Requirements of the Federal Patient Protection and Affordable Care Act (P.L. 2011, Chapter 364; effective 9/28/11) *This bill amends the state health insurance laws to incorporate changes to implement the requirements of the federal Patient Protection and Affordable Care Act adopted in 2010. (MMA Monitored)*
- L.D. 1583**, An Act to Provide Oversight in Certain Negotiations (P.L. 2011, Chapter 451; effective 9/28/11) *This bill prohibits the inclusion of so-called “most favored nation” clauses in the participation agreements between health insurance carriers and health care service providers and authorizes the Superintendent of Insurance to waive this restriction upon finding that the inclusion of such a clause will not be anticompetitive. This bill also prohibits carriers and providers from taking discriminatory or retaliatory actions for filing or opposing requests for such waivers. The bill clarifies that an applicant for a waiver may request a hearing and further clarifies that a decision of the superintendent may be appealed whether a hearing is held or not. The bill also states the factors that may be considered by the superintendent in determining whether the inclusion of a “most favored nation” clause is anticompetitive. The bill applies to contracts executed or renewed on or after January 1, 2012. (MMA Supported)*
- L.D. 1587**, An Act To Provide Further Improvements to Maine’s Health Insurance Law (P.L. 2011, Chapter 452; effective 9/28/11) *The bill amends the law regarding rating practices for individual and small group health plans to remove the exemption from assessment for Legislators and their dependents, thus requiring insurers to pay an assessment for administrative costs of up to \$4 per month per person for policies insuring Legislators and their dependents and potential assessments of up to \$2 per month to cover any net loss. The bill provides that Legislators shall pay for the amount of assessments and requires the assessments to be collected through payroll deduction. (MMA Monitored)*

- L.D. 1670**, An Act To Extend the Scope of the Maine Guaranteed Access Reinsurance Association (P.L. 2011, Chapter 1670; effective dates below) *The bill provides that, beginning October 1, 2012, the rating factor used by small group health insurance carriers for group size must be combined within the maximum rate differential due to age of 2.5 to 1. The combined rating band for age and group size would be increased to 3 to 1 on January 1, 2014 and, to the extent permitted by the federal Affordable Care Act, further increased each year by a factor of 1 up to a combined 5 to 1 rating band on January 1, 2016. Under current law, the rating factor for group size falls outside of the rating bands.* (MMA Monitored)
- L.D. 1769**, An Act Regarding Subrogation of Medical Payment Coverage (P.L. 2011, Chapter 509; effective 8/30/12) *Current law prohibits a claim for subrogation for an award or settlement under the medical payments coverage in a casualty insurance policy if the award or settlement does not exceed \$20,000. This bill removes that prohibition.* (MMA Monitored)
- L.D. 1893**, Resolve, Regarding Legislative Review of Portions of Chapter 850: Health Plan Accountability, a Major Substantive Rule of the Department of Professional and Financial Regulation (Resolve 2011, Chapter 150; effective 4/6/12) *This bill authorizes final adoption of portions of Chapter 850: Health Plan Accountability as long as the provision related to access to behavioral health care practitioners is amended to require the reasonable availability of those practitioners within a carrier's delivery system.* (MMA Supported)

## Defeated

- L.D. 60**, An Act to Extend Coverage under the State's Mini-Cobra Law (MMA Supported)
- L.D. 410**, An Act to Repeal the Provisions in the Insurance Laws Governing Guaranteed Issue and Community Rating (MMA Opposed)
- L.D. 496**, An Act to Amend the Laws Governing Financial Incentives and Geographic Accessibility of Services Covered by Health Insurance Providers (MMA Monitored)
- L.D. 567**, An Act to Prevent Insurer Limits on Certain Dental Fees (MMA Monitored)
- L.D. 645**, Resolve, To Replace Maine's Health Insurance System with the Type of System Used in New Hampshire (MMA Opposed)
- L.D. 660**, An Act to Clarify the Responsibilities of Pharmacy Benefits Managers and Preferred Provider Organizations (MMA Monitored)
- L.D. 783**, An Act to Amend the Laws Governing Captive Insurance Companies (MMA Monitored)
- L.D. 858**, An Act to Amend the Law Related to Multiple-employer Welfare Arrangements (MMA Opposed)
- L.D. 867**, An Act to Amend the Laws Governing Insurance as They Relate to Civil Penalties Imposed for Violations of Those Laws (MMA Opposed)

- L.D. 892**, An Act to Establish and Insurance Fraud Division within the Department of Professional and Financial Regulation, Bureau of Insurance (MMA Monitored)
- L.D. 899**, An Act to Disclose Insurance Policy Options to Senior Citizens (MMA Monitored)
- L.D. 1222**, An Act to Promote Fairness in Negotiations between Health Insurance Carriers and Health Care Service Providers (Governor Veto) (MMA Supported)
- L.D. 1436**, An Act to Reform Maine's Health Insurance Laws (MMA Opposed)
- L.D. 1580**, An Act to Further Improve Maine's Health Insurance Law (MMA Monitored)

## LONG-TERM CARE

### Enacted

- L.D. 65**, Resolve, To Establish a Working Group of Stakeholders to Review the Current and Future Dementia Training Needs of Long-term Care Providers (Resolves 2011, Chapter 28; effective 4/27/11) *This bill requires that the Department of Health and Human Services shall establish within existing resources a working group of stakeholders to review the current and future dementia training needs of long-term care providers.* (MMA Monitored)
- L.D. 683**, An Act to Enhance Long-term Care Services for Maine Citizens (P.L. 2011, Chapter 422; effective 9/28/11) *This bill reorganizes the provision of long-term care services for Maine citizens. It consolidates long-term care services and provides a framework for consolidated in-home and community support services and nursing facility services with combined funding and integrated service delivery. The bill also requires a report from the Department of Health and Human Services to the same joint standing committee regarding the inclusion of services for persons with mental health needs and intellectual disabilities needs in the consolidation of long-term care services in fiscal years 2013-14 and 2014-15.* (MMA Monitored)
- L.D. 739**, Resolve, to Amend the Rules Concerning Long-term Care Services to Better Support Family Caregivers (Resolves 2011, Chapter 95; effective 9/28/11) This resolve requires the Department of Health and Human Services to work with interested parties to create a standard-form written contract that may be used by an individual in need of long-term care services and supports to hire and pay a relative to provide that care. The resolve also clarifies that other forms may be used to accomplish the same purpose. (MMA Monitored)

### Defeated

- L.D. 499**, An Act to Protect Persons in Residential Care Who Are under Limited Guardianship (MMA Monitored)

# MANAGED CARE

None

## MEDICAID

Enacted

**L.D. 70**, An Act to Include Independent Practice Dental Hygienists in MaineCare (P.L. 2011, Chapter 457; effective 9/28/11) *By April 1, 2012, the department shall provide for the reimbursement under the MaineCare program of independent practice dental hygienists practicing as authorized under Title 32, section 1094-I for all procedures performed under Title 32, section 1094-Q, subsection 1. Reimbursement must be provided to independent practice dental hygienists directly or to a federally qualified health center pursuant to section 3174-V when an independent practice dental hygienist is employed as a core provider at the center.* (MMA Monitored)

**L.D. 346**, An Act Regarding Pharmacy Reimbursement in MaineCare (P.L. 2011, Chapter 346; effective upon amendment and federal approval of the Medicaid state plan but no earlier than 10/1/11) *This bill:*

1. *Authorizes pharmacies to charge MaineCare members copayments for prescription drugs dispensed and allows pharmacies to refuse to dispense if copayments are not paid as long as certain procedures are in place and are followed by the Department of Health and Human Services and the pharmacies;*
2. *Adds a provision requiring notice to MaineCare members of copayment requirements;*
3. *Provides an effective date for the statutory changes upon amendment and federal approval of the Medicaid state plan but no earlier than October 1, 2011; and*
4. *Directs the Department of Health and Human Services to review the cost of dispensing a prescription drug under the MaineCare program, to review other information available on pharmacy reimbursement and to report by January 15, 2012 to the Joint Standing Committee on Health and Human Services with recommendations regarding the dispensing fee.* (MMA Monitored)

**L.D. 443**, An Act to Require Prompt MaineCare Decisions on Care for Children with Life-threatening Conditions (P.L. 2011, Chapter 35; effective 9/28/11) *This bill requires the Department of Health and Human Services to make decisions approving or disapproving MaineCare care or services for children with life-threatening conditions within one working day of receiving the complete request or order.* (MMA Supported)

**L.D. 743**, Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual Chapter III, Section 21: Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services (Resolves 2011, Chapter 78; effective 6/14/11) *The bill approves final adoption of this major substantive rule.* (MMA Monitored)

- L.D. 933**, Resolve, Requiring the Department of Health and Human Services to Conduct a Review of Medicaid “Any Willing Provider” Requirements (Resolves 2011, Chapter 61; effective 9/28/11) *This resolve requires the Department of Health and Human Services to conduct a review of “any willing provider” laws under the federal Medicaid program and report to the Joint Standing Committee on Health and Human Services the results of its review and recommendations for changes in the laws of this State and rules of the department to give the State more authority to regulate for positive health outcomes, quality of care, meeting geographic needs and controlling costs.* (MMA Monitored)
- L.D. 1003**, Resolve, To Assist Maine Schools to Obtain Federal Funds for Medically Necessary Services (Resolves 2011, Chapter 145; effective 3/22/12). *This resolve directs the Department of Education and the Department of Health and Human Services to work together with an interagency stakeholder group to refine existing MaineCare policies, develop new policies or prepare nonregulatory guidance on billing procedures, as appropriate, to ensure the provision of medically necessary services to students in school-based settings.* (MMA Monitored)
- L.D. 1016**, An Act To Restore the Health Care Provider Tax to 6 Percent (P.L. 2011, Chapter 411; effective 9/28/11) *This bill provides an increase in the provider tax rate applicable to residential treatment facilities and nursing homes from 5.5% to 6%, consistent with applicable federal requirements. It requires that the rules for the cost-of-living adjustment, to which all revenues related to the incremental increase for nursing homes must be applied, use a methodology that provides a cost-of-living increase that ensures that such nursing facilities and medical and remedial private nonmedical institutions receive a share of the revenues through MaineCare reimbursement of allowable costs. It requires that all revenues generated by the increase in the tax rate applicable to residential treatment facilities be applied to providing services to individuals on the waiting list for the community support benefit waiver under the MaineCare Benefits Manual, Chapter II, Section 29.* (MMA Monitored)
- L.D. 1281**, Resolve, To Ensure Cost-effective Services for Persons Needing Neuropsychological Testing (Resolves 2011, Chapter 110; effective 9/28/11) *This resolve directs the Department of Health and Human Services to amend its Chapter 101: MaineCare Benefits Manual to permit neuropsychological testing assistants, also known as psychometricians, to administer and score neuropsychological and psychological tests of MaineCare patients under the supervision of a licensed psychologist.* (MMA Monitored)
- L.D. 1485**, An Act to Promote Transparency in the Medicaid Reimbursement Process (P.L. 2011, Chapter 323; effective 9/28/11) *This bill requires the Department of Health and Human Services, office of MaineCare services to establish a 17-day written comment period on any proposed change to the state maximum allowable cost list if the change results in a reduction in payment to pharmacies. The office of MaineCare services is required to prepare an annual report that summarizes the number of drugs affected by such changes and the percentage change in payment for those drugs that resulted from changes to the*



*list during the calendar year and submit that report annually by December 31st to the joint standing committee of the Legislature having jurisdiction over health and human services matters. (MMA Monitored)*

- L.D. 1581**, Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter 111, Section 50: Principles of Reimbursement for Intermediate Care Facilities for the mentally Retarded, a Major Substantive Rule of the DHHS (Resolves 2011, Chapter 97; effective 6/21/11) *The bill approves final adoption of this major substantive rule. (MMA Monitored)*
- L.D. 1628**, An Act To Limit Payment for Care and Treatment of Residents of State Institutions (P.L. 2011, Chapter 674; effective 8/30/12). *This bill sets a reimbursement rate for medical services provided to a resident of a state institution off the premises of the state institution at the level of Medicare. (MMA Monitored)*
- L.D. 1629**, An Act To Allow for a Contingency Fee Agreement with a MaineCare Program Integrity Recovery Audit Contractor (P.L. 2011, Chapter 593; effective 4/5/12) *This bills authorizes the Department of Health and Human Services to enter into agreements for the purpose of ensuring Maine Care program integrity with a recovery audit contractor as required under Section 6411 of the federal Patient Protection and Affordable Care Act, Public Law 111-148. It clarifies that the audits are intended to identify and correct underpayments and identify and recoup overpayments. It requires an agreement to provide that the contractor may be paid only from amounts recovered and that payments for identifying underpayments and collecting overpayments must be made on a contingent fee basis. It adds a requirement that the overpayments collected, less the contingent fees paid to the contractor, are paid into the Medical Care - Payments to Providers program, Other Special Revenue Funds account in the Department of Health and Human Services. (MMA Opposed)*
- L.D. 1694**, Resolve, Directing the Department of Health and Human Services To Review Rules Governing Reimbursement to MaineCare Recipients for Transportation to and from MaineCare Services (Resolve 2011, Chapter 142; effective 8/30/12) *This resolve directs the Department of Health and Human Services to review reimbursement for transportation for MaineCare members to and from MaineCare services, including but not limited to freestanding methadone clinics that provide methadone treatment services. The amendment directs the Department of Health and Human Services to submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 15, 2012. (MMA Monitored)*
- L.D. 1702**, An Act To Correct Inconsistencies and Ambiguities in the Maine Guaranteed Access Reinsurance Association Act (P.L. 2011, Chapter 621; effective dates vary) *This bill makes technical corrections to address inconsistencies and ambiguities in the Maine Guaranteed Access Reinsurance Association Act. Among other things, it allows a member insurer to designate a person for reinsurance through the use of claims history, risk scores and other reasonable means, in addition to the use of a health statement. It also allows a*

*member insurer to designate a person for reinsurance in the event the person omitted material information from the health statement or misrepresented the person's health status on the health statement. It clarifies that a person's health statement, claims history or risk scores or the omission of material information from the health statement or misrepresentation of a person's health status may not be used by a carrier as a basis for denying, cancelling or refusing to renew an individual health plan. (MMA Monitored)*

- L.D. 1719**, An Act To Update the Powers and Duties of the Bureau of Maine Veterans' Services (P.L. 2011, Chapter 539; effective 8/30/12) *No later than February 15, 2013, the office for family independence within the Department of Health and Human Services and the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services shall report to the joint standing committee of the Legislature having jurisdiction over veterans matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the coordination of their efforts to identify veterans who have received or are receiving Medicaid benefits and may be entitled to, but are not receiving, federally funded benefits from the United States Department of Veterans Affairs. (MMA Monitored)*
- L.D. 1888**, An Act To Strengthen the State's Ability To Investigate and Prosecute Misuse of Public Benefits (P.L. 2011, Chapter 687; effective 1/1/13) *This bill provides successor liability for all health care providers in the MaineCare program; prohibits misuse of public benefits instruments; authorizes administrative recovery of improperly received municipal general assistance and MaineCare benefits; bans the use of electronic benefits transfer system benefits at liquor stores, gambling facilities and adult entertainment businesses; criminalizes the trafficking of electronic benefits by making the unauthorized transfer or possession of electronic benefits devices a Class D crime; conforms Maine law to federal requirements regarding suspension of payments to MaineCare providers upon determination of a credible allegation of fraud; and adds 8 Fraud Investigator and 2 Office Associate II positions to the Department of Health and Human Services, Office of Family Independence. (MMA Opposed)*

## Defeated

- L.D. 75**, Resolve, Directing the Department of Health and Human Services to Amend its Rules Governing Electronic Benefits Transfer Cards (MMA Monitored)
- L.D. 150**, An Act to Require Drug Testing for Medicaid Recipients with Prescriptions for Scheduled Drugs (MMA Monitored)
- L.D. 193**, An Act to Require an Applicant for State Assistance to Show Proof of Legal Residence in the United States and Proof of Residency for at Least the Previous 90 Days in This State (MMA Monitored)
- L.D. 390**, Resolve, to Implement Certain Recommendations of the Governor's Task Force on Expanding Access to Oral Health Care for Maine People (MMA Supported)

- L.D. 452**, An Act to Provide MaineCare Reimbursement for Pastoral Counselors (MMA Monitored)
- L.D. 475**, An Act Regarding Private Health Insurance Purchased by the State for Recipients of MaineCare (MMA Monitored)
- L.D. 517**, An Act Regarding Prescription Drug Step Therapy and Prior Authorization (MMA Monitored)
- L.D. 605**, An Act to Require Random Drug Testing for MaineCare Recipients (MMA Monitored)
- L.D. 612**, An Act to Provide Reimbursement for Medication Therapy Management Services (MMA Opposed)
- L.D. 678**, Resolve, to Improve Health Outcomes for MaineCare Members in Managed Care (MMA Monitored)
- L.D. 962**, An Act to Amend the Medicaid Income Requirements to Promote Agricultural Labor (MMA Monitored)
- L.D. 1114**, An Act to Improve Preventative Dental Health Care and Reduce Future Avoidable Costs (MMA Monitored)
- L.D. 1122**, An Act to Increase Dental Benefits and Oral Health Care (MMA Monitored)
- L.D. 1195**, Resolve, to Create Equitable Reimbursement for Mental Health Providers (MMA Monitored)
- L.D. 1294**, An Act to Impose a 90-day Residency Requirement in Order to Receive State Assistance (MMA Monitored)
- L.D. 1364**, An Act to Improve the Quality and Reduce the Cost of Health Care (MMA Monitored)
- L.D. 1520**, An Act To Improve MaineCare and Promote Employment (MMA Monitored)
- L.D. 1692**, An Act To Clarify Case Management Supervision Authority and Ensure Access to Case Management Services (MMA Monitored)
- L.D. 1796**, An Act Regarding False Claims under the Medicaid Program (MMA Opposed)
- L.D. 1811**, Resolve, Directing the Department of Health and Human Services To Review Reimbursement for Prescription Drugs under the MaineCare Program (MMA Monitored)
- L.D. 1840**, An Act To Limit MaineCare Reimbursement for Methadone Treatment (MMA Monitored)

# MEDICAL ETHICS & MEDICAL RIGHTS

Defeated

- L.D. 1860**, An Act To Allow Marriage Licenses for Same-sex Couples and Protect Religious Freedom (MMA Supported)

# MEDICAL LIABILITY

Defeated

- L.D. 1034**, An Act to Amend the Law Regarding Comparative Negligence (MMA Opposed)
- L.D. 1111**, An Act to Ensure Timely Resolution of Professional Negligence Claims (MMA Opposed)
- L.D. 1256**, An Act Concerning Tort Claims and Governmental Entities (MMA Monitored)
- L.D. 1353**, An Act to Amend the Discovery Rule Laws (MMA Opposed)

# MENTAL HEALTH, MENTAL RETARDATION & SUBSTANCE ABUSE

Enacted

- L.D. 28**, Resolve, To Improve Access to Employment Opportunities for Persons with Intellectual Disabilities and Autistic Disorders (Resolves 2011, Chapter 49; effective 5/25/2011) *This bill requires that the Department of Health and Human Services shall amend on an emergency basis the MaineCare Benefits Manual to remove the language that restricts the number of persons with intellectual disabilities and autistic disorders who may work at any given work site or location to 50% of a business's workforce at that work site or location.* (MMA Monitored)
- L.D. 376**, Resolve, To Complete the Timely and Appropriate Redesign of Shared Living Services for Adults with Intellectual Disabilities and Autism (Resolves 2011, Chapter 30; effective 5/9/11) *This resolve requires the Department of Health and Human Services to continue to work on the redesign of its shared living program and to report on its progress to the Joint Standing Committee on Health and Human Services by September 1, 2011 and December 15, 2011.* (MMA Monitored)
- L.D. 859**, Resolve, To Convene a Task Force to Study Cost-effective Ways of Dealing with an Increased Population of Those Affected by Alzheimer's Disease (Resolves 2011, Chapter 58; effective 9/28/11) *This resolve directs the Commissioner of Health and Human Services to convene a task force to review Alzheimer's disease-related issues in health care and to develop cost-effective ways of dealing with an estimated 50% increase in the number of patients with*

*Alzheimer's disease in the next 15 years. The commissioner is required to report the findings of the task force along with any recommended legislation to the Joint Standing Committee on Health and Human Services. (MMA Monitored)*

- L.D. 897**, An Act to Amend the Application Process for the Progressive Treatment Program (P.L. 2011, Chapter 492; effective 8/30/12) *Current law limits who may obtain an order from the District Court to admit a patient to a progressive treatment program. This bill adds medical practitioners, law enforcement officers and legal guardians of individuals to the list of persons who may apply for admission to the progressive treatment program of an individual in need of psychiatric treatment. The bill clarifies that available community providers for a progressive treatment program patient must be licensed and qualified. The bill requires the application for admission to the program to include a proposed individualized treatment plan and to identify one or more licensed and qualified community providers willing to support the plan. The bill requires that the applicant serve notice of hearing on a patient who is not hospitalized and provide proof of service to the court. The bill also repeals provisions of law that apply when a patient is going to be served by an assertive community treatment team. (MMA Monitored)*
- L.D. 967**, Resolve, To Study the Cost of Providing Behavioral Health Care and Substance Abuse Services (Resolves 2011, Chapter 107; effective 9/28/11) *This resolve requires the Department of Health and Human Services to review the use of hospital emergency departments by persons requiring only behavioral health and substance abuse services. The bill requires the department to identify care that could be delivered in community-based settings, to review models for triage and diversion, to estimate potential cost savings and to report recommendations by June 1, 2012 to the Joint Standing Committee on Health and Human Services. (MMA Monitored)*
- L.D. 1196**, An Act to Clarify Assistance for Persons with Acquired Brain Injury (P.L. 2011, Chapter 293; effective 9/28/11) *This bill updates the laws relating to head injury to use the more appropriate term "acquired brain injury." The bill also revises the responsibilities of the Department of Health and Human Services with regard to persons who sustain acquired brain injuries, including the provision of appropriate services and the protection of civil rights. (MMA Monitored)*
- L.D. 1241**, An Act To Exempt Employers Subject to Federally Mandated Drug and Alcohol Programs from Maine Substance Abuse Program Laws (P.L. 2011, Chapter 196; effective 9/28/11) *This bill allows an employer subject to a federally mandated substance abuse testing program to extend its United States Department of Transportation mandated program to its entire workforce and its independent contractors. It allows such employers to have the same substance abuse policy for all employees and independent contractors. The bill directs the Department of Labor, Bureau of Labor Standards to submit a report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by January 15, 2012 with recommendations on simplifying and streamlining the labor laws dealing with substance abuse testing. (MMA Monitored)*

**L.D. 1252**, Resolve, To Develop a Plan to Improve Public Guardianship Services to Adults with Cognitive Disabilities (Resolves 2011, Chapter 80; effective 9/28/11) *This resolve requires the Maine Developmental Disabilities Council to convene a stakeholder group to establish a working plan to provide public guardianship for adults with cognitive disabilities. The council is required to identify the necessary statutory changes and steps to implement a permanent guardianship program operated by an independent entity and make recommendations by January 15, 2012 to the Joint Standing Committee on Health and Human Services, which is authorized to submit a bill implementing the program. (MMA Monitored)*

**L.D. 1548**, An Act To Update and Improve Maine's Laws Pertaining to the Rights of Persons with Intellectual Disabilities (P.L. 2011, Chapter 186; effective 9/28/11) *This bill amends the laws regarding the rights of persons with intellectual disabilities. It provides a legal mechanism for Maine courts to limit a person's rights if the person is found not competent to stand trial or not guilty by reason of mental incapacity. It permits the Department of Health and Human Services to adopt routine technical rules that clarify when a guardian may limit, waive or restrict a person's rights and basic protections. It permits persons receiving services to organize residential councils to enhance communication between providers and residents. It clarifies the use of the terms "restraint" and "seclusion." The bill also directs the Department of Health and Human Services and the Maine Developmental Disabilities Council, with the participation of the Disability Rights Center and the assistance of the Revisor of Statutes, to review the Maine Revised Statutes and identify the sections that use the terms "mental retardation" and "mentally retarded" and report recommendations for changes, including proposed legislation, to the Joint Standing Committee on Health and Human Services. (MMA Monitored)*

**L.D. 1688**, An Act To Clarify the Status of Patients Held under Involuntary Commitment Applications (P.L. 2011, Chapter 541; effective 8/30/12) *This bill clarifies that an application for admission to a psychiatric hospital under the Maine Revised Statutes, Title 34-B, section 3863 is not a commitment to a psychiatric hospital. (MMA Supported).*

**L.D. 1698**, An Act To Establish Veterans Treatment Courts (P.L. 2011, Chapter 500; effective 3/14/12) *The Chief Justice of the Supreme Judicial Court may establish veterans treatment courts, which are specialized sentencing dockets in select criminal cases in which the defendant is a veteran or a member of the United States Armed Forces. The specialized dockets will enable veterans agencies and social service agencies to provide treatment for that defendant. The Supreme Judicial Court may adopt administrative orders and court rules of practice as necessary. (MMA Monitored)*

**L.D. 1902**, Resolve, Regarding Legislative Review of Chapter 30: Maine Uniform Accounting and Auditing Practices for Community Agencies, a Major Substantive Rule of the Department of Health and Human Services (Resolve 2011, Chapter 157; effective 4/18/12) *This resolve provides for legislative review of*

Chapter 30: Maine Uniform Accounting and Auditing Practices for Community Agencies, a major substantive rule of the Department of Health and Human Services. (MMA Monitored)

## Defeated

- L.D. 324**, An Act to Authorize Parents with Power of Attorney to Make Decisions Regarding the Education of Their Adult Children (MMA Monitored)
- L.D. 531**, An Act to Specify Qualifications for the Director of the Office of Adult Mental Health Services within the Department of Health and Human Services (MMA Supported)
- L.D. 918**, An Act to Reduce the Cost of Mental Health Services in Maine (MMA Monitored)
- L.D. 963**, An Act to Ensure Humane Treatment for Special Management Prisoners (MMA Monitored)
- L.D. 1163**, An Act to Implement the Recommendations of the Commissioner of Corrections' Study Regarding the Placement of Special Management Prisoners (MMA Monitored)
- L.D. 1263**, An Act to Establish One State Psychiatric Hospital (MMA Supported)
- L.D. 1857**, An Act To Enhance the Protection of Social Service Home Visitors (MMA Monitored)

## PRACTICE MANAGEMENT

### Enacted

- L.D. 1**, An Act To Ensure Regulatory Fairness and Reform (P.L. 2011, Chapter 304; effective 6/13/2011 in part; 9/16/11 in part) *This bill includes a number of provisions, including:*
  - Part A establishes a voluntary environmental audit program within the Department of Environmental Protection that provides incentives, including reduced penalties, to regulated entities that discover, disclose and correct environmental violations through an environmental audit program or a compliance management system.*
  - Part B authorizes agencies to conduct a cost-benefit analysis of proposed rules in instances in which the consideration of costs is permitted and when the agency determines that sufficient staff expertise and budgeted resources exist within the agency to complete the analysis.*
  - Part C renames the business assistance and referral program currently within the Department of Economic and Community Development, Office of Business Development as "the Business Ombudsman Program." The Business Ombudsman Program is charged with assisting businesses by resolving problems between*

*businesses and state agencies, facilitating responsiveness of agencies to business needs, referring businesses to the agency that can best provide the business services or assistance requested, providing comprehensive permit information and services, including a consolidated permit procedure for all types of retail business licenses, and serving as a central clearinghouse of business assistance programs and services available in the State.*

*Part D creates the Bureau of the Special Advocate within the Department of the Secretary of State. The bureau is headed by a special advocate who is charged with general advocacy on behalf of small business interests within the state regulatory process and who is authorized to assist specific small businesses in seeking a resolution of proposed or initiated agency enforcement actions that may result in the closure of the business or the termination of employees, either through monetary penalties or suspension or revocation of a business license.*

*Part E requires agencies to include citations for up to 3 primary sources of information relied upon by an agency when proposing or adopting rules, except for emergency rules.*

*Part F requires the Commissioner of Environmental Protection to adopt routine technical rules or amend rules as necessary that, consistent with rules adopted by the United States Environmental Protection Agency, provide that isopropyl alcohol and wood ash are not hazardous waste or solid waste if being used, reused or recycled as effective substitutes for commercial products.*

*Part F also requires the Board of Environmental Protection to adopt major substantive rules or amend rules as necessary that allow and encourage the beneficial reuse of hazardous and solid wastes, consistent with the protection of public health and the environment.*

*Part G amends the definition of the word “rule” within the Maine Administrative Procedure Act to include agency guidelines and specifies that a rule is not judicially enforceable unless it is adopted in a manner consistent with the Maine Administrative Procedure Act.*

*Part H proposes a number of changes to the structure and functions of the Board of Environmental Protection.*

*Part I repeals rules adopted by the Department of Health and Human Services on January 1, 2011 relating to the Maine uniform accounting and auditing practices for community agencies and replaces them with the rules governing those auditing practices that were in effect prior to January 1, 2011. Part I also directs the Commissioner of Health and Human Services to work closely with the commissioner’s advisory board in adopting amendments to those rules that avoid duplication of federal auditing standards and preserve the authority of individual community agency boards.*

*Part K directs the Secretary of State to convene a working group to examine opportunities for reducing the paperwork associated with the filing of forms with the office of the Secretary of State and to report the findings of the working group by February 1, 2012 to the Joint Standing Committee on State and Local Government.*

*Part L allows joint standing committees of the Legislature to direct agencies within their jurisdiction to undertake retrospective reviews of agency rules for relevance, clarity and reasonableness. (MMA Monitored)*



- L.D. 164**, An Act to Extend the Dental Care Access Credit for Dentists Who Practice in Underserved Areas of the State (P.L. 2011, Chapter 434; effective 9/28/11) *This bill extends the dental care access income tax credit by permitting the certification of an additional 6 dentists annually through 2015.* (MMA Supported)
- L.D. 1314**, An Act to Standardize the Definition of “Independent Contractor” (P.L. 2011, Chapter 643; effective 12/31/12) *This bill standardizes the definition of “independent contractor” for employment security law and workers’ compensation law. It clearly states the penalties for the misclassification of a worker as an independent contractor. The amendment also requires 2 interim reports and a final comprehensive report to the joint standing committee of the Legislature having jurisdiction over labor matters from the Workers’ Compensation Board and the Department of Labor on the implementation of the new independent contractor definition.* (MMA Monitored)
- L.D. 1420**, An Act to Modify the Laws Regarding Status as an Independent Contractor (P.L. 2011, Chapter 292; effective 6/10/11) *This bill creates a stakeholder group of interested parties to develop an employment test that can be used across all occupations and in the administration of unemployment compensation law, workers’ compensation law and labor standards programs. This bill also repeals, effective December 31, 2012, the presumption that services performed by an individual for remuneration are considered employment unless certain conditions are met.* (MMA Monitored)

## Defeated

- L.D. 149**, An Act to Authorize Municipalities to Impose Service Charges on Tax-exempt Property Owned by Certain Non Profit Organizations (MMA Monitored)
- L.D. 255**, An Act to Provide an Income Tax Deduction for Amounts Received as Loan Forgiveness under the Maine Dental Education Loan Program (MMA Monitored)
- L.D. 405**, An Act to Clarify Charitable Status for Property Tax Exemption (MMA Monitored)
- L.D. 834**, An Act To Define “Prosthetic Device” for Purposes of Sales Tax Law (MMA Monitored)
- L.D. 1235**, An Act to Allow a Tax-Free Employee Illness Account (MMA Monitored)
- L.D. 1568**, An Act to Ensure Fair Business Competition in Agriculture (MMA Monitored)
- L.D. 1810**, An Act To Implement Recommendations of the Committee To Review Issues Dealing with Regulatory Takings (MMA Monitored)

# PRESCRIPTION & OTHER DRUG POLICY

## Enacted

- L.D. 177**, An Act To Authorize Licensed Veterinarians To Honor Prescriptions from Other Licensed Veterinarians (P.L. 2011, Chapter 30; effective 9/28/11) *This bill provides a licensed veterinarian with the authority to sell and dispense the written prescription of another licensed veterinarian.* (MMA Monitored)
- L.D. 773**, An Act to Further Restrict the Availability of Methamphetamine and Amphetamine Pills (P.L. 2011, Chapter 436; effective 9/28/11) *This bill makes trafficking in a quantity of 300 or more pills, capsules, tablets or units of methamphetamine or amphetamine an aggravated offense and a Class A crime. It also makes trafficking in 100 grams or more of amphetamine a Class A crime.* (MMA Monitored)
- L.D. 914**, An Act to Make Certain Synthetic Cannabinoids Illegal (P.L. 2011, Chapter 428; effective 7/1/12) *This bill makes the synthetic cannabinoids JWH-018, JWH-073, HU-210 and HU-211 schedule Z drugs, the possession of which is a Class E crime.* (MMA Monitored)
- L.D. 1159**, An Act to Amend the Identification Requirements under the Maine Medical Use of Marijuana Act (P.L. 2011, Chapter 383; effective 9/28/11) *This bill clarifies that an individual must possess both a valid registry identification card and a valid Maine-issued driver's license or other Maine-issued photo identification as proof of valid participation in the medical use of marijuana. The bill also specifies that a primary caregiver's registry identification card expires on the same date that the patient's card expires and removes the requirement that registry identification cards contain information distinguishing the cardholder as a patient or primary caregiver and a photo. It also includes provisions on forfeiture for excess marijuana, allowing the use in court of certified copies of marijuana registry records and rulemaking on fees paid by primary caregivers.* (MMA Monitored)
- L.D. 1296**, An Act to Amend the Maine Medical Use of Marijuana Act to Protect Patient Privacy (P.L. 2011, Chapter 407; effective 9/28/11 in part, 11/27/11 in part) *This bill amends the Maine Medical Use of Marijuana Act. Among the most substantial changes from the existing law are the following:*
1. *Patients who receive a certificate from their physician will no longer be required to register with the state. The registration process would be voluntary.*
  2. *The physician certificate will no longer include the condition or diagnosis of the patient, although issuance of a certificate will still require the physician to certify that the patient had one of the conditions or symptoms listed in the law (the list remains unchanged).*
  3. *No later than 120 days after the effective date of the bill, HHS must adopt rules regarding the consideration of petitions from the public to add medical conditions or treatments to the list of debilitating medical conditions set forth in the law.*
  4. *The Advisory Committee established last year in the law is abolished (The committee never was appointed).*

5. *The provision enacted last year regarding minors has been substantially changed to provide for a second opinion to just go to the physician who has prepared the medical marijuana certificate and the opinion would not be binding. A physician certificate still would expire one year from the date of its issuance.* (MMA Monitored)

- L.D. 332**, Resolve, Regarding Legislative Review of Portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, a Major Substantive Rule of the Department of Health and Human Services (Resolves 2011, Chapter 96; effective 6/21/2011) *The bill approves final adoption of this major substantive rule.* (MMA Monitored)
- L.D. 719**, An Act to Make Certain Prescription Drug Disclosure Laws Consistent with Federal Law (P.L. 2011, Chapter 461; effective 9/28/11 in part, 4/1/12 in part) *This bill strikes the laws related to the reporting of marketing costs, price reporting and the disclosure of clinical trials by manufacturers and labelers of prescription drugs. It maintains funding for the academic detailing program.* (MMA Opposed in part)
- L.D. 966**, An Act Regarding the Use of Methadone by Operators of Commercial Motor Vehicles (P.L. 2011, Chapter 455; effective 7/1/12) *This bill prohibits the operation of a commercial motor vehicle by a person who has methadone or its metabolite in that person's body and makes a violation of the prohibition a Class E crime.* (MMA Monitored)
- L.D. 1116**, An Act to Restore Market-based Competition for Pharmacy Benefits Management Services (P.L. 2011, Chapter 443; effective 9/28/11 in part, 4/1/11 in part) *The bill repeals the Maine Revised Statutes, Title 22, chapter 603, subchapter 4, which concerned prescription drug practices, and moved certain provisions from that subchapter regarding pharmacy benefits managers to Title 24-A. The bill also addresses the contract between the pharmacy and pharmacy benefits manager, pharmacy benefits manager duties, complaints, grievances and appeals, denial or limitation of benefits, written notice and audits of the records of the pharmacy.* (MMA Monitored)
- L.D. 1429**, An Act to Amend the Laws Governing Prescription Monitoring Information (P.L. 2011, Chapter 218; effective 9/28/11) *This bill allows the Department of Health and Human Services, Office of Substance Abuse to share prescription monitoring information with another state if the state has provisions consistent with prescription monitoring information provisions in Maine law and the office enters into a prescription monitoring information sharing agreement with the other state.* (MMA Support)
- L.D. 1435**, An Act to Adopt the Interstate Prescription Monitoring Program Compact (P.L. 2011, Chapter 217; effective 9/28/11) *This bill enacts the interstate prescription monitoring program compact. The compact is designed to provide a mechanism for state prescription monitoring programs to securely share prescription data to improve public health and safety.* (MMA Support)

- L.D. 1501**, Resolve, To Reduce Opioid Overprescription, Overuse and Abuse (Resolves 2011, Chapter 81; effective 9/28/11) *This resolve establishes a work group to be convened by the Substance Abuse Services Commission to review and make recommendations on treatment for chronic noncancer-related pain to the Joint Standing Committee on Health and Human Services not later than December 1, 2011. (MMA Opposes)*
- L.D. 1562**, An Act to Prohibit the Sale or Possession of So-called Bath Salts Containing Dangerous Synthetic Drugs (P.L. 2011, Chapter 447; effective 7/6/11) *This bill prohibits the possession and use of certain dangerous synthetic hallucinogenic chemicals that are sometimes marketed as “bath salts” using the same penalties as those imposed for Schedule W drugs. The bill also repeals the changes effective June 15, 2013, at which time the Legislature may reevaluate the statute and evaluate any action of the Federal Government regarding these drugs. (MMA Monitored)*
- L.D. 1679**, An Act To Conform Maine’s Prescription Drug Privacy Laws with the United States Constitution (P.L. 2011, Chapter 494; effective 8/30/11) *This bill repeals provisions of Maine’s laws providing confidentiality for certain prescription drug information relating to prescribers to conform state law to the United States Supreme Court decision in Sorrell v. IMS Health Inc., 131 S. Ct. 2653 (2011), which held unconstitutional similar provisions in the laws of Vermont. (MMA Monitored)*
- L.D. 1691**, An Act Related to Specialty Tiers in Prescription Medication Pricing (P.L. 2011, Chapter 611; effective 1/1/13) *The bill requires health benefit plans that provide prescription drugs to provide a separate total limit for out-of-pocket expenses for prescription drugs provided under the health plan subject to coinsurance that does not exceed \$3,500 per year if the carrier does not include out-of-pocket expenses for prescription drugs subject to coinsurance under the health plan’s total limit for out-of-pocket expenses for all benefits provided under the health plan to the extent not inconsistent with the federal Affordable Care Act. The bill authorizes a carrier to adjust its limit for out-of-pocket expenses to minimize any premium increase that might otherwise result. The provisions apply to health insurance policies, contracts and certificates issued or renewed on or after January 1, 2013. (MMA Supported)*
- L.D. 1714**, An Act To Restrict Further the Amount of Methamphetamine Precursors That May Be Bought or Sold (P.L. 2011, Chapter 584; effective 8/30/12) *This bill replaces current restrictions on the sale of a targeted methamphetamine precursor and limits sales to 3.6 grams per person per day and 9 grams per person per 30 days to comply with federal law. It also places the same restrictions on purchases. The bill requires the electronic logging system to block illegal sales, subject to override if the seller has a concern for personal safety if the sale is not made. The bill exempts from the electronic logging system a retailer who does not have access to the Internet. The bill provides a presumption of good faith for the retailer in a civil proceeding in which use of the electronic logging system is an issue. The bill requires the Department of Public Safety, Maine Drug Enforcement*

*Agency to select a real-time electronic logging system by August 1, 2012 and by September 1, 2012 to notify retailers of the system. (MMA Monitored)*

- L.D. 1852**, An Act to Provide a More Comprehensive Ban on the Possession of Synthetic Hallucinogenic Drugs (P.L. 2011, Chapter 578; effective 8/30/12) *This bill identifies 5 additional illegal synthetic hallucinogenic drugs and provides that any derivative of cathinone that is not a scheduled drug or a drug approved by the United States Food and Drug Administration is an illegal synthetic hallucinogenic drug. (MMA Supported)*
- L.D. 1868**, An Act To Correct Errors and Inconsistencies in the Laws of Maine (P.L. 2011, Chapter 691; effective 5/22/12) *Sections 21 and 22 of this bill correct a conflict created by Public Law 2011, chapters 383 and 407, which affected the same provision of law dealing with \ marijuana registry card issuance, by incorporating the changes made by both laws and also makes a technical correction. (MMA Monitored)*

## Defeated

- L.D. 676**, An Act to Enact Requirements Concerning Veterinary Prescriptions (MMA Monitored)
- L.D. 774**, An Act to Allow Access to Pseudophedrine by Prescription Only (MMA Monitored)
- L.D. 887**, An Act to Include Medicinal Marijuana Patients in the Controlled Substances Prescription Monitoring Program (MMA Supported)
- L.D. 1166**, An Act to Improve Electronic Prescribing (MMA Monitored)
- L.D. 1192**, An Act to Require that Marijuana Seized by Law Enforcement Officers be Tested and Made Available for Use by Authorized Medical Marijuana Dispensaries (MMA Monitored)
- L.D. 1453**, An Act to Legalize and Tax Marijuana (MMA Monitored)
- L.D. 1487**, An Act to Assist Maine Pharmacies (MMA Monitored)
- L.D. 1824**, An Act To Provide Immunity for Prescribing and Dispensing Intranasal Naloxone Kits (MMA Supported)
- L.D. 1827**, An Act To Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances (MMA Monitored)
- L.D. 1829**, An Act To Require Photographic Identification for Prescriptions for Certain Controlled Substances (MMA Monitored)

# PUBLIC HEALTH & SAFETY

## Enacted

- L.D. 83**, An Act to Legalize the Sale, Possession and Use of Fireworks (P.L. 2011, Chapter 416; effective 1/1/12) *This bill provides that where municipalities do not adopt an ordinance to restrict or prohibit the sale of consumer fireworks and do not choose to issue municipal permits for the sale of consumer fireworks, the sale of consumer fireworks is allowed, pursuant to specifications in the law. The sale of fireworks to a person under 21 years of age or who appears to be under the influence of drugs or alcohol is prohibited. There is an initial licensing fee of \$5,000, which then drops to \$1,500 for annual renewal. The effective date of the legislation is January 1, 2012. (MMA Opposed)*
- L.D. 121**, An Act to Amend the Laws Regarding Public Health Infrastructure (P.L. 2011, Chapter 306; effective 9/28/11) *This bill creates a new tribal district in the public health infrastructure system composed of any lands belonging to Indian tribes in the State and including any member of a tribe living outside of tribal lands. It allows the tribal district to apply for Healthy Maine Partnerships funding. It allows for clear data assessments for the tribal district and tribal members that are separate from data available for other districts. (MMA Monitored)*
- L.D. 168**, An Act to Require a Medical Examiner to Determine whether an Autopsy is Needed in the Case of the Death of a Prisoner in a Correctional Facility (P.L. 2011, Chapter 60; effective 9/28/11) *This bill amends the statute regarding medical examiner cases to specify that a medical examiner case may exist and must be reported when a person dies in custody pursuant to an arrest or confinement in a state correctional facility, county jail, other correctional facility or local lockup or while in transport between any of these places while in the custody of a law enforcement officer or county or state corrections official. The bill removes the current exception covering a prisoner's death that is due to specific natural causes that are clearly certifiable by an attending physician. This means that whenever a death occurs in these circumstances, the death must be reported to the Chief Medical Examiner, and the Chief Medical Examiner must then determine whether the case is a medical examiner case. (MMA Monitored)*
- L.D. 435**, An Act to Improve the Rate of Organ and Tissue Donation by Establishing the Organ Donation Advisory Council (P.L. 2011, Chapter 168; effective 5/30/11) *The bill moves the Organ Donation Advisory Council in Title 5 from general government boards to the section on boards and commissions that are advisory with minimal authority. It clarifies the appointing authority of the members of the council and removes the requirement for some members to be confirmed by the Joint Standing Committee on Health and Human Services and the Senate. It appoints 4 members of the council to a 2-year initial term to allow for staggered terms of membership. (MMA Monitored)*
- L.D. 512**, An Act Regarding the Disposition of Mercury-added Lamps (P.L. 2011, Chapter 275; effective 9/28/11) *This bill authorizes the use of crushing devices in a mercury-added lamp recycling program. (MMA Supported)*

- L.D. 515**, An Act to Review State Water Quality Standards (P.L. 2011, Chapter 194; effective 9/28/11) *The bill allows mercury testing once per year. It establishes a new risk level for inorganic arsenic when the Department of Environmental Protection is calculating ambient water quality criteria. It provides that the department may use any unallocated assimilative capacity that the department has set aside for future growth if use of the unallocated assimilative capacity would avoid an exceedance or reasonable potential to exceed ambient water quality criteria. It provides that metals limits must be expressed as mass-based limits.* (MMA Monitored)
- L.D. 523**, An Act to Modify the Regulation of Fireworks (P.L. 2011, Chapter 202; effective 6/2/11) *This bill amends the definition of “fireworks” to allow the use of signal, antique or replica cannons if no projectile is fired.* (MMA Monitored)
- L.D. 544**, An Act to Eliminate Duplication of Paint Disclosure and Radon Requirements (P.L. 2011, Chapter 96; effective 9/28/11) *The bill eliminates the duplication of state and federal lead-based paint disclosure requirements and amends the law requiring radon testing of residential buildings to exempt buildings used exclusively for short-term or seasonal rentals of less than 100 days.* (MMA Monitored)
- L.D. 553**, An Act to Reduce Maine’s Dependence on Oil (P.L. 2011, Chapter 400; effective 9/28/11) *This bill establishes targets under the Governor’s Office of Energy Independence and Security to reduce the State’s consumption of oil by at least 30% from 2007 levels by 2030 and at least 50% from 2007 levels by 2050. It requires the Governor’s Office of Energy Independence and Security to develop a plan to achieve those targets and to submit that plan to the Legislature by December 1, 2012. The biennial comprehensive state energy plan under the Maine Revised Statutes, Title 2, section 9, subsection 3, paragraph C must include a section regarding the State’s progress in meeting the oil dependence reduction targets.* (MMA Supported)
- L.D. 654**, An Act to Amend the Occupational Disease Reporting Laws (P.L. 2011, Chapter 337; effective 9/28/11) *This bill amends the laws governing occupational disease reporting to clarify who must report occupational diseases to the Department of Health and Human Services to be consistent with the mandated reporters designated in the rules for notifiable diseases and conditions. The bill also revises the confidentiality provision to allow the identification of the site of employment where an occupational disease has occurred to the Department of Labor, Bureau of Labor Standards.* (MMA Monitored)
- L.D. 736**, An Act to Prohibit Texting While Driving (P.L. 2011, Chapter 207; effective 9/28/11) *This bill provides that a person may not operate a motor vehicle while engaging in text messaging.* (MMA Supported)
- L.D. 869**, An Act to Clarify the State’s Authority under Public Health Laws for Municipal Inspections of Establishments (P.L. 2011, Chapter 295; effective 9/28/11) *This bill establishes that only municipalities that have been delegated authority by the Department of Health and Human Services may inspect establishments. A municipality that has not been delegated authority may not license or inspect establishments.* (MMA Monitored)

- L.D. 889**, An Act to Regulate Boxing and Prizefighting in Maine (P.L. 2011, Chapter 305; effective 9/28/11) *This bill amends the law that creates the Mixed Martial Arts Authority of Maine to include boxing and renames the authority the Combat Sports Authority of Maine.* (MMA Monitored)
- L.D. 930**, An Act to Clarify Maine's Phaseout of the "Deca" Mixture of Polybrominated Diphenyl Ethers (P.L. 2011, Chapter 160; effective 5/26/11) *This bill allows for the replacement of the "deca" mixture of polybrominated diphenyl ethers with a chemical that is a brominated or chlorinated flame retardant if it is demonstrated to the satisfaction of the Commissioner of Environmental Protection that the replacement flame retardant is a safer alternative. The bill allowed the replacement of the "deca" mixture with a brominated or chlorinated flame retardant without the need for the commissioner to determine that the replacement flame retardant is a safer alternative.* (MMA Monitored)
- L.D. 939**, An Act to Enhance Mandated Reporting and Prosecution of Elder Abuse, Neglect and Exploitation (P.L. 2011, Chapter 291; effective 9/28/11) *This bill modifies several provisions in the Adult Protective Services Act mandated reporting requirements to be consistent with the Child and Family Services and Child Protection Act mandated reporting requirements. Specifically, when a report must be made and by whom have been brought into alignment as appropriate.* (MMA Monitored)
- L.D. 1073**, Resolve, To Encourage the Use of Defibrillators in Health Clubs and Gyms (Resolves 2011, Chapter 50; effective 9/28/11) *This resolve requires the Department of Public Safety to work with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, Maine Cardiovascular Health Program, the American Heart Association's Maine affiliate and emergency medical services around the State to determine where health clubs and gyms are located, whether automated external defibrillators are installed in those health clubs and gyms and whether staff have been trained in their use. The government discounted price for automated external defibrillators has been extended to health clubs and gyms in the State and the resolve provides that this information must be publicized to health clubs and gyms.* (MMA Monitored)
- L.D. 1105**, Resolve, To Study Oral Health Care in Maine and Make Recommendations Regarding How To Address Maine's Oral Health Care Needs (Resolves 2011, Chapter 92; effective 9/28/11) *This resolve requires the Executive Director of the Legislative Council to request Medical Care Development, Inc. to perform a study of oral health care needs in the State.* (MMA Monitored)
- L.D. 1144**, An Act to Repeal Inactive Boards and Commissions (P.L. 2011, Chapter 344; effective 9/28/11) *This bill repeals boards and commissions that have failed to file an annual report or for inactivity, including the Maine Council of Poverty and Economic Security and the Maine Food Policy Council.* (MMA Monitored)
- L.D. 1303**, An Act to Increase the Fee Paid to a Funeral Home to Transport a Body at the Request of the State Medical Examiner (P.L. 2011, Chapter 445; effective 9/28/11) *This bill increases the fee paid to a funeral establishment to transport a*



*body to Augusta at the request of the Department of the Attorney General, Office of Chief Medical Examiner. (MMA Monitored)*

- L.D. 1309**, Resolve, To Encourage Reciprocity Between Maine and NH in the Reporting of Rabies Vaccinations by Veterinarians (Resolves 2011, Chapter 64; effective 9/28/11) *This resolve directs that the Commissioner of Agriculture, Food and Rural Resources shall invite the Commissioner of Agriculture, Markets and Food of New Hampshire to jointly develop a reciprocity agreement that provides each state with information on dogs residing in their respective states that have been vaccinated by veterinarians in the other state. (MMA Monitored)*
- L.D. 1349**, An Act to Amend the Laws Governing the Handling of Medical Examiner Cases (P.L. 2011, Chapter 182; effective 9/28/11) *Current law requires that the medical examiner or the person expressly authorized by the Chief Medical Examiner conduct a thorough examination of a body in a medical examiner case. This bill provides an exception for a case in which the Chief Medical Examiner or the Deputy Chief Medical Examiner determines, after review of available records and known circumstances, that the report of the death of the decedent may be certified and completed without examining the body. (MMA Monitored)*
- L.D. 1398**, An Act to Amend the Laws Administered by the Department of Environmental Protection (P.L. 2011, Chapter 206; effective 6/3/2011) *This bill makes a number of changes to the laws governing environmental protection, including: It changes the name of the Pollution Prevention Advisory Committee to the Pollution Prevention and Small Business Assistance Advisory Panel and amends the laws governing the appointment of members to the panel and terms and compensation of members. It amends the oil spill prevention laws to make it clear that liquid natural gas is not oil. It amends the laws on registration of underground oil storage tanks. It amends the mercury products laws to consolidate restrictions on the sale of mercury-added batteries. It consolidates reporting requirements under the thermostat recycling and product stewardship laws. (MMA Monitored)*
- L.D. 1490**, An Act to Amend the Laws Regarding Custody of the Remains of Deceased Persons (P.L. 2011, Chapter 387; effective 9/28/11) *This bill establishes an order of priority for the custody and control of the remains of a deceased person. If a person has been charged with murder or the type of manslaughter in which the person intentionally or knowingly causes the death of another, that person forfeits the right to custody and control of the remains of a deceased person. Upon the dismissal of the charges or acquittal of the person, the person resumes the position of priority granted under the law. The bill authorizes certain actions by funeral directors or practitioners of funeral services, cemeteries and crematories, including sheltering the remains during the pendency of a dispute over custody and control, and provides certain protections to funeral directors, cemeteries and crematories. (MMA Monitored)*

- L.D. 1558**, Resolve, To Study Allocations of the Fund for a Healthy Maine (Resolves 2011, Chapter 112; effective 9/28/11) *This resolve implements one recommendation for legislative action found in the report on Fund for a Healthy Maine programs submitted by the Office of Program Evaluation and Government Accountability in October 2009. The original allocations from the fund to various health efforts were established more than 10 years ago and have remained relatively consistent. This resolve establishes a commission tasked with reviewing whether allocations of the fund are properly aligned with the State's current public and preventive health priorities, strategies and goals and recommending adjustments to allocations as necessary.* (MMA Monitored)
- L.D. 1720**, An Act To Increase the Membership of the Homeland Security Advisory Council (P.L. 2011, Chapter 539; effective 8/30/12) *This bill amends the membership of the Homeland Security Advisory Council. It increases the number of members from 6 to 9. It adds the Commissioner of Inland Fisheries and Wildlife, the Commissioner of Marine Resources and the Commissioner of Conservation as members. It changes representation from the Director of the Bureau of Health within the Department of Health and Human Services to the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services.* (MMA Monitored)
- L.D. 1731**, An Act To Combat Human Sex Trafficking (P.L. 2011, Chapter 672; effective 8/31/12) *The bill amends the crime of aggravated promotion of prostitution to provide other examples of behavior engaged in or actions taken, such as confiscating a person's passport or threatening to have a person deported, for the purpose of compelling that person to engage in or continue to engage in prostitution. The purpose of these additional examples is to ensure that the statute prohibits so-called sex trafficking. Aggravated promotion of prostitution is a Class B crime. It provides a General Fund appropriation of \$346,676 in fiscal year 2012-13 for the computer crimes unit program within the Department of Public Safety, Bureau of State Police for one Forensic Analyst position and for contracted detective services and operating costs.* (MMA Monitored)
- L.D. 1744**, An Act To Require Carbon Monoxide Detectors in Additional Residential Occupancies (P.L. 2011, Chapter 553; effective 8/30/12) *This bill requires the owner of a hotel, motel, inn or bed and breakfast that receives its initial licensure on or after August 1, 2012 to install carbon monoxide detectors if it is new construction or a conversion from an existing building. The amendment also requires a carbon monoxide detector be installed in any new construction of, addition to, or restoration of a fraternity or sorority house or dormitory affiliated with a private school, public school or private or public postsecondary institution incorporated or chartered under the laws of this State, as well as any conversion of an existing building to such a fraternity or sorority house or dormitory.* (MMA Supported).
- L.D. 1855**, An Act Regarding the Fund for a Healthy Maine's Prevention, Education and Treatment Activities Concerning Unhealthy Weight and Obesity (P.L. 2011, Chapter 617; effective 8/30/12) *This bill proposes changes to the Fund for a Healthy Maine as recommended by the Commission To Study Allocations of*

*the Fund for a Healthy Maine established pursuant to Resolve 2011, chapter 112. It adds prevention, education and treatment activities concerning unhealthy weight and obesity to the health promotion purposes of the fund. It states that the Commissioner of Administrative and Financial Services in consultation with the Commissioner of Health and Human Services is required to create a separate entry for prevention, education and treatment activities concerning unhealthy weight and obesity to be used in the state budget beginning in fiscal year 2014-15. The entry must include the funds being spent on obesity prevention. (MMA Supported)*

**L.D. 1884**, An Act To Revise the Laws Regarding the Fund for a Healthy Maine (P.L 2011; Chapter 701; effective 8/30/12) *This bill, which is based on recommendations from the Commission To Study Allocations of the Fund for a Healthy Maine, proposes changes to the Fund for a Healthy Maine. The bill changes the Fund for a Healthy Maine from an Other Special Revenue Funds account to a separate fund. It requires an annual report on targeted uses of fund money to the Commissioner of Administrative and Financial Services and provides for an annual report to the Legislature. It places in law review by the joint standing committee of the Legislature having jurisdiction over health and human services matters of legislative proposals affecting the fund that are currently in effect through Joint Rule 317. (MMA Supported)*

**L.D. 1886**, An Act Requiring Communication of Mammographic Breast Density Information to Patients (Resolve 2011, Chapter 159; effective 8/30/12) *This resolve establishes that the Department of Health and Human Services, Maine Center for Disease Control and Prevention, in conjunction with the Maine Medical Association, shall convene a work group to review and report on strategies to improve the dialogue between patients and physicians regarding breast density and breast imaging options. (MMA Opposed as introduced)*

**L.D. 1912**, An Act To Encourage Responsible Teen Driving (P.L. 2011, Chapter 648; effective 8/30/12) *The bill increases the restrictions for an intermediate license holder and penalties for violations of restrictions. This bill changes the fine for a violation of the prohibition against engaging in text messaging while driving to not less than \$250 and not more than \$500. The bill also modifies some conditions for juvenile provisional license holders. (MMA Supported)*

## Defeated

**L.D. 23**, An Act to Authorize the Inclusion of Information Regarding Blood Type on Driver's Licenses (MMA Monitored)

**L.D. 64**, An Act to Make a Violation of the Laws Governing Seat Belts a Secondary Offense (MMA Opposed)

**L.D. 330**, An Act to Exempt Farm Food Products and Homemade Food Offered for Sale or Consumption at Certain Events from Certain Licensing Requirements (MMA Monitored)

**L.D. 351**, An Act Concerning Motorcycle Safety (MMA Supported)

- L.D. 547**, Resolve, Directing the Maine Center for Disease Control and Prevention to Conduct a Review of Wood Smoke Laws (Governor Veto) (MMA Monitored)
- L.D. 670**, An Act to Prohibit Certain Uses of Cellular Telephones and Handheld Electronic Devices while Operating a Motor Vehicle (MMA Monitored)
- L.D. 711**, An Act to Regulate Noise from Wind Turbines in Residential Developments (MMA Monitored)
- L.D. 716**, An Act to Improve the Recycling Rate of Mercury-added Motor Vehicle Components (MMA Monitored)
- L.D. 936**, An Act to Conform Maine Menu Labeling Laws to Federal Standards (MMA Monitored)
- L.D. 1035**, Resolve, to Establish Baseline Information on Health Impacts from Grid-scale Wind Energy Development (MMA Monitored)
- L.D. 1139**, Resolve, To Promote Instruction in Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator prior to Graduation (Governor Veto) (MMA Monitored)
- L.D. 1146**, Resolve, to Direct the Department of Environmental Protection to Adopt Rules Establishing Sound Level Limits for Wind Turbines (MMA Monitored)
- L.D. 1160**, Resolve, To Promote Education Regarding Parkinson's Disease Among Health Care and Emergency Personnel (MMA Monitored)
- L.D. 1170**, An Act to Establish a Code of Ethics for Individuals Involved in Grid-scale Wind Energy Development (MMA Monitored)
- L.D. 1189**, An Act to Require Bicyclists to Contribute to the Improvement of Bikeways (MMA Monitored)
- L.D. 1236**, An Act to Amend the Legislative Findings in the Maine Wind Energy Act (MMA Monitored)
- L.D. 1290**, Resolve, To Promote Prevention Practices in Oral Health Care (Governor Veto) (MMA Monitor)
- L.D. 1361**, Resolve, to Ensure Patient Safety in the Use of Certain Imaging Equipment (MMA Monitored)
- L.D. 1412**, An Act to Promote the Proper Disposal of Used Medical Sharps (MMA Monitored)
- L.D. 1433**, An Act to Provide for the Recycling or Proper Disposal of Architectural Paint (MMA Monitored)
- L.D. 1443**, An Act To Improve the Permitting Process for Wind Energy Developments and To Protect Maine's Quality of Place (MMA Monitored)
- L.D. 1479**, An Act to Minimize Conflicts between Property Owners and Gridscale Wind Energy Developments (MMA Monitored)
- L.D. 1511**, An Act To Impose a Lifetime Maximum on the Receipt of Welfare Benefits (MMA Monitored)

- L.D. 1621**, An Act to Remove a Barrier to Response by Emergency Medical Personnel (MMA Supported)
- L.D. 1646**, An Act To Facilitate the Use of Alternative Methods for Biomedical Waste Treatment and Disposal (MMA Supported)
- L.D. 1808**, An Act To Exempt from the Prohibition against Text Messaging While Driving Emergency Personnel Who Are Acting In the Course of Their Duties (MMA Monitored)
- L.D. 1887**, An Act To Restructure the Department of Health and Human Services (MMA Monitored)

## **SCOPE OF PRACTICE, LICENSING & DISCIPLINE FOR INDIVIDUAL PRACTITIONERS**

### **Enacted**

- L.D. 45**, An Act to Allow Marriage and Family Therapists to Provide Related Services in Public Schools (P.L. 2011, Chapter 19; effective 9/28/11) *This bill provides that school administrative units may employ or contract with qualified licensed individuals to provide related services required to assist children with disabilities to benefit from their special education programs. The bill also directs the Commissioner of Education to amend the Department of Education rules in Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty to clarify that a person licensed as a marriage and family therapist is qualified to serve as a qualified evaluator and a qualified licensed contractor.* (MMA Monitored)
- L.D. 46**, An Act to Allow Marriage and Family Therapists to Serve as Mental Health Professionals in Public Schools (P.L. 2011, Chapter 6; effective 9/28/11) *This bill requires that job classifications adopted by the Director of Human Resources within the Department of Administrative and Financial Services must allow a licensed marriage and family therapist to qualify for mental health therapist positions within the civil service system.* (MMA Monitored)
- L.D. 129**, An Act to Eliminate Dual Certification Requirements for Speech-language Pathologists (P.L. 2011, Chapter 49; effective 9/28/11) *This bill provides that a person holding a valid license as a speech-language pathologist by the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting is not required to receive certification from the Department of Education in order to provide speech-language pathology services in a public school or an approved private school.* (MMA Monitored)
- L.D. 230**, Resolve, To Establish a Pilot Project for Independent Practice Dental Hygienists To Process Radiographs in Underserved Areas of the State (Resolves 2011, Chapter 67; effective 9/28/11) *This bill requires that the Department of*

*Professional and Financial Regulation, Board of Dental Examiners establish a 2-year pilot project to allow a licensed independent practice dental hygienist to expose and process radiographs under protocols developed by the Board of Dental Examiners within areas of the State that have been designated by the United States Department of Health and Human Services as dental health professional shortage areas. The rules for the pilot project must require that the independent practice dental hygienist have an agreement in writing to have a licensed dentist available to interpret all dental radiographs within 21 days from the date a radiograph is taken and for the dentist to sign a radiographic review and findings form. (MMA Opposed)*

**L.D. 537**, Resolve, To Design and Implement a Demonstration Project on Recertification of Certified Nursing Assistants (Resolves 2011, Chapter 35; effective 9/28/11) *This bill directs the offices within the Department of Health and Human Services concerning elder services and licensing and regulatory services to work together with licensed home health agencies and nursing facilities to design and implement a demonstration project on certified nursing assistant qualification for continued listing on the Maine Registry of Certified Nursing Assistants to allow a person who is working as an unlicensed assistive person to work or serve as a trainee in a licensed home health agency or nursing facility under required supervision in order to qualify for certification on the Maine Registry of Certified Nursing Assistants. (MMA Monitored)*

**L.D. 767**, An Act to Amend and Clarify Certain Portions of the Dental Practice Laws (P.L. 2011, Chapter 184; effective 9/28/11) *This bill clarifies that dental practice, such as dentistry and dental hygiene, without a license, including while a license is suspended, is a strict liability crime. In addition, this bill amends the law regarding unlicensed practice by including two categories of licensure, denturists and dental radiographers, that were inadvertently omitted and makes other minor corrections. (MMA Monitored)*

**L.D. 955**, An Act to Establish the Dental Adjudicatory Panel (P.L. 2011, Chapter 581; effective 8/30/12). *This bill provides that if the Board of Dental Examiners concludes that denial of initial licensure or modification or nonrenewal of an existing license is in order, the board may refer a complaint to a dental adjudicatory panel for the purpose of holding an adjudicatory hearing in accordance with the provisions of the Maine Administrative Procedure Act. (MMA Monitored)*

**L.D. 1023**, An Act to Authorize the Board of Licensure of Podiatric Medicine and the State Board of Veterinary Medicine to Establish a Podiatrist Health Program and a Veterinarian Health Program (P.L. 2011, Chapter 190; effective 9/28/11) *This bill authorizes the Department of Professional and Financial Regulation, Board of Licensure of Podiatric Medicine and State Board of Veterinary Medicine to establish health programs to allow them to participate in a medical professionals health program created to promote the identification, treatment and recovery of health professionals diagnosed with substance abuse disorders or other mental illness. The program currently has contracts with the Board of Licensure in Medicine, the Board of Osteopathic Licensure, the Board of Dental Examiners, the Maine Board of Pharmacy and the State Board of Nursing. (MMA Supported)*

- L.D. 1094**, An Act to Improve the Delivery of School Psychological Services to Children (P.L. 2011, Chapter 386; effective 9/28/11) *This bill changes the term “school psychological service provider” to “school psychologist” in the law pertaining to school psychological services. The bill distinguishes between a school psychologist at the specialist level and at the doctoral level. It clarifies that a school psychologist may deliver services to children from birth to grade 12. It references the current Model for Comprehensive and Integrated School Psychological Services as published by the National Association of School Psychologists for an articulation of the scope and delivery of services. It revises the supervision requirements for a school psychologist receiving initial certification.* (MMA Monitored)
- L.D. 1391**, An Act to Improve Access to Veterinary Medicine and Improve Veterinary Care (P.L. 2011, Chapter 189; effective 6/1/11) *This bill requires the State Board of Veterinary Medicine to waive the requirement that a person successfully pass an examination pertaining to the practice of veterinary medicine if the person, during the 6 years preceding the application, actively practiced clinical veterinary medicine for at least 6,000 hours without disciplinary action relating to the practice of veterinary medicine by another state, United States territory or province of Canada.* (MMA Opposed)
- L.D. 1489**, An Act Regarding Regulation of Emergency Medical Services (P.L. 2011, Chapter 271; effective 9/28/11) *This bill amends the laws relating to emergency medical services. The bill modifies certain definitions, updates some language and consolidates and expands the confidentiality provisions governing the records of the Emergency Medical Services’ Board, its committees, subcommittees and staff.* (MMA Monitored)
- L.D. 1519**, An Act to Allow the Board of Dental Examiners To Issue Dental School Faculty Licenses (P.L. 2011, Chapter 330; effective 9/28/11) *This bill establishes a dental school faculty license to allow a licensee to practice dentistry, dental hygiene or denturism in this State within the dental school setting only. It provides that in order to be eligible for a dental school faculty license, the applicant must hold a current dental, dental hygiene or denturism license in another state or a Canadian province and demonstrate, to the satisfaction of the Board of Dental Examiners, full compliance with the requirements of that other jurisdiction’s dental laws and submit credentials, satisfactory to the board, including a recommendation letter from an employing school of dentistry, dental hygiene or denturism stating why the board should consider the applicant to be qualified under criteria established by rules adopted by the board. It allows the board to assess a fee of up to \$250 for a dental school faculty license and for renewal.* (MMA Monitored)
- L.D. 1560**, An Act To Update Professional and Occupational Licensing Statutes (P.L. 2011, Chapter 268; effective 9/28/11) *Among other things: The bill changes the name of the Office of Licensing and Registration in the Department of Professional and Financial Regulation to the Office of Professional*

*and Occupational Regulation. The bill also clarifies that an individual who engages in any activity that requires a license, without first obtaining a license, commits a civil violation of unlicensed practice. The bill removes references to boards that have been repealed. It authorizes an office, board or commission to assess a licensee who appeals a board decision for the cost of reproducing and transcribing the hearing record.*

*The bill removes provisions of law relating to informal conferences with licensees concerning certain disciplinary matters in the statutes of the Board of Chiropractic Licensure, Nursing Home Administrators Licensing Board and the Maine Board of Pharmacy to conform to the provisions of the Maine Revised Statutes, Title 10.*

*The bill amends the occupational therapy laws to provide for a 6-month temporary license that may be extended for an additional 6 months, if necessary.*

*The bill reduces the term of a temporary license for a person to practice respiratory care from one year to 90 days. Such a license may be extended for an additional 90 days if necessary. The bill also reduces the required supervision of a temporary permit holder from direct supervision to general supervision.*

*The bill adds an eligibility provision for foreign educated applicants and changes the name of the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting to the Board of Speech, Audiology and Hearing. (MMA Monitored)*

**L.D. 1608**, An Act To Clarify the Laws Governing Pharmacy Interns (P.L. 2011, Chapter 496; effective 8/30/12) *This bill defines a “pharmacy intern” as a person who is enrolled in or a graduate of a college or school of pharmacy, is authorized to engage in the practice of pharmacy while under the direct supervision of a licensed pharmacist and is licensed with the Maine Board of Pharmacy. This bill also gives to the Maine Board of Pharmacy the responsibility to license pharmacy interns. (MMA Monitored).*

**L.D. 1715**, An Act To Allow for Timely Access to and Enhanced Administration of All Vaccines (P.L. 2011, Chapter 577; effective 8/30/12). *This bill makes the following changes to the laws governing the administration of vaccines by licensed pharmacists: It broadens the scope of vaccines that a licensed pharmacist may administer to a person 18 years of age or older to allow for the administration of any vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, for administration to adults. It also allows for the administration of a vaccine by a pharmacist according to a valid prescription from a nurse practitioner. It requires one-time approval from the Maine Board of Pharmacy of a pharmacist's or pharmacy's plan of operation for vaccine administration clinics and requires the board to adopt by rule criteria for the approval of such clinics. (MMA Opposed)*

**L.D. 1837**, An Act To Authorize the Establishment of Pilot Projects for Community Paramedicine (P.L. 2011, Chapter 562; effective 8/30/12) *This bill authorized the Department of Public Safety, Emergency Medical Services' Board to develop and evaluate a community paramedicine pilot program using the same*



*process established by the board in rule for the use of pilot projects to evaluate incorporating an emergency medical treatment technique or a type of equipment into any licensure level. It specifies that the board may establish up to 12 pilot projects. (MMA Monitored)*

- L.D. 1843**, An Act To Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee (P.L. 2011, Chapter 616; effective 8/30/12) *The purpose of this bill is to improve transparency, accountability, governance and financial practices in specified areas for existing and future quasi-independent state entities. Part A of the bill requires certain existing quasi-independent state entities to adopt and implement policies and procedures related to procurement practices, contributions made to outside organizations and travel, meal and entertainment expenses. It also prohibits those entities from retaining persons other than entity staff as lobbyists. This Part also clarifies that the entity's governing body is responsible for ensuring compliance with the adopted policies and for reporting annually to the Legislature on certain procurements and contributions. An amendment removed the Board of Licensure in Medicine, the Combat Sports Authority of Maine, the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf, and the State Board of Nursing from the list of quasi-independent state entities required to adopt policies and procedures under the bill. (MMA Opposed)*
- L.D. 1868**, An Act To Correct Errors and Inconsistencies in the Laws of Maine (P.L. 2011, Chapter 691; effective 5/22/12) *Sections 13 to 16 of this bill correct conflicts created by Public Law 2011, chapters 423 and 464, which affected the same provisions of law dealing with violations by a psychiatrist, a psychologist or licensed as a social worker or purports to be a psychiatrist, a psychologist or licensed as a social worker, by incorporating the changes made by both laws. (MMA Monitored)*
- L.D. 1877**, An Act To Clarify Authorized Associations of Veterinary Practice (P.L. 2011, Chapter 594; effective 4/5/12) *Current law requires a veterinarian to practice veterinary medicine under the veterinarian's own name or as part of a professional association. The joint practice with another person or corporation that is not licensed to practice veterinary medicine is prohibited. This bill allows a licensed veterinarian to practice veterinary medicine as a salaried employee of a corporation or other legal entity that provides veterinarian-related services, such as diagnostic laboratory services, research and development and certification for import or export, as long as that veterinarian remains individually accountable for conduct under that veterinarian's license. (MMA Monitored)*
- L.D. 1891**, Resolve, To Amend the Pilot Project for Independent Practice Dental Hygienists To Process Radiographs in Underserved Areas of the State (Resolve 2011, Chapter 153; effective 4/9/12) *Resolve 2011, chapter 67 established a pilot project for independent practice dental hygienists to expose and process radiographs in underserved areas of the State and authorized the Board of Dental Examiners*

*to adopt rules to implement the pilot project. This resolve clarifies that the rules for the pilot project must allow an independent practice dental hygienist to expose and process all dental radiographs, including but not limited to vertical and horizontal bitewing films, periapical films, panoramic images and full-mouth series. It also extends the pilot project for independent practice dental hygienists to process radiographs in underserved areas of the State by one year. (MMA Monitored)*

## Defeated

- L.D. 266**, An Act to Expand Access to Oral Health Care (MMA Opposed)
- L.D. 398**, An Act To Require Criminal History Record Information for Licensure of Nurses (Governor Veto) (MMA Monitored)
- L.D. 555**, An Act to Utilize a Dental Complaint Review Panel (MMA Monitored)
- L.D. 937**, An Act to Increase Access to Dental Care in Rural Areas (MMA Monitored)
- L.D. 947**, An Act to Encourage Professionals to Move to the State (MMA Opposed)
- L.D. 995**, An Act to Require Dental Professionals to Provide Education to the Public on Oral Hygiene (MMA Monitored)
- L.D. 1472**, An Act to Create the State Advanced Practice Registered Nursing Board (MMA Monitored)
- L.D. 1475**, An Act to Authorize the Training of Expanded Function Dental Assistants within Tribal Territories (MMA Monitored)
- L.D. 1825**, An Act To Change The Statutes of Limitations on Prosecution for Crimes of Sexual Abuse and for Civil Actions for Sexual Abuse When the Actor Is a Person in a Position of Authority (MMA Monitored)

## TOBACCO

### Enacted

- L.D. 216**, Resolve, Regarding MaineCare Tobacco Treatment and Smoking Cessation Benefits (Resolves 2011, Chapter 24; effective 9/28/11) *This bill directs the Department of Health and Human Services, through the Partnership for a Tobacco-Free Maine, the Maine Center for Disease Control and Prevention and the Office of MaineCare Services, to work to address and reduce tobacco use by MaineCare members, to identify best practice measures for reducing the smoking rate of MaineCare members and to determine ways to increase use of the MaineCare tobacco treatment benefit while working within existing resources to fund projects necessary to reach MaineCare members. The bill requires the department to submit a written report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on its progress by November 30th each year through 2014. (MMA Opposed as introduced)*

- L.D. 1067**, An Act to Improve Awareness of Smoking Policies in Maine Rental Housing (P.L. 2011, Chapter 199; effective 9/28/11) *The bill requires that landlords disclose the policy pertaining to smoking on the premises to all tenants or potential tenants. The bill requires the landlord to provide notice as part of a lease agreement or through a separate written notice to those tenants or potential tenants entering into a tenancy at will agreement.* (MMA Monitored)
- L.D. 1505**, An Act To Clarify the Scope of Practice of Licensed Alcohol and Drug Counselors Regarding Tobacco Use (P.L. 2011, Chapter 222; effective 6/3/11) *This bill clarifies that treatment for nicotine addiction is within an alcohol and drug counselor's scope of practice but does not require those providing nicotine treatment to be licensed as alcohol and drug counselors.* (MMA Monitored)
- L.D. 1695**, An Act To Provide Additional In-store Space for Maine's Businesses by Removing License and Permit Posting Requirements (P.L. 2011, Chapter 535; effective 8/30/12). *This bill eliminates the administrative burden of publicly displaying certain permits and licenses and the use of space for the display of those licenses and permits that could be otherwise used, including sales tax registration certificates, retail tobacco licenses, including those required to be displayed on tobacco vending machines, retail food establishment licenses, licenses for the sale of liquor and any license or permit issued by a municipality. Instead of displaying the license or permit, a licensee or permittee must make the license or permit available on demand at the premise.* (MMA Monitored)

## Defeated

- L.D. 406**, Resolve, to Clarify the Scope of Practice of Licensed Alcohol and Drug Counselors Regarding Tobacco Use (MMA Supported)
- L.D. 481**, An Act to Make the Cashier or Clerk who Sells Alcoholic Beverages or Tobacco to an Underage Person Responsible for Paying the Fine (MMA Monitored)
- L.D. 536**, An Act to Help Deter Youth Smoking and to Help Smokers Quit (MMA Supported)
- L.D. 589**, An Act to Increase the Legal Age to Purchase, Use or Sell Tobacco Products (MMA Monitored)
- L.D. 1119**, An Act to Amend the Laws Governing the Sale of Certain Tobacco Products (MMA Monitored)
- L.D. 1226**, An Act to Prevent and Treat Cancer in Maine by Implementing Critical Portions of the Comprehensive Cancer Program (MMA Supported)
- L.D. 1230**, An Act to Prohibit Smoking in Private Clubs Except in Separate Enclosed Areas (MMA Supported)

# WORKERS' COMPENSATION

## Enacted

- L.D. 334**, An Act to Promote Further Stability within the Workers' Compensation System by Extending the Number of Terms that May Be Served on the Maine Employers Mutual Insurance Company Board of Directors (P.L. 2011, Chapter 105; effective 5/19/11) *This bill increases from three to four the number of consecutive full terms an individual may serve on the Maine Employers' Mutual Insurance Company board of directors, except for the president and chief executive officer.* (MMA Monitored)
- L.D. 1056**, An Act to Increase the Availability of Independent Medical Examiners Under the Workers' Compensation Act of 1992 (P.L. 2011, Chapter 215; effective 6/3/11) *This bill specifies that health care providers who examine injured workers at the request of an employer in accordance with the Maine Revised Statutes, Title 39-A, section 207 are limited to 12 such examinations per calendar year. It adds the requirement that independent medical examiners be certified in the field of practice of the injury by a board recognized by the American Board of Medical Specialties or the American Osteopathic Association. It clarifies that an independent medical examiner may not be assigned to an injured worker if the independent medical examiner has previously examined the worker or has been closely affiliated with the insurance company at any time during the preceding 52 weeks unless there is no other physician reasonably available. The bill also requires that the board submit a report that includes findings and recommendations by January 15, 2013 to the joint standing committee of the Legislature having jurisdiction over workers' compensation matters regarding the board's review of the selection process of independent medical examiners and the number of independent medical examiners who have examined injured workers at the request of employers or insurers.* (MMA Supported)
- L.D. 1244**, An Act Regarding Payment of Medical Fees in the Workers' Compensation System (P.L. 2011, Chapter 338; effective 9/28/11) *This bill directs the Workers' Compensation Board to adopt rules to establish a medical fee schedule for services provided under the Maine Workers' Compensation Act by individual health care practitioners and health care facilities based upon the Medicare payment methodologies. The bill removes any reference in existing workers' compensation law to "usual and customary charge." The bill requires an annual update of the medical billing and coding systems underlying the medical fee schedule and requires a more comprehensive review of the medical fee schedule every 3 years beginning in 2014. It directs the executive director of the Workers' Compensation Board to obtain annually from the Maine Health Data Organization the private 3rd-party average payment rates across all private payors and all providers in the Maine Health Data Organization's database for the most common medical services rendered under the Maine Workers' Compensation Act during the previous year. The bill requires the Workers' Compensation Board to complete its current medical fee rulemaking by December*

31, 2011 and to report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development regarding the status of the medical fee schedule not later than February 15, 2012. (MMA Opposed as introduced)

**L.D. 1268**, An Act to Allow the Repayment of Improperly Awarded Workers' Compensation Benefits (P.L. 2011, Chapter 361; effective 9/28/11) *Current law authorizes an employer or insurer to recover from an employee overpayments made pending an appeal to the Law Court. This bill extends that authorization to allow an insurer or employer to recover overpayments made to an employee pending a motion for findings of fact and conclusions of law filed with the hearing officer.* (MMA Monitored)

**L.D. 1913**, An Act To Review and Restructure the Workers' Compensation System (P.L. 2011, Chapter 647; effective 8/30/12) *The bill makes several changes to the current workers' compensation law in areas including how benefits are calculated, the length of benefits that can be received and how benefits can be extended.* (MMA Monitored)

## Defeated

**L.D. 866**, Resolve, To Establish a Consistent Worker's Compensation Classification for Pharmacies (MMA Monitored)

**L.D. 1065**, An Act to Amend the Laws Governing the Determination of Permanent Impairment under the Maine Workers' Compensation Act of 1992 (MMA Monitored)

**L.D. 1571**, An Act to Amend the Laws Governing Workers' Compensation (MMA Monitored)

# LEGISLATIVE ADVOCACY RESOURCES

The MMA web site, [www.mainemed.com](http://www.mainemed.com), has more information about the MMA's legislative and regulatory advocacy activities. During the legislative session, the MMA advocacy team reports weekly on legislative action in the MMA's electronic newsletter, *Maine Medicine Weekly Update*.

You will also 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, go to "The Legislature," then "Representatives" or "Senators."

To research a bill's history by L.D. number, enter the LD number in the search box at the upper right corner of the homepage.

To research a bill that has passed by P.L. or Resolve Chapter, go "Session Laws" at the upper right corner of the homepage. This is the easiest way to find the final version of the bill.

To research the statutes, go to "Statutes" at the upper right corner of the homepage, then "Statue Search."

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

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