

First Regular Session--130th Maine Legislature

Maine Hospital Association Legislative Report

7/22/2021

LD 1 An Act To Establish the COVID-19 Patient Bill of Rights

Sponsor: President Jackso <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280077942>

Health Coverage, Insurance and Financial Services **Committee Status:** DIV/RPT
Public Hearing: 2/23/2021 11:00 AM **Final Status:** PL 2021 CH 28

This law requires health insurance carriers to provide coverage for COVID-19 screening, testing and immunization services and prohibits a carrier from imposing any cost-sharing requirements on consumers for those services. Part A makes it clear that out-of-network providers may not balance bill for those services. Part A also requires providers to provide prior notice to all patients of any payment or upfront charge and the amount of that payment or charge that will be due from the patient for COVID-screening and testing. Part B authorizes a pharmacist to administer and order COVID-19 vaccines. Part B also requires that health insurance carriers cover a prescription drug prescribed and dispensed to a patient in a quantity sufficient for an extended period of time, not to exceed a 180-day supply, during a state of emergency declared by the Governor, except for certain contraceptive supplies or opioid medications. Part C allows delegation of authority by an on-site clinician to certain persons for the administration of COVID-19 vaccines at point-of-dispensing vaccine sites.

LD 4 An Act To Amend the Maine Pharmacy Act

Sponsor: Sen. Sanborn <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280077984>

Health Coverage, Insurance and Financial Services **Committee Status:** OTPA
Public Hearing: 4/1/2021 10:00 AM **Final Status:** PL 2021 CH 289

The law directs the Office of Professional and Occupational Regulation to have its licensing boards issue a license by endorsement to an applicant who presents proof of licensure by another jurisdiction of the United States as long as the other jurisdiction maintains substantially equivalent license requirements for the licensed profession or occupation and the applicant is in good standing.

LD 5 An Act Concerning the Reporting of Health Care Information or Records to the Emergency Medical Services' Board

Sponsor: Sen Sanborn <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280077985>

Health Coverage, Insurance and Financial Services **Committee Status:** OTP
Public Hearing: 1/26/2021 10:00 AM **Final Status:** PL 2021 CH 15

This law authorizes the EMS board to collect health care data from hospitals and other providers. EMS would like to participate in national quality improvement programs but currently does not have access to the data. Specifically, Maine EMS, hopes to participate in the Cardiac Arrest Registry to Enhance Survival (CARES) Program. The law does not allow the collection of certain sensitive data.

LD 8 An Act To Support Collection and Proper Disposal of Unwanted Drugs

Sponsor: Sen. Carney <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280077995>

Environment and Natural Resources **Committee Status:** DIV RPT (Maj. OTP)
Public Hearing: **Final Status:** PL 2021, CH 94

This law requires pharmaceutical manufacturers to establish a take-back program for unused household drugs. Certain retail pharmacies would be obligated to participate as collection sites. As drafted, it appears to try and exclude drugs used at health care facilities from the program it also appears to exclude institutional pharmacies from serving as collection sites.



LD 17 Resolve, To Provide Rural Nonmedical Transportation Services to the Elderly and Adults with Disabilities Receiving Home and Community Benefits under the MaineCare Program

Sponsor: *Sen. Maxim* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078047>

Health & Human Services

Committee Status: APP TBL

Public Hearing: 2/10/2021 10:00 AM

Final Status: CARRY OVER

This resolve requires DHHS to develop a pilot project lasting 18 months that provides nonmedical transportation services to individuals receiving §19 Medicaid services (Home and Community Benefits for the Elderly and Adults with Disabilities) in an amount up to \$2,000, in addition to currently permissible medical transportation services.

LD 24 An Act Regarding Certificates of Birth, Marriage and Death

Sponsor: *Sen. Carney* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280077945>

Health & Human Services

Committee Status: OTP

Public Hearing: 2/10/2020 1:00 PM

Final Status: PL 2021, CH 49

As enacted, this law makes a number of technical changes to vital records processing. Of note, it requires that deaths occurring in the unorganized territories to be reported to a municipal clerk in the electronic registration system as specified by the state registrar in the same manner as births are recorded.

LD 31 An Act To Adopt the Occupational Therapy Licensure Compact

Sponsor: *Sen. Sanborn* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280077954>

Health Coverage, Insurance and Financial Services

Committee Status: OTPA

Public Hearing:

Final Status: PL 2021, CH 324

This law enacts the Occupational Therapy Licensure Compact, an interstate compact designed to facilitate the practice of occupational therapy across state boundaries to improve access to occupational therapy services where the patient is located at the time of the encounter.

LD 38 An Act To Clarify the Timing of an Appeal of a Finding Regarding Involuntary Mental Health Treatment at a Designated Nonstate Mental Health Institution

Sponsor: *Sen. Claxton* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280077971>

Health & Human Services

Committee Status: OTPA

Public Hearing: 3/4/2021 1:00 PM

Final Status: PL 2021, CH 165

This law refines the timelines associated with appeals of decisions by clinical review panels at psychiatric hospitals. It requires the hospital to provide full clinical review panel record to DHHS within 3 business days of receipt of request for review and gives DHHS 3 additional days to make a decision.

LD 42 An Act Making Certain Supplemental Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government

Sponsor: *Rep. Pierce* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280077986>

Appropriations & Financial Affairs

Committee Status:

Public Hearing:

Final Status: CARRY OVER

This is the SFY 2021 supplemental budget.



LD 46 An Act To Further Protect Consumers from Surprise Medical Bills

Sponsor: Rep. Tepler <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280077992>

Health Coverage, Insurance and Financial Services

Committee Status: OTPA

Public Hearing: 2/9/2021 11:00 AM

Final Status: PL 2021, CH 222

This law makes two changes to the surprise billing law adopted last year. First, it improves the calculation of the median rate that is used to reimburse out-of-network providers. Instead of the current law, which uses the median rate in the geographic area where the patient resides, it uses the geographic area where the provider is located. Second, the law would allow the superintendent of insurance to use another "independent medical claims" database in situations where the MHDO database is "insufficient or otherwise inapplicable."

LD 47 An Act To Fund the State's Free Health Clinics

Sponsor: Rep. Brennan <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280077993>

Health & Human Services

Committee Status:

Public Hearing: 2/10/2021 1:00 PM

Final Status: PL 2021, CH 458

This law provides one-time funding of \$90,000 per year to support free health clinics in the State during the upcoming biennium.

LD 56 An Act To Prohibit Insurers and Third-party Payors from Adjusting Their Fee Schedules for In-network Providers Unless the Adjustments Apply to All Specialties

Sponsor: Rep. Doore <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078031>

Health Coverage, Insurance and Financial Services

Committee Status: ONTP

Public Hearing: 4/22/2021 10:00 AM

Final Status: DEAD

This bill prohibits a carrier from making any change in reimbursement rates or fee schedules applying to any providers participating in the carrier's network unless the changes are applied in the same manner to all participating providers able to provide a health care service or procedure within the lawful scope of the providers' individual licenses. The bill also prohibits a carrier from discriminating against a provider based on the provider's license or specialty in a manner that denies payment to the provider for an increase in reimbursement to account for a cost-of-living adjustment.

LD 61 An Act To Include Grandparents under Maine's Family Medical Leave Laws

Sponsor: Rep. Stearns <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078041>

Labor & Housing

Committee Status: DIV RPT (Maj OTP)

Public Hearing: 2/3/2021 10:00 AM

Final Status: PL 2021, CH 189

This law allows a grandparent to request employee family medical leave in order to care for a grandchild who has a serious health condition.

LD 62 An Act To Promote Cost-effectiveness in the MaineCare Program and Improve the Oral Health of Maine Adults and Children

Sponsor: Rep. Brooks <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078044>

Health & Human Services

Committee Status: ONTP

Public Hearing: 4/26/2021 1:00 PM

Final Status: DEAD

This bill adds comprehensive preventive, diagnostic and restorative dental services to the limited dental services currently available to MaineCare members 21 years of age and over.



LD 96 An Act To Create Fairness in the Treatment of Students by Retaining Students with Certain Vaccine Exemptions

Sponsor: Rep. Faulkingha <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078060>

Education & Cultural Affairs

Committee Status: DIV RPT

Public Hearing:

Final Status: DEAD

Current law allows a student covered by an individualized education plan who elected a philosophical or religious exemption from immunization on or before September 1, 2021 to continue to attend school after September 1, 2021 without being immunized as long as certain statements regarding acknowledgement of the risks and benefits associated with the choice to immunize are provided. This bill extends that exemption to any student who elected a philosophical or religious exemption from immunization on or before September 1, 2021.

LD 118 An Act To Address Maine's Shortage of Behavioral Health Services for Minors

Sponsor: Rep. McCreight <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078075>

Health & Human Services

Committee Status: OPA

Public Hearing: 2/11/2021 9:00 AM

Final Status: PL 2021, CH 191

This law requires the Department of Health and Human Services to work with hospitals to develop a system of data definitions and data collection to identify the number of children with behavioral needs who remain in hospital emergency rooms after they no longer need a medical hospital level of care. The amendment changes the requirements for annual reports on the children's mental health program that are submitted to the Legislature and includes data on the number of children served by crisis providers and the number of children who waited for the appropriate level of behavioral health treatment in a hospital emergency room for the preceding year.

LD 119 An Act To Increase Faculty in Nursing Education Programs by Amending the Nursing Education Loan Repayment Program

Sponsor: Rep. Meyer <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078077>

Innovation, Development, Economic Advancement and Committee Status: APP TBL

Public Hearing: 2/9/2021 9:30 AM

Final Status: CARRY OVER

This bill amends the nursing education loan repayment program in three ways.

1. It extends eligibility to apply to individuals who are currently enrolled in master's or doctoral degree programs.
2. It specifies that applicants must indicate an intention to work as full-time nursing faculty in a nursing education program in the State, and increases that required commitment from 3 years to 5 years after acceptance into the nursing education loan repayment program.

3. It increases the maximum amount of loans eligible for repayment under the program from \$4,500 to \$30,000 for a master's degree and from \$6,000 to \$60,000 for a doctoral degree.

This is a refile of a bill that died at the end of session last year (LD 799). However, this bill is consistent with the bill as filed last year; it is not consistent with the amendment. (Last year's amendment significantly expanded who could qualify for loan forgiveness beyond nurses.)



LD 120 An Act To Lower Health Care Costs through the Establishment of the Office of Affordable Health Care

Sponsor: *Pres. Jackson* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078097>

Health Coverage, Insurance and Financial Services

Committee Status:

Public Hearing: 4/13/2021 10:00 AM

Final Status: PL 2021, CH 549

This law establishes the Office of Affordable Health Care as an independent executive agency and requires that the office provide oversight and staffing to the Maine Prescription Drug Affordability Board. The office is charged with analyzing data from the Maine Health Data Organization and the Maine Quality Forum and making recommendations to the Insurance Committee on methods to improve the cost-efficient provision of high-quality health care to the residents of this State.

The office is required to hold an annual public hearing on cost trends no later than October 1st annually at which the public may comment on health care cost trends. The office is required to submit an annual report. The advisory council consists of 11 appointed members, including a member who represents hospital interests, a member who represents primary care provider interests, a member who represents a health care consumer advocacy organization, a member who represents health insurance interests, a member who represents purchasers of health care, a member who represents the health care workforce, a member who represents the interests of older residents of this State and a member with demonstrated expertise in health care delivery, health care management at a senior level or health care finance and administration. The Commissioner of Administrative and Financial Services and the Commissioner of Health and Human Services are ex officio members of the advisory council.

LD 121 An Act To Require a Background Check for High-risk Health Care Providers under the MaineCare Program

Sponsor: *Sen. Claxton* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078099>

Health & Human Services

Committee Status:

Public Hearing: 3/2/2021 1:00 PM

Final Status: PL 2021, CH 400

This law requires MaineCare provider applicants who are high-risk providers or who are in high-risk provider categories to undergo criminal history background checks. The law gives DHHS the unilateral ability to define by rule the high-risk categories and decide who has to have a criminal history background check. Hospitals are governed by 22 MRSA §1724 which require criminal background checks for employees who have direct access to consumers.

LD 131 An Act To Amend the Governor's Emergency Powers

Sponsor: *Rep. Dillingham* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078118>

State & Local Government

Committee Status: DIV RPT

Public Hearing:

Final Status: DEAD

This bill limits a state of emergency proclaimed by the Governor to 30 days. It requires subsequent renewals of a state of emergency to receive approval from 2/3 of the membership of the Legislature. It also amends the Governor's powers during a state of emergency.

LD 167 An Act To Limit Late Medical Billing to 6 Months

Sponsor: *Sen. Pouliot* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078177>

Health Coverage, Insurance and Financial Services

Committee Status: ONTP

Public Hearing: 2/11/2021 10:00 AM

Final Status: DEAD

This bill prohibits a health care entity, including health care practitioners and hospitals and other health care facilities, from charging a patient for health care services when a billing statement has not been provided within 6 months of the date the patient received health care services. Its not clear what is meant by "billing statement" and it is not clear if the 6 months accounts for any delays by the carriers.

LD 172 An Act To Improve Prescription Information Access

Sponsor: *Rep. Craven* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078192>

Health Coverage, Insurance and Financial Services

Committee Status: OTP

Public Hearing: 2/11/2021 10:00 AM

Final Status: RESOLVE 2021, CH 9

As enacted, the Resolve directs the Board of Pharmacy to review the issue of how pharmacies accommodate individuals who are visually impaired with respect to labelling.



LD 178 An Act To Reduce Waste of Prescription Medications

Sponsor: Rep. Cuddy <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078188>

Health Coverage, Insurance and Financial Services

Committee Status: ONTP

Public Hearing: 2/11/2021 10:00 AM

Final Status: DEAD

This bill provides that registered nurses, providers of osteopathic medicine, providers of allopathic medicine, podiatrists and dentists may not prescribe to a patient more than a 30-day supply of a prescription drug that the provider has not previously prescribed to that patient. The bill also provides that a pharmacist may not dispense more than a 30-day supply of a new prescription drug order to a patient who does not have a previous prescription drug order for that drug. The prescribing and dispensing requirements in this bill provide exemptions for opioid medications prescribed or dispensed in accordance with Maine's opioid law.

LD 196 Resolve, To Ensure Access to Community Mental Health Services

Sponsor: Sen. Breen <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078258>

Health & Human Services

Committee Status: ONTP

Public Hearing: 4/15/2021 1:00 PM

Final Status: DEAD

This resolve directs DHHS to amend Sections 17 and 65 of the Medicaid rules to increase reimbursement rates for daily living support services and any home and community-based services provided by behavioral health professionals by 15%.

LD 197 Resolve, To Ensure That Community Mental Health Service Providers Can Access Pandemic Stimulus Funds

Sponsor: Sen. Breen <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078259>

Health & Human Services

Committee Status:

Public Hearing: 4/15/2021 1:00 PM

Final Status: CARRY OVER

This resolve requires DHHS to designate \$15,000,000 of federal COVID-19 stimulus funding allocated to the State pursuant to a federal law enacted after December 15, 2020 for community mental health service providers.

LD 220 Supplemental Budget

Sponsor: Rep. Pierce <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078288>

Appropriations & Financial Services

Committee Status:

Public Hearing:

Final Status: PL 2021 CH 1

LD 221 Supplemental Budget ("Change Package")

Sponsor: Rep. Pierce <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078272>

Appropriations & Financial Services

Committee Status:

Public Hearing:

Final Status: PL 2021, CH 398

This is the change package to the biennial budget. It provides a one-time \$23 million payment to hospitals; it also creates a new \$600,000 supplemental payment to hospitals that is "value-based".

LD 225 An Act Regarding the Treatment of Vacation Time upon the Cessation of Employment

Sponsor: Rep. Roeder <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078279>

Labor & Housing

Committee Status:

Public Hearing:

Final Status: CARRY OVER

This bill amends the law governing the provision of vacation pay on cessation of employment. Under current law, on cessation of employment, if the terms of employment or established practice includes provisions for paid vacations, vacation pay has the same status as wages earned. This bill provides that on cessation of employment all accrued vacation pay must be paid to the employee.



LD 240 An Act Making Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government

Sponsor: *Sen. Breen* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078332>

Appropriations & Financial Affairs

Committee Status:

Public Hearing:

Final Status: CARRY OVER

LD 250 An Act To Assist Nursing Homes in the Management of Facility Beds

Sponsor: *Rep. Perry* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078357>

Health & Human Services

Committee Status: APP TBL

Public Hearing: 3/17/2021 1:00 PM

Final Status: CARRY OVER

This bill restores the ability of nursing facilities to voluntarily reduce the number of their licensed beds and then later increase the number of their licensed beds to the prior level after obtaining a certificate of need and meeting certain conditions. The bill modifies the process to obtain certificate of need approval to reopen reserved beds. Applications that seek to reopen reserved beds must be approved if the projected incremental costs of reopening and operating the reopened beds are consistent with the facility's costs of operating its other beds. Applicants are not required to demonstrate that any increases in MaineCare costs are offset by other MaineCare savings. The costs of ongoing operation of both the restored beds and the complement of facility beds at the time the reserved beds are reopened must be recognized as allowable costs and incorporated into the facility's MaineCare payment rates. The bill requires DHHS to include in its calculation of reimbursement for services provided by a nursing facility the cost incurred by the facility for a medical director. The bill requires the cost incurred by a nursing facility for the acquisition, use and maintenance of computer or cloud-based software systems to be included as a fixed cost.

LD 254 An Act To Allow Certified Registered Nurse Anesthetists To Bill for Their Services

Sponsor: *Rep. Perry* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078361>

Health Coverage, Insurance & Financial Services

Committee Status: OTP

Public Hearing: 2/18/2021 10:00 AM

Final Status: PL 2021 CH 39

This bill requires health insurance carriers to provide coverage for services provided by certified registered nurse anesthetists if those services are within a certified registered nurse anesthetist's scope of practice and are covered services under a health plan. The bill makes the requirement applicable to policies, contracts and certificates executed, issued or renewed on or after January 1, 2023.

LD 265 An Act To Provide Women Access to Affordable Postpartum Care

Sponsor: *Sen. Carney* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078375>

Health & Human Services

Committee Status: APP TBL

Public Hearing: 2/24/2021 1:00 PM

Final Status: PL 2021, CH 461

This law extends from 60 days to 12 months the period of time following delivery of a baby that a woman may be eligible for services under MaineCare.

LD 273 An Act To Sustain the Doctors for Maine's Future Scholarship Program

Sponsor: *Rep. Zager* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078391>

Innovation, Development, Economic Advancement and B **Committee Status:** APP TBL

Public Hearing: 2/23/2021 9:30 AM

Final Status: CARRY OVER

This bill provides ongoing funds to the Doctors for Maine's Future Scholarship Program which supports medical school scholarships for eligible students who attend a qualifying Maine-based medical school program and have a substantial connection to Maine.



LD 274 Resolve, Directing the Maine Health Data Organization To Determine the Best Methods and Definitions To Use in Collecting Data To Better Understand Racial and Ethnic Disparities in the Provision of Health Care in Maine

Sponsor: Rep. Tepler <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078392>

Health Coverage, Insurance & Financial Services

Committee Status: OTP

Public Hearing: 2/23/2021 11:00 AM

Final Status: RESOLVE 2021, CH 34

This resolve directs the Maine Health Data Organization to determine the best methods and definitions to use in collecting data to assist in analyzing the origins of racial and ethnic disparities in health care in the State and to submit a report with suggested legislation by October 1, 2021.

LD 283 Resolve, To Address Inequities for Certain Direct Care Workers

Sponsor: Rep. Madigan <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078401>

Health & Human Services

Committee Status: ONTP

Public Hearing: 4/20/2021 12:00 PM

Final Status: DEAD

This resolve directs DHHS to increase its Sections 17 and 65 reimbursement rates for daily living support services and any home and community-based services provided to children and adults by behavioral health professionals by 20%. It requires that the increase in reimbursement rates must be applied to wages and benefits for employees who provide direct care services and not to administrators or managers.

LD 295 An Act To Repeal Restrictions That Prohibit Certain Advanced Practice Registered Nurses from Providing Essential Health Care Services

Sponsor: Rep. Perry <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078456>

Health Coverage, Insurance and Financial Services

Committee Status: ONTP

Public Hearing: 2/18/2021 10:00 AM

Final Status: DEAD

This bill eliminates a provision in law requiring that a certified nurse practitioner who qualifies as an advanced practice registered nurse must practice, for at least 24 months, under the supervision of a physician or supervising nurse practitioner or be employed by a clinic or hospital that has a medical director who is a licensed physician. The bill also removes a requirement that a certified nurse practitioner must complete 24 months of supervised practice to be a supervising nurse practitioner.

LD 297 An Act To Define the Term "Behavioral Health"

Sponsor: Rep. McCreight <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078460>

Health & Human Services

Committee Status: WITHDRAWN

Public Hearing:

Final Status: DEAD

This bill defines "behavioral health" in Title 34-B as including but not being limited to a wide range of mental health disorders and illnesses, substance misuse, substance use disorder and developmental disabilities, including autism spectrum disorder.

LD 299 An Act To Provide Clarity in the Laws Governing the Profession of Counseling

Sponsor: Rep. McCreight <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078458>

Health Coverage, Insurance and Financial Services

Committee Status: OTPA

Public Hearing: 4/21/2021 11:00 AM

Final Status: PL 2021, CH 233

The law clarifies that a person may not engage in the practice of professional counseling or profess to the public to be a, or assume or use the title or designation of, clinical professional counselor, professional counselor, marriage and family therapist, licensed pastoral counselor, registered counselor or conditional license holder without holding a valid license or registration in this State. It makes it an unfair trade practice for persons to represent themselves to the public as social workers, psychologists or counseling professionals without a valid license to practice.



LD 304 An Act To Make Certain Supplemental Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government

Sponsor: *Sen. Breen* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078490>

Appropriations & Financial Affairs

Committee Status:

Public Hearing:

Final Status: CARRY OVER

Supplemental Budget

LD 323 An Act Regarding Insurance Coverage for Telehealth Services

Sponsor: *Rep. Perry* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078536>

Health Coverage, Insurance & Financial Services

Committee Status: ONTP

Public Hearing: 5/6/2021 10:00 AM

Final Status: DEAD

This bill amends the law that requires health insurance carriers to cover telehealth services to provide that health care services provided through telephone communication are considered telehealth services, regardless of whether or not other telehealth services are available. It also allows patients receiving MaineCare health services to provide verbal, electronic or written consent to telehealth and telemonitoring services.

LD 330 An Act To Prevent Accidental Overdoses by Establishing a Protocol for Prescription Drug Recovery

Sponsor: *Rep. Gramlich* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078525>

Health & Human Services

Committee Status: OTPA

Public Hearing: 3/2/2021 1:00 PM

Final Status: PL 2021, CH 193

This law requires the Department of Health and Human Services to establish minimum criteria for the written policy for medication disposal that is required for use by hospice providers who provide services in the home. The written policy must include guidance that a care plan may include controlled substances, safe use and storage of controlled substances, documentation that the family is expected to dispose of any medications after the death of the client, information on safe disposal, return envelopes or other appropriate disposal kits and advance notice that the hospice provider will be contacting the family after death with a reminder that the family is expected to dispose of medications. The hospice provider must retain signed documentation that the written policy was provided and discussed. The law also requires the hospice provider to send a letter within 30 days of the death of the patient reminding the family of the disposal policy.

LD 333 An Act Regarding Telehealth

Sponsor: *Rep. Hymanson* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078529>

Health Coverage, Insurance & Financial Services

Committee Status: ONTP

Public Hearing: 5/6/2021 10:00 AM

Final Status: DEAD

This bill makes changes to the provisions governing health insurance coverage of telehealth services.

1. It authorizes the delivery of health care services through telehealth by audio-only telephone.
2. It clarifies that reimbursement for telehealth services must be made on the same basis and at the same rate as if the services were delivered in person.
3. It clarifies that a carrier may not establish separate deductible limits for telehealth services that are not applied in the aggregate with other services covered under a health plan.
4. It prohibits a carrier from placing restrictions on prescribing medication through telehealth that are more restrictive than requirements of applicable state and federal law for prescribing medication in person. The bill applies to health plans issued or renewed on or after January 1, 2022.



LD 352 An Act To Maintain the Integrity of the Individual and Small Group Health Insurance Markets

Sponsor: Rep. Morris <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078567>

Health Coverage, Insurance & Financial Services

Committee Status: DIV RPT

Public Hearing: 2/25/2021 11:00 AM

Final Status: DEAD

This bill repeals the requirement adopted last year that individual and small group health plans offered with effective dates of coverage on or after January 1, 2022 must be offered through a pooled market.

LD 365 An Act To Protect Consumers from Surprise Medical Bills

Sponsor: Rep. Morris <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078562>

Health Coverage, Insurance & Financial Services

Committee Status: ONTP

Public Hearing: 4/21/2021 11:00 AM

Final Status: DEAD

This concept draft proposes to enact measures designed to protect consumers from surprise medical bills.

LD 366 An Act Regarding Emergency Guardianship

Sponsor: Rep. McCreight <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078564>

Judiciary

Committee Status:

Public Hearing:

Final Status: PL 2021, CH 463

This law provides that the delay of discharge of a patient in a hospital until the appointment of a guardian constitutes substantial harm, thereby meeting one of the criteria for the appointment of an emergency guardian.

LD 367 An Act To Require Timely Billing for Health Care Services

Sponsor: Sen. Claxton <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078585>

Health Coverage, Insurance & Financial Services

Committee Status: ONTP

Public Hearing: 2/11/2021 10:00 AM

Final Status: DEAD

This bill prohibits a health care practitioner or facility from charging a patient when a billing statement has not been provided within 6 months of the date the patient received the services.

LD 371 An Act To Make Adjustments to General Fund Appropriations Related to the Supplemental Budget

Sponsor: Sen. Breen <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078594>

Appropriations & Financial Services

Committee Status:

Public Hearing:

Final Status: CARRY OVER

Supplemental Budget Change Package

LD 372 An Act To Provide Maine Children Access to Affordable Health Care

Sponsor: Sen. Carney <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078595>

Health & Human Services

Committee Status: DIV RPT

Public Hearing: 2/24/2021 1:00 PM

Final Status: CARRY OVER

This bill expands Medicaid to more children. No funding mechanism is included in the legislation.



LD 393 An Act To Amend the Laws Regarding Health and Human Services

Sponsor: *Rep. Meyer*

<http://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078621>

Health & Human Services

Committee Status:

Public Hearing:

Final Status: CARRY OVER

LD 402 An Act To Protect an Individual's Personal Data

Sponsor: *Rep. White*

<http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078611>

Judiciary

Committee Status: DIV RPT

Public Hearing: 3/4/2021 10:00 AM

Final Status: DEAD

This bill allows a person immunized or vaccinated in the State to forbid the State to disseminate any personally identifying information collected by the State as part of that immunization or vaccination to any 3rd party, including the Federal Government.

LD 415 Resolve, Directing the Department of Health and Human Services To Increase MaineCare Reimbursement Rates for Targeted Case Management Services To Reflect Inflation

Sponsor: *Rep. Stearns*

<http://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078640>

Health & Human Services

Committee Status: APP TBL

Public Hearing: 4/15/2021 1:00 PM

Final Status: CARRY OVER

This resolve requires DHHS to amend its rules governing MaineCare reimbursement for targeted case management services to provide an increase reflecting cost increases from 2010 to 2020.

LD 423 An Act To Improve Access to Bariatric Care in Nursing Homes

Sponsor: *Sen. Baldacci*

<http://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078668>

Health & Human Services

Committee Status: ONTP

Public Hearing: 4/14/2021 2:00 PM

Final Status: DEAD

This bill requires the Department of Health and Human Services to provide bariatric care centers embedded in nursing facilities to provide requisite care within the nursing facility setting.

LD 432 Resolve, To Improve Behavioral Health Care for Children

Sponsor: *Rep. Madigan*

<http://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078682>

Health & Human Services

Committee Status: APP TBL

Public Hearing: 4/2/2021 10:00 AM

Final Status: CARRY OVER

This resolve requires DHHS to amend Section 65 to reimburse for additional collateral contacts for children's home and community-based treatment. Those additional collateral contacts are between the child's mental health professional and parents, medical providers, psychiatric providers, residential providers, case managers and school personnel as long as the goal of the collateral contact is included in the goals of the individual treatment plan.

LD 443 An Act To Ensure Choices in Health Insurance Markets

Sponsor: *Rep. Morris*

<http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078716>

Health Coverage Insurance & Financial Services

Committee Status: DIV RPT

Public Hearing: 2/25/2021 11:15 AM

Final Status: DEAD

This bill limits the requirement for health insurance carriers to offer so-called clear choice design plans to individual health plans offered through the marketplace pursuant to the federal ACA or the Maine Health Insurance Marketplace. The bill also expands the ability of carriers to offer alternative plans to a clear choice design plan.



LD 447 An Act To Require Equivalent Paid Parental Leave for All Parents Employed by Companies Offering Paid Parental Leave

Sponsor: Rep. Roeder <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078720>

Labor & Housing

Committee Status: ONTP

Public Hearing: 3/1/2021 10:00 AM

Final Status: DEAD

This bill requires an employer that provides paid parental leave to provide an equal amount of leave for the birth of a child and the adoption of a child. It also prohibits an employer from providing different amounts of paid parental leave based on the gender of the employee or employee's domestic partner. The bill uses the definition of "employer" under the family medical leave laws. The bill establishes a fine of \$10,000 for violation of these requirements.

LD 450 An Act To Promote the Education of Patients by Primary Care and Urgent Care Physicians Regarding the Bone Marrow Transplant List

Sponsor: Rep. Craven <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078725>

Health & Human Services

Committee Status: OTPA

Public Hearing: 3/4/2021 1:00 PM

Final Status: RESOLVE 2021, CH 17

This law requires DHHS to develop and disseminate, in coordination with the national marrow donor program, information regarding bone marrow donation. The information and materials must be distributed to the public and to health care providers.

LD 455 An Act To Give the State the Sole Authority To Establish a Minimum Wage and Hazard Pay with Certain Exceptions

Sponsor: Rep. Newman <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078737>

Labor & Housing

Committee Status: DIV RPT

Public Hearing: 4/12/2021 9:00 AM

Final Status: DEAD

This bill prohibits a municipality from enacting an ordinance governing the minimum hourly wage paid by an employer or requiring adjustments to the minimum hourly wage for hazard pay except for municipal employees.

LD 475 Resolve, To Create the Frequent Users System Engagement Collaborative

Sponsor: Rep. Morales <http://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078763>

Health & Human Services

Committee Status: OTPA

Public Hearing:

Final Status: RESOLVE 2021, CH 23

This resolve establishes the Frequent Users System Engagement Collaborative in order to develop a plan to provide stable housing and community services to 200 persons who are homeless or at risk of homelessness who are the most frequent consumers of high-cost services, such as psychiatric hospitals, emergency shelters, emergency rooms, police, jails and prisons. The Collaborative will include an appointee representing a psychiatric hospital.

LD 496 An Act To Clear Waiting Lists for and Ensure Timely Access to Mental Health Services for Maine Children

Sponsor: Rep. Gramlich <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078812>

Health & Human Services

Committee Status: APP TBL

Public Hearing: 4/2/2021 10:00 AM

Final Status: CARRY OVER

This bill provides \$10M in state funding to increase rates in Section 65, Behavioral Health Services, Children's Home and Community Based Treatment and Section 97, Appendix D, Principles of Reimbursement for Child Care Facilities by 30% no later than July 1, 2021.



LD 498 An Act To Reauthorize a 3 Percent Tax on Income over \$200,000 To Lift All Maine Workers out of Poverty

Sponsor: Rep. Sylvester <http://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078815>

Taxation

Committee Status: Maj OTP

Public Hearing:

Final Status: DEAD

This bill imposes an income tax surcharge on taxable income exceeding \$200,000 and increases the Maine earned income tax credit to equal the federal earned income tax credit.

LD 499 An Act To Eliminate the Waiting Lists for Older and Disabled Residents Who Are Eligible To Receive Home-based Care

Sponsor: Rep. Craven <http://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078816>

Health & Human Services

Committee Status: ONTP

Public Hearing: 4/21/2021 10:00 AM

Final Status: DEAD

This bill provides \$13.5 million to eliminate the waiting lists for services provided by DHHS Section 63, under In-Home and Community Support Services for Elderly and Other Adults and for services provided under Chapter 11, Consumer Directed Personal Assistance Services.

LD 504 Resolve, Regarding Certification for Certain Mental Health Rehabilitation Technicians

Sponsor: Rep. Sachs <http://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078832>

Health Coverage Insurance & Financial Services

Committee Status: OTPA

Public Hearing: 4/7/2021 1:30 PM

Final Status: PL 2021, CH 69

This resolve, which is a recommendation from the Working Group on Mental Health, directs the DHHS to amend, no later than October 1, 2021, its guidelines for the mental health rehabilitation technician/community certification, also known as an MHRT/C certification, in order to allow an individual who has completed a 4-year postsecondary educational degree program or obtained a graduate degree in a mental health-related field to receive the MHRT/C certification notwithstanding any other guidelines for certification.

LD 523 An Act Regarding Prior Authorizations for Prescription Drugs

Sponsor: Sen. Claxton <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078904>

Health Coverage, Insurance and Financial Services

Committee Status: OTPA

Public Hearing: 3/9/2021 10:00 AM

Final Status: PL 2021, CH 73

This law clarifies that carriers must make prescription drug standards readily available to enrollees, participating providers, pharmacists and other providers along with prior authorization standards.

It also requires that carriers make available to providers in real time at the point of prescribing electronic benefit tools that are capable of integrating with the electronic prescribing system or electronic medical record system used by the provider according to the following implementation schedule:

1. No later than January 1, 2022, a carrier must make available one or more electronic benefit tools that are capable of integrating with at least one electronic prescribing system or electronic medical record system; and
2. No later than January 1, 2023, a carrier must make available an electronic benefit tool that is capable of integrating with the particular electronic prescribing system or electronic medical record system used by a provider.

Finally, it requires the Bureau of Insurance to monitor compliance by carriers with the requirements and to submit a report to the joint standing committee of the Legislature having jurisdiction over health coverage and insurance matters on the status of that compliance by June 1, 2023.



LD 527 An Act To Exempt MaineCare Appendix C Private Nonmedical Institutions from the Service Provider Tax

Sponsor: Sen. Vitelli <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078909>

Taxation

Committee Status: APP TBL

Public Hearing: 4/13/2021 9:00 AM

Final Status: CARRY OVER

This bill exempts from the service provider tax so-called MaineCare Appendix C private nonmedical institutions, which are residential care facilities maintained wholly or partly for the purpose of providing residents with medical and remedial services. The service provider tax continues to apply to private nonmedical institution services that are provided by MaineCare Appendix B, D, E or F private nonmedical institutions.

LD 529 Resolve, To Direct the Department of Health and Human Services To Review the Needs of Persons with Low-incidence Health Conditions

Sponsor: Sen. Carney <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078912>

Health & Human Services

Committee Status: OTPA

Public Hearing: 3/17/2021 10:00 AM

Final Status: RESOLVE 2021, CH 22

This resolve directs DHHS to conduct a review of the needs of persons with low-incidence health conditions and develop a plan to address the unmet needs of those persons and submit its report to the Legislature no later than January 15, 2022.

LD 530 An Act To Consolidate Patient Bills by Directing Health Insurers To Collect Copayments and Deductibles

Sponsor: Sen. Claxton <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078913>

Health Coverage, Insurance and Financial Services

Committee Status: ONTP

Public Hearing: 4/20/2021 10:00 AM

Final Status: DEAD

This bill clarifies that cost-sharing amounts in health plans must be collected by carriers. The bill applies to health plans issued or renewed in this State on or after January 1, 2023.

LD 532 An Act To Lower Income Taxes for Middle-income Families in Maine

Sponsor: Sen. Baldacci <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078917>

Taxation

Committee Status: ONTP

Public Hearing:

Final Status: DEAD

This bill provides a credit to reduce income taxes by 10% for individuals filing as single individuals and married persons filing separately with taxable income under \$60,000, heads of households with taxable income under \$90,000 and individuals filing married joint returns and surviving spouses with taxable income under \$120,000. The bill also provides an additional income tax bracket with a tax rate of 7.95% for individuals filing as single individuals and married persons filing separately with taxable income exceeding \$200,000, heads of households with taxable income exceeding \$300,000 and individuals filing married joint returns and surviving spouses with taxable income exceeding \$400,000.



LD 541 An Act To Improve Health Care Data Analysis

Sponsor: Rep. Perry <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078934>

Health Coverage, Insurance and Financial Services

Committee Status:

Public Hearing: 3/9/2021 10:00 AM

Final Status: PL 2021, CH 423

Part A of the law does the following.

1. It reduces the timing of when updates of price information must be posted on the Maine Health Data Organization's website from twice annually to once annually and also repeals the provisions requiring annual reports related to the 15 most common outpatient procedures and to the 10 services and procedures most often provided by physicians in a private office setting.

2. It authorizes the Maine Health Data Organization to adopt rules related to the reporting to the organization of data from the statewide cancer-incidence registry and data related to vital statistics.

3. It establishes the Maine Health Data Organization Health Information Advisory Committee to make recommendations to the organization regarding public reporting of health care trends developed from data reported to the organization.

Part B of the law directs the Maine Health Data Organization to develop and maintain a multipayor provider database and service locator tool in conjunction with the Department of Health and Human Services.

LD 553 An Act To End At-will Employment

Sponsor: Rep. Sylvester <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078958>

Labor & Housing

Committee Status: DIV RPT. MAJ OTP

Public Hearing: 3/24/2021 10:00 AM

Final Status: DEAD

This bill prohibits an employer from terminating the employment of an employee without cause. The bill specifies that an employer may terminate an employee for cause only after applying a 3-step progressive discipline policy and providing notice of termination in accordance with certain requirements. The bill also eliminates references to at-will employment in current law.

LD 560 An Act To Amend the Safe Haven Laws

Sponsor: Rep. Corey <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078932>

Judiciary

Committee Status:

Public Hearing: 3/17/2021 10:00 AM

Final Status: PL 2021, CH 466

This law amends the DHHS must adopt rules governing the design, installation and use of safe haven baby boxes to ensure necessary safety specifications are met, including but not limited to an alarm that alerts both the facility where the safe haven baby box is located and a public safety answering point when a baby has been placed inside. Other states require specifications about dimensions, insulation, temperature, locks and the ability for a person to access the box anonymously; this amendment does not incorporate such specifications.

LD 582 An Act To Support the Fidelity and Sustainability of Assertive Community Treatment

Sponsor: Rep. Madigan <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078984>

Health & Human Services

Committee Status: APP TBL

Public Hearing:

Final Status: CARRY OVER

This bill modifies the definition of "assertive community treatment" to better align the definition with an evidence-based treatment model. The bill adds definitions of "psychiatric provider" and "medical assistant" and changes the description of the composition of the multidisciplinary teams that provide assertive community treatment. The bill also requires DHHS to increase the MaineCare reimbursement rates for assertive community treatment by 25% immediately to allow providers to continue to offer the service. The bill also requires the department to adopt rules to transition to a per member, per month payment model and to reform the criteria and operation of the program to ensure its fidelity to the evidence-based model for assertive community treatment services.



LD 590 An Act To Require MaineCare Coverage for Ostomy Equipment

Sponsor: Rep. Lemelin <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078979>

Health & Human Services

Committee Status:

Public Hearing: 3/16/2021 1:00 PM

Final Status: PL 2021, CH 467

This law requires the Department of Health and Human Services to amend its rules in Section 60 to reimburse ostomy equipment and supplies at no less than 85% of the federal Medicare reimbursement rate as long as the rate is no lower than the rate reimbursed by the department as of January 1, 2021. The amendment removes the prohibition on requiring a prior authorization. It also provides reimbursement for ostomy equipment and supplies when prescribed or recommended by an authorized health care practitioner, not just a physician.

LD 592 An Act To Ensure Access to Outpatient Mental Health Services by Increasing Reimbursement for Outpatient Therapists

Sponsor: Rep. Gramlich <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078983>

Health & Human Services

Committee Status: ONTP

Public Hearing: 4/12/2021 1:00 PM

Final Status: DEAD

This bill requires DHHS to increase the MaineCare reimbursement rates for Section 65, Behavioral Health Services, Outpatient Therapy-Individual/Family and Outpatient Therapy-Group, by 25% no later than July 1, 2021.

LD 599 An Act To Require Coverage for Certain Ultrasound Exams

Sponsor: Sen. Miramant <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079025>

Health Coverage, Insurance and Financial Services

Committee Status: ONTP

Public Hearing: 3/18/2021 10:00 AM

Final Status: DEAD

This bill requires insurance carriers to provide coverage in health plans for ultrasound services when a provider considers the procedure necessary during a physical or a preventive exam.

LD 600 An Act To Require Insurance Coverage for Certified Midwife Services

Sponsor: Sen. Brenner <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079027>

Health Coverage, Insurance and Financial Services

Committee Status: OTPA

Public Hearing: 3/18/2021 10:00 AM

Final Status: PL 2021 CH 79

This law requires insurance coverage for services performed by certified midwives.

LD 603 An Act Regarding the Practice of Pharmacy

Sponsor: Sen. Sanborn <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079030>

Health Coverage, Insurance and Financial Services

Committee Status: DIV RPT

Public Hearing: 4/1/2021 10:00 AM

Final Status: PL 2021, CH 146

This law amends the definition of the terms "pharmacist" and "practice of pharmacy" in the Maine Pharmacy Act. It also requires the Maine Board of Pharmacy to establish the specifications for administering medications, drugs, devices and other materials within the practice of pharmacy.

LD 607 An Act To Restore Overtime Protections for Maine Workers

Sponsor: Rep. Talbot Ros <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079038>

Labor & Housing

Committee Status: OTP

Public Hearing: 3/22/2021 10:00 AM

Final Status: CARRY OVER

This bill annually raises the minimum salary that an employee who works in an executive, administrative or professional capacity must earn in order for that employee to be exempt from the laws governing the minimum wage and overtime pay until it is \$55,224 on January 1, 2024. The bill provides for an annual adjustment, beginning January 1, 2025, based on the percentage annual increase in certain earnings as published by Bureau of Labor Statistics. This bill is a refile of previous legislation.



LD 617 An Act Concerning Prior Authorizations for Prescription Drugs

Sponsor: Rep. Brooks <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079033>

Health Coverage, Insurance and Financial Services

Committee Status: ONTP

Public Hearing: 3/9/2021 10:00 AM

Final Status: DEAD

Note: Duplicate of LD 532.

LD 629 Resolve, To Establish the Task Force To Study Improving Safety and Provide Protection from Violence for Health Care Workers in Hospitals and Mental Health Care Providers

Sponsor: Rep. Riseman <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079057>

Health & Human Services

Committee Status: APP TBL

Public Hearing: 3/23/2021 9:00 AM

Final Status: CARRY OVER

This resolve establishes the Task Force To Study Improving Safety and Provide Protection from Violence for Health Care Workers in Hospitals and Mental Health Care Providers. The task force is directed to submit a report and any suggested legislation for presentation to the Second Regular Session of the 130th Legislature by December 1, 2021.

LD 632 An Act To Facilitate the Conversion of Children's Private Nonmedical Institutions to Qualified Residential Treatment Programs as Required by Federal Law

Sponsor: Sen. Claxton <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079084>

Health & Human Services

Committee Status: TABLED

Public Hearing: 3/18/2021 1:00 PM

Final Status: CARRY OVER

This bill requires DHHS to develop a plan for converting children's private nonmedical institutions to qualified residential treatment programs as required by the federal Family First Prevention Services Act. The department must establish requirements, timelines and costs for the children's private nonmedical institutions for converting to qualified residential treatment programs. It also requires the department to establish a method of providing financial resources to those institutions for converting.

LD 642 An Act To Ensure That Children Receive Behavioral Health Services

Sponsor: Rep. Gramlich <http://legislature.maine.gov/LawMakerWeb/summary.asp?paper=HP0473&SessionID=14>

Judiciary

Committee Status: DIV RPT

Public Hearing: 3/24/2021 1:00 PM

Final Status: PL 2021, CH 302

This law authorizes psychologists, social workers and professional counsellors to provide services with the consent of one of the minor's parents or the minor's guardian. The provisions do not prohibit the provider from informing another parent or guardian of the minor of the services.

LD 649 An Act To Expand and Promote Telehealth Services

Sponsor: Sen. Stewart <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079104>

Health Coverage, Insurance and Financial Services

Committee Status: ONTP

Public Hearing: 5/6/2021 10:00 AM

Final Status: DEAD

This bill provides under the insurance laws that a health care provider may provide telehealth services using telecommunications technology and equipment of the patient's choice or, with the patient's consent, telecommunications technology and equipment available to the provider and the patient. It also provides that a provider not licensed in the State must follow the criteria in the medical licensing laws relating to the provision of telehealth services to a patient in the State. The bill also amends the medical licensing laws for a physician not licensed in the State by expanding the physician's ability to provide consulting services to a patient to allow the physician to provide any telehealth service to a patient. It also changes from discretionary to mandatory the Board of Licensure in Medicine's approval of a physician not licensed in the State to provide telehealth services in the State if the physician meets certain criteria and reduces from \$500 to \$300 the fee the physician must pay to become registered to practice telehealth services in the State.



LD 652 An Act To Include an Emergency Reimbursement Rate Review Process in Rate Setting by the Department of Health and Human Service

Sponsor: Rep. Sachs <http://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079113>

Health & Human Services

Committee Status: ONTP

Public Hearing: 3/23/2021 9:00 AM

Final Status: DEAD

This bill requires DHHS to establish a process for emergency reimbursement rate review to be used at times of extraordinary circumstances. This process must be established as part of the current rate review process undertaken by the department.

LD 659 An Act To Ease the Property Tax Burden by Authorizing Municipalities To Require Payments in Lieu of Taxes from Certain Exempt Organizations

Sponsor: Rep. Tuell <http://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079109>

Taxation

Committee Status: ONTP

Public Hearing:

Final Status: DEAD

This bill permits municipalities to adopt an ordinance to impose an impact fee on certain property that is exempt from property tax unless the owner of the property has entered into an agreement to make payments in lieu of taxes. An impact fee may not be imposed if the owner of the property has an annual budget of less than \$50,000.

LD 673 An Act To Create the Insulin Safety Net Program

Sponsor: Sen. Breen <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079138>

Health Coverage, Insurance and Financial Services

Committee Status: DIV RPT

Public Hearing: 4/13/2021 10:00 AM

Final Status: PL 2021, CH 303

This law establishes the Insulin Safety Net Program, which is modeled after a similar program in Minnesota. The bill requires the Maine Board of Pharmacy to oversee the program. It requires that, by March 1, 2022, manufacturers of insulin establish procedures to make insulin available to pharmacies for dispensing to eligible individuals who are in urgent need of insulin or who need access to an affordable insulin supply. The bill requires annual reporting to the Legislature on the number of Maine residents accessing insulin through the program and the cost to manufacturers. It includes provision to repeal the program in 5 years.

LD 674 An Act To Support Early Intervention and Treatment of Psychotic Disorders

Sponsor: Sen. Breen <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079139>

Health & Human Services

Committee Status: APP TBL

Public Hearing: 3/25/2021 10:00 AM

Final Status: CARRY OVER

This bill requires DHHS to establish a reimbursement rate for a coordinated specialty care model to treat individuals showing early signs of psychotic disorder. Services must be evidence based and treat both the individual and the family. The department is directed, in cooperation with the Departments of Education and Labor to establish a bundled rate to reimburse for services provided under the coordinated specialty care model that are not otherwise covered under the MaineCare program. The bill directs the department to apply to the Centers for Medicare and Medicaid Services for a waiver or state plan amendment to establish a bundled reimbursement rate and to seek federal funding under the community mental health services block grant.

LD 675 An Act To Protect Maine Consumers from Unsupported Price Increases on Prescription Medicines by Creating an Independent Review Process

Sponsor: Sen. Claxton <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079140>

Health Coverage, Insurance & Financial Services

Committee Status: DIV RPT

Public Hearing: 4/13/2021 10:00 AM

Final Status: DEAD

This bill makes prescription drug manufacturers subject to fines for the sale of prescription drugs in this State identified as having an unsupported price increase. The determination of what constitutes an unsupported price increase for a prescription drug is based on whether there was no, or inadequate, new clinical evidence to support the price increase, as demonstrated by the analyses of prescription drugs prepared annually by the Institute for Clinical and Economic Review, or successor organization.



LD 684 Resolve, To Amend MaineCare Reimbursement Provisions Governing Supplemental Payments to Nursing Facilities with High MaineCare Use

Sponsor: *Sen. Timberlake* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079150>

Health & Human Services

Committee Status: APP TBL

Public Hearing: 3/17/2021 1:00 PM

Final Status: CARRY OVER

This resolve requires DHHS to amend its rules governing supplemental payments to nursing facilities where the number of MaineCare residents constitutes more than 80% of the total number of residents to remove the requirement that such nursing facilities have base year direct and routine aggregate costs per day that are less than the median aggregate direct and routine allowable costs for the facility's peer group.

LD 686 An Act To Increase Prescription Drug Pricing Transparency

Sponsor: *Sen. Vitelli* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079152>

Health Coverage, Insurance & Financial Services

Committee Status: DIV RPT

Public Hearing: 4/13/2021 10:00 AM

Final Status: PL 2021, CH 305

This law amends the law governing prescription drug pricing for purchasers. It changes a requirement that a manufacturer notify the Maine Health Data Organization when the manufacturer has taken certain actions regarding high prescription drug pricing to a requirement that the organization produce and post on its publicly accessible website a list of prescription drugs for which manufacturers have taken those actions. It requires the organization to produce and post on its publicly accessible website a list of drug product families for which it intends to request pricing component data from manufacturers, wholesale drug distributors and pharmacy benefits managers and to notify the manufacturers, wholesale drug distributors and pharmacy benefits managers before requesting pricing component data. It also amends related public reporting and confidentiality requirements.

LD 693 An Act To Make the Pilot Program Providing Mental Health Case Management Services to Veterans a Permanent Program

Sponsor: *Rep. Roberts* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079152>

Veterans & Legal Affairs

Committee Status:

Public Hearing: 3/22/2021 9:00 AM

Final Status: PL 2021, CH 430

As enacted, the bill deletes the requirement that hospitals collect veteran status of certain emergency room visitors. However, it creates a new obligation to screen patients for military service and to inform those with prior military service that the Bureau of Veterans' Services may be able to assist the patient with veterans services and to inform them that the Bureau's website has a resource guide.

LD 716 An Act To Enhance and Improve the Maine Developmental Services Oversight and Advisory Board and To Establish the Aging and Disability Mortality Review Panel

Sponsor: *Rep. Madigan* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079186>

Health & Human Services

Committee Status: APP TBL

Public Hearing: 3/23/2021 9:00 AM

Final Status: CARRY OVER

This bill establishes the Aging and Disability Mortality Review Panel to review deaths of and serious injuries to all adults receiving home-based and community-based services under a waiver approved by CMS. The bill also makes changes to the laws governing the Maine Developmental Services Oversight and Advisory Board, moving the budget of the board from DHHS to the Department of Administrative and Financial Services and requiring disclosure of final reports of investigations pursuant to the Adult Protective Services Act to the board. It also clarifies the appointment process for members of the board.

LD 738 An Act To Provide High-quality Health Care for All Maine Residents

Sponsor: *Rep. Warren* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079225>

Health Coverage, Insurance & Financial Services

Committee Status: ONTP

Public Hearing:

Final Status: DEAD

Concept draft.



LD 739 An Act Regarding Credible Allegations of Fraud by MaineCare Providers

Sponsor: Rep. O'Connor <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079231>

Health & Human Services

Committee Status: ONTP

Public Hearing: 4/1/2021 10:00 AM

Final Status: DEAD

This bill allows DHHS, after a final determination that an allegation of fraud concerning a MaineCare provider has been established, rather than that fraud has occurred, to retain and apply as an offset to amounts determined to be owed to the department any payments to the provider that were suspended by the department. This bill also decreases from 31 days to 21 days after exhaustion of all administrative appeals when the department may take that action and removes reference to judicial review.

LD 745 Resolve, Directing the Maine Vaccine Board To Review and Make Recommendations Regarding Expanding the Universal Childhood Immunization Program To Include Adults

Sponsor: Rep. Millett <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079214>

Health & Human Services

Committee Status: OTPA

Public Hearing: 5/4/2021 2:00 PM

Final Status: RESOLVE 2021, CH 90

This resolve directs the Maine Vaccine Board to convene a stakeholder group to review and make recommendations regarding expanding the Universal Childhood Immunization Program to include adults. It also requires a report to the Health and Human Services Committee no later than December 1, 2021.

LD 749 An Act To Establish a Council on Health Systems Development

Sponsor: Rep. Perry <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079222>

Health Coverage, Insurance & Financial Services

Committee Status: ONTP

Public Hearing: 4/21/2021 11:00 AM

Final Status: DEAD

This concept draft bill would establish a council on health systems development that consists of representatives of health systems, including representatives from long-term care, mental health, public health, health care quality and insurance companies and organizations, as well as small and large businesses, and consumers, who would discuss and review health data and make recommendations regarding improving the health systems in the State.

LD 750 An Act To Increase Transparency of and Lower Health Care Costs

Sponsor: Rep. Morris <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079224>

Health Coverage, Insurance & Financial Services

Committee Status: DIV RPT

Public Hearing: 4/21/2021 11:00 AM

Final Status: DEAD

Concept draft.

LD 752 An Act To Increase Patients' Access to Quality Doctors

Sponsor: Rep. Morris <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079227>

Health Coverage, Insurance & Financial Services

Committee Status:

Public Hearing:

Final Status: DEAD

Concept draft.



LD 769 An Act To Increase the Availability of Mental Health Services for a Defendant Who Has Been Found Incompetent To Stand Trial

Sponsor: Rep. Stover <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079256>

Criminal Justice & Public Safety

Committee Status: OTPA

Public Hearing:

Final Status: PL 2021, CH 259

This law authorizes the Commissioner of Corrections to accept the placement of an adult defendant in a mental health unit of a correctional facility when the adult defendant has been found incompetent to stand trial and committed to the custody of the Commissioner of Health and Human Services and certain conditions are met. It sets out the procedural steps that must be taken to review each case.

LD 778 An Act To Enable Electronic Reporting of Suspected Child Abuse and Neglect for Certain Mandated Reporters

Sponsor: Rep. Madigan <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079259>

Judiciary

Committee Status: OTP

Public Hearing: 4/1/2021 10:00 AM

Final Status: PL 2021, CH 116

This law amends outdated language regarding electronic submission of reports of suspected abuse or neglect to the Department of Health and Human Services by removing the language regarding secure e-mail and fax transmissions. Instead, electronic reports are submitted through a portal provided by the department linked to the department's comprehensive child welfare information system. The law also expands the types of mandated reporters who may report electronically to include school personnel.

LD 784 An Act To Amend the Law Governing Approval Authority over and Oversight of Certified Nursing Assistant Educational Programs

Sponsor: Rep. Craven <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079249>

Health & Human Services

Committee Status: OTP

Public Hearing:

Final Status: PL 2021, CH 81

This law simplifies requirements for approval of educational programs for certified nursing assistants that are carried out by health care facilities by removing the requirement that health care facilities seeking approval must demonstrate that an educational institution cannot also provide such a program within 30 days of the application. Programs carried out by health care facilities must still be approved by the Department of Health and Human Services consistent with the curriculum approved by State Board of Nursing and must still fulfill all standards established by the department and by the board.

LD 785 An Act To Change the Standard for Assessing Risk of Serious Harm

Sponsor: Rep. Cardone <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079251>

Judiciary

Committee Status: DIV RPT

Public Hearing: 4/8/2021 2:00 PM

Final Status: PL 2021, CH 377

This bill allows a medical practitioner to consider a person's treatment history, current behavior and inability to make an informed decision in determining whether there is a likelihood of serious harm when examining a patient for the purposes of recommending hospitalization. Current law allows this consideration only for progressive treatment programs.

LD 790 An Act Clarifying Patient Consent for Certain Medical Examinations

Sponsor: Rep. Doudera <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079265>

Health Coverage, Insurance & Financial Services

Committee Status: OTP

Public Hearing: 4/6/2021 2:00 PM

Final Status: PL 2021, CH 92

This emergency law clarifies that written informed consent is not required for pelvic, rectal or prostate examinations performed on a conscious patient; in such cases the informed consent must be obtained orally.



LD 791 An Act Regarding Telehealth Regulations

Sponsor: Sen. Sanborn <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078098>

Health Coverage, Insurance & Financial Services

Committee Status: OTPA

Public Hearing: 5/6/2021 10:00 AM

Final Status: PL 2021, CH 291

Part A does the following.

1. It makes necessary changes to the definitions of "telehealth" and "telemonitoring" for consistency. Telehealth shall include telephone only communications.
2. It allows patients receiving MaineCare health services to provide verbal, electronic or written consent to telehealth and telemonitoring services.
3. It makes clear that a health insurance carrier must provide coverage for a health care service through telehealth as long as the provider is acting within the scope of practice of the provider's license and in accordance with any rules adopted by the board that issued the provider's license related to standards of practice for the delivery of a health care service through telehealth. It also removes restrictions related to the technology used to provide services through telehealth.
4. It prohibits a carrier from placing any restriction on the prescribing of medication through telehealth by a provider whose scope of practice includes prescribing medication that is more restrictive than any requirement in state and federal law for prescribing medication through in-person consultation.
5. It clarifies that the availability of health care services through telehealth may not be considered for the purposes of demonstrating network adequacy.

Part B permits health care providers licensed under the Department of Professional and Financial Regulation to provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by law and in accordance with standards of practice. The amendment defines "telehealth services" and authorizes licensing entities to adopt rules to establish standards of practice and restrictions for telehealth services.

LD 804 An Act To Require Notice for Orthopedic Medical Device Recalls

Sponsor: Sen. Keim <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280078380>

Innovation, Development, Economic Advancement and E**Committee Status:** DIV RPT

Public Hearing: 4/6/2021 9:30 AM

Final Status: DEAD

This bill requires a hospital or ambulatory surgical facility to notify patients when the hospital or ambulatory surgical facility receives notice that an orthopedic medical device that the hospital or ambulatory surgical facility has provided to a patient has been subjected to market withdrawal or FDA requested recall. Notice must be provided to the patient in writing within 30 days and include identification of the specific device, a concise explanation of the reason for the recall and the hazards involved, if any, specific action steps and a point of contact for the patient. The bill provides for a civil violation if an individual or entity fails to provide the notification. An individual is subject to a fine of not less than \$500 and not more than \$5,000 for each violation, and an entity is subject to a fine of not less than \$2,000 and not more than \$15,000 for each violation.

LD 833 An Act To Amend the Laws Governing Vaccines by Reinstating Religious Exemptions

Sponsor: Rep. Kinney <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079298>

Education & Cultural Affairs

Committee Status: DIV RPT

Public Hearing:

Final Status: DEAD

This bill reinstates the religious exemption that was removed two years ago.

LD 838 An Act To Exempt Substitutes, Coaches and Temporary Employees in the Education System from Paid Sick Leave Requirements

Sponsor: Rep. Poirier <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079306>

Labor & Housing

Committee Status: DIV RPT

Public Hearing:

Final Status: DEAD

This bill exempts substitute teachers, other substitute employees, coaches and temporary employees in school systems from being covered by the law that requires employers to offer earned paid leave to employees.



LD 849 An Act To Make Permanent the Telehealth Reimbursement Options Passed by Emergency Measures

Sponsor: Rep. Mathieson <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079313>

Health Coverage, Insurance & Financial Services

Committee Status: ONTP

Public Hearing: 5/6/2021 10:00 AM

Final Status: DEAD

This bill makes permanent the authorization for the delivery of health care services through telehealth by telephone that was provided through executive order during the declared public health emergency related to COVID-19.

Under current law, health insurance carriers are required to reimburse for services delivered through telehealth at parity with the reimbursement that would be provided if the services were delivered through an in-person consultation, but the use of audio-only telephone to deliver those services is not permitted. This bill removes that prohibition. The bill also clarifies that reimbursement for telehealth services must be made on the same basis and at the same rate as if the services were delivered in person and that a carrier may not establish separate deductible limits for telehealth services that are not applied in the aggregate with other services covered under a health plan.

Under current law, telehealth services reimbursed under the MaineCare program for the delivery of service using the telephone are limited to when interactive telehealth services are unavailable or when a telephonic service is medically appropriate for the underlying covered service. This bill removes that limitation and also clarifies that services provided through telehealth must be reimbursed at the same rate as comparable services provided through an in-person consultation.

The requirements in the bill apply to health plans issued or renewed on or after January 1, 2022.

LD 861 Resolve, Directing the Department of Health and Human Services to Contract for Assessments for Involuntary Hospitalizations

Sponsor: Rep. Evans <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079312>

Judiciary

Committee Status: TABLED

Public Hearing: 4/8/2021 2:00 PM

Final Status: CARRY OVER

Public Law 2019, chapter 411 requires DHHS to issue a request for proposals, or RFP, for technology-supported assessments of foreseeable harm for the purposes of involuntary hospitalization. The RFP has yet to be issued. This resolve directs the department to move forward with contracts for assessments and provides that until the contracts are issued, qualified medical practitioners employed by the State's psychiatric hospitals shall perform the assessments.

LD 863 An Act To Have Maine Join the Interstate Psychology Interjurisdictional Compact To Improve Telehealth Options for Psychologists and Their Patients

Sponsor: Rep. Tepler <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079317>

Health Coverage, Insurance & Financial Services

Committee Status: OTPA

Public Hearing: 5/6/2021 10:00 AM

Final Status: PL 2021, CH 331

This law enacts the Psychology Interjurisdictional Compact, an interstate compact designed to facilitate the practice of telepsychology and the temporary in-person, face-to-face practice of psychology across state boundaries.

LD 867 An Act To Prohibit Mandatory COVID-19 Vaccinations for 5 Years To Allow for Safety Testing and Investigations into Reproductive Harm

Sponsor: Rep. Quint <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079326>

Health Coverage, Insurance & Financial Services

Committee Status:

Public Hearing:

Final Status: CARRY OVER

This bill prohibits mandatory vaccinations for COVID-19 for 5 years from the date of a vaccine's first emergency use authorization by the United States FDA in order to allow for safety testing and investigations into reproductive harm.



Maine Hospital Association

Maine Hospital Association
33 Fuller Road, Augusta, Maine 04330
Tel.: 207/622-4794; Website: www.themha.org

LD 868 An Act To Provide Consistency Regarding Persons Authorized To Conduct Examinations for Emergency Involuntary Commitment and Post-admission Examinations

Sponsor: Rep. Reckitt <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079329>

Judiciary

Committee Status: DIV RPT

Public Hearing: 4/8/2021 2:00 PM

Final Status: PL 2021, CH 389

This law changes the provision of law governing post-admission examination and post admission discharge from a psychiatric hospital by replacing the term "physician or licensed clinical psychologist" with the term "medical practitioner," which is a defined term.

LD 869 Resolve, Directing the Department of Health and Human Services To Review the Progressive Treatment Program and Processes by Which a Person May Be Involuntarily Admitted to a Psychiatric Hospital or Receive Court-ordered Community Treatment

Sponsor: Rep. Perry <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079331>

Judiciary

Committee Status: OTPA

Public Hearing: 4/8/2021 2:00 PM

Final Status: RESOLVE 2021, CH 60

This law directs the DHHS to convene a stakeholder group to review the progressive treatment program (so-called "Green Paper") under Title 34-B, section 3873-A to increase participation in that program and to review for efficiency and effectiveness the processes by which a person may be involuntarily admitted to a psychiatric hospital or receive court-ordered community treatment.

LD 873 Resolve, To Waive Reductions to Nursing Facility Reimbursement Resulting from Payroll Protection Program Loans and Grants

Sponsor: Sen. Baldacci <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079278>

Health & Human Services

Committee Status: ONTP

Public Hearing: 4/5/2021 1:00 PM

Final Status: DEAD

This resolve requires the Department of Health and Human Services to waive any reduction or adjustment to allowable MaineCare costs on filed or audited cost reports that would result from a loan or grant received under the federal Paycheck Protection Program.

LD 927 An Act To Increase the Availability of Health Care Services by Eliminating the Certificate of Need for All Health Care Services

Sponsor: Rep. Libby <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079379>

Health Coverage, Insurance & Financial Services

Committee Status: DIV RPT

Public Hearing: 4/6/2021 10:30 AM

Final Status: DEAD

This bill repeals the requirements for a certificate of need issued by the Department of Health and Human Services for the offering of new health care services by a health care facility.

LD 931 An Act To Increase Hospital Bed Capacity by Eliminating the Certificate of Need for Outside Hospital Beds

Sponsor: Rep. Libby <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079377>

Health Coverage, Insurance & Financial Services

Committee Status: DIV RPT

Public Hearing: 4/6/2021 10:30 AM

Final Status: DEAD

This bill repeals the requirements for a certificate of need issued by the Department of Health and Human Services for adding new licensed beds or increasing beds in a health care facility other than a hospital.



LD 932 An Act To Increase Hospital Capacity by Eliminating the Certificate of Need for Hospital Beds

Sponsor: Rep. Libby <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079380>

Health Coverage, Insurance and Financial Services

Committee Status: DIV RPT

Public Hearing: 4/6/2021 10:30 AM

Final Status: DEAD

This bill repeals the requirements for a certificate of need issued by the Department of Health and Human Services prior to any increase in the licensed beds by a hospital.

LD 935 An Act To Increase the Ability of Health Care Facilities To Respond to Health Needs by Eliminating the Certificate of Need for Health Care Facilities

Sponsor: Rep. Libby <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079386>

Health Coverage, Insurance & Financial Services

Committee Status: DIV RPT

Public Hearing: 4/6/2021 10:30 AM

Final Status: DEAD

This bill repeals the requirements for a certificate of need issued by the Department of Health and Human Services for the establishment of new health care facilities.

LD 945 An Act Regarding Notice by Health Insurance Carriers of Policy Changes

Sponsor: Rep. Morris <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079396>

Health Coverage, Insurance & Financial Services

Committee Status: OTPA

Public Hearing: 4/6/2021 2:00 PM

Final Status: PL 2021, CH 311

This law provides that the notice insurance carriers must give to health care providers in order to change a material term of the contract during the contract year must be in writing and be the only subject of the written communication.

LD 949 Resolve, To Restore the MaineCare Nursing Facility COVID-19 Temporary Rate Increase

Sponsor: Sen. Baldacci <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079404>

Health & Human Services

Committee Status: APP TBL

Public Hearing: 4/5/2021 1:00 PM

Final Status: CARRY OVER

This resolve DHHS to amend its Section 67, Nursing Facilities reimbursement, to increase reimbursement rates to rates that are no less than the rates that were in effect on May 31, 2020. The increased rates must remain in effect at least until the end of the state of emergency due to COVID-19 as declared by the Governor. Temporary rate increases to nursing facility funding with federal funding were in effect from March 1, 2020 to May 31, 2020.

LD 951 An Act To Improve Transparency of Medical Billing

Sponsor: Sen. Bennett <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079406>

Health Coverage, Insurance & Financial Services

Committee Status: ONTP

Public Hearing: 4/20/2021 10:00 AM

Final Status: DEAD

This bill provides that:

1. A health care practitioner or laboratory providing health care or laboratory services in a medical office or laboratory must inform patients of the cost of such care or services 14 prior to provision of that care or those services; and
2. A health care entity may not bill a responsible party for the first time for a medical service that occurred more than one year earlier. It provides that a responsible party who receives a bill for a medical service for the first time for a medical service that occurred more than one year earlier is not obligated to pay the bill. It further provides that a health care entity may not initiate a collection action against the responsible party if the health care entity had not billed the responsible party within one year of the medical service.



LD 965 An Act Concerning Nondisclosure Agreements in Employment

Sponsor: Rep. Harnett <http://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079420>

Labor & Housing

Committee Status:

Public Hearing:

Final Status: CARRY OVER

This bill prohibits an employer from requiring an employee, intern or applicant for employment to enter into a contract or agreement that waives or limits any right to report or discuss discrimination, retaliation or harassment occurring in the workplace or at work related events. It also prohibits an employer from requiring an employee, intern or applicant for employment to enter into a settlement, separation or severance agreement that limits an individual's right to report, testify or provide evidence to a federal or state agency that enforces employment or discrimination laws, prevents an individual from testifying or providing evidence in federal and state court proceedings in response to legal process or prohibits an individual from reporting conduct to a law enforcement agency. This bill allows a settlement, separation or severance agreement, under certain circumstances, to include a provision that prevents the subsequent disclosure of factual information relating to a claim of discrimination, retaliation or harassment. It provides the Department of Labor with the duty to enforce these provisions and allows an individual to receive liquidated damages or to be employed or reinstated with back wages when an employer discharges or refuses to hire an individual who declines to enter into a contract or agreement that waives or limits any right to report or discuss discrimination, retaliation or harassment occurring in the workplace or at work-related events.

LD 968 Resolve, To Expand Mental Health Crisis Intervention Mobile Response Services

Sponsor: Rep. Supica <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079426>

Health & Human Services

Committee Status: ONTP

Public Hearing: 4/12/2021 1:00 PM

Final Status: DEAD

This resolve requires DHHS to expand mental health crisis intervention mobile response services to provide services 24 hours a day, 7 days a week to the entire State. The department is directed to do this using funding provided for a request for proposal for behavioral health crisis center services.

LD 972 An Act To Establish the Rare Disease Advisory Council

Sponsor: Rep. Craven <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079440>

Health & Human Services

Committee Status: APP TBL

Public Hearing: 4/7/2021 2:00 PM

Final Status: CARRY OVER

This bill creates the Rare Disease Advisory Council to advise DHHS and the public on issues regarding rare diseases. The bill defines a rare disease as a disease that affects fewer than 200,000 persons in the United States. The council is made up of 14 members, who are health care professionals and others involved with or affected by rare diseases. The council is directed to study a variety of issues regarding rare diseases and their treatment within the State. The council must submit an annual report to the Governor, the Commissioner of Health and Human Services and the Legislature and must post the report on a publicly accessible website.

LD 998 An Act To Amend the Continuing Education Requirement for Pharmacists

Sponsor: Rep. Tepler <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079465>

Health Coverage & Financial Services

Committee Status: OTP

Public Hearing: 4/1/2021 10:00 AM

Final Status: PL 2021, CH 84

This law amends the law governing continuing pharmacy education by providing that only pharmacists authorized to administer drugs and immunizations are required to complete at least 2 hours in board-approved courses on drug administration.

LD 1001 An Act To Ensure Parents' Access to Their Minor and Adult Children with Special Needs

Sponsor: Rep. Lemelin <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079469>

Health & Human Services

Committee Status: DIV RPT

Public Hearing: 4/5/2021 1:00 PM

Final Status: DEAD

As amended, the bill establishes the 17-member Task Force To Study Procedures To Ensure Individuals with Intellectual Disabilities or Autism Have Access to Family Members during Hospitalizations to review current policies regarding parental or guardian access to a hospitalized individual with intellectual disabilities or autism.



LD 1003 An Act To Improve Outcomes for Persons with Limb Loss

Sponsor: Rep. Madigan <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079473>

Health Coverage, Insurance & Financial Services

Committee Status:

Public Hearing: 4/8/2021 10:00 AM

Final Status: CARRY OVER

This bill amends the requirements in current law for coverage of prosthetic devices to clarify that coverage must be provided by health insurance carriers for the prosthetic device determined by the enrollee's provider to adequately meet the recreational needs of an enrollee as well as the medical needs of an enrollee.

LD 1004 An Act To Ensure Access to Health Care Equipment by Eliminating the Certificate of Need for Major Medical Equipment

Sponsor: Rep. Libby <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079476>

Health Coverage, Insurance & Financial Services

Committee Status: DIV RPT

Public Hearing: 4/6/2021 10:30 AM

Final Status: DEAD

This bill repeals the requirements for a certificate of need issued by DHHS for the acquisition of major medical equipment.

LD 1007 An Act To Increase Availability of Health Care through Telehealth

Sponsor: Rep. Libby <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079481>

Health Coverage, Insurance & Financial Services

Committee Status: ONTP

Public Hearing: 5/6/2021 10:00 AM

Final Status: DEAD

This bill makes permanent the Governor's Executive Order which allows certain licensed or registered professionals to provide necessary health care or other services to the extent practicable through the use of all modes of telehealth, including visual and audio, audio-only or other electronic media. The bill also clarifies that these services must be covered by insurance as they would be if provided in person.

LD 1045 An Act To Support Universal Health Care

Sponsor: Rep. Brooks <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079515>

Health Coverage, Insurance & Financial Services

Committee Status: DIV RPT

Public Hearing:

Final Status: PL 2021, CH 391

This law establishes the Maine Health Care Plan to provide universal health care coverage to all residents of this State. The law is modeled on proposed legislation considered in Minnesota. It does not take effect until waivers and funding are provided by the federal government.

LD 1059 An Act To Provide Substance Use Disorder Treatment to Adolescents

Sponsor: Rep. Morales <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079566>

Health & Human Services

Committee Status:

Public Hearing: 4/6/2021 9:00 AM

Final Status: CARRY OVER

This concept draft would require DHHS to work with stakeholders to develop and fund a continuum of evidence-based treatment services for adolescents affected by substance use disorder. Services would include, but not be limited to, detoxification beds in hospitals or residential settings and intensive outpatient treatment services.

LD 1064 An Act To Advance Palliative Care Utilization in the State

Sponsor: Rep. Craven <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079571>

Health & Human Services

Committee Status:

Public Hearing:

Final Status: PL 2021, CH 438

This law directs DHHS to provide reimbursement under the MaineCare program for palliative care for the entire interdisciplinary team as appropriate to the plan of care, regardless of setting, including hospitals, nursing homes, outpatient clinics and home care providers. It also requires the department to periodically convene a stakeholder group to advise the department on educational materials and outreach so that providers of palliative care understand the reimbursement system and rules.



LD 1077 Resolve, To Promote Equity in COVID-19 Immunizations

Sponsor: *Sen. Libby* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079554>

Health & Human Services

Committee Status: ONTP

Public Hearing: 5/3/2021 1:00 PM

Final Status: DEAD

This resolve requires DHHS to:

1. Implement an outreach and education program, using existing resources, including federal funding sources, that is tailored to reach rural populations and historically vulnerable populations with information about where and how to receive a COVID-19 vaccine, vaccine safety and disease prevention;
2. Amend its rules in Section 5, COVID-19 Public Health Emergency Services to provide that the activities associated with the administration of COVID-19 vaccines under the MaineCare program are reimbursed to the maximum extent allowable under federal law; and
3. Report to the Joint Standing Committee on Health and Human Services on the progress the State is making in vaccinating state residents with COVID-19 vaccines beginning 7 days after the effective date of this legislation and every 6 weeks thereafter until the end of the Governor's declaration of a state of emergency due to COVID-19.

LD 1080 Resolve, Directing the Department of Health and Human Services To Update the Rights of Recipients of Mental Health Services

Sponsor: *Rep. Stover* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079583>

Health & Human Services

Committee Status:

Public Hearing: 4/7/2021 2:00 PM

Final Status: CARRY OVER

This resolve directs DHHS to update the rights of recipients of mental health services regarding treatment, the delivery structure and the entities that oversee the safe and effective delivery of mental health services, including to align the rights with contractual agreements with service providers, current federal and state privacy laws and best practices for the delivery of clinically appropriate assessment and treatment models for persons with mental illness.

LD 1090 Resolve, To Equitably Fund Legal Fees for Progressive Treatment Programs

Sponsor: *Sen. Claxton* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079593>

Health & Human Services

Committee Status: ONTP

Public Hearing: 5/3/2021 1:00 PM

Final Status: DEAD

This resolve establishes a pilot project within DHHS to fund court and legal fees incurred by a superintendent or chief administrative officer of a nonstate mental health institution or a director of an assertive community treatment service team in association with filing and obtaining an order from the District Court to admit a patient to a progressive treatment program. The pilot project is funded up to \$250,000 from the Medical Use of Marijuana Fund to provide up to \$800 per application. The department is required to submit a report to the HHS Committee at the conclusion of the pilot project.

LD 1135 An Act Regarding Substance Use Disorder Treatment Services and Increasing Reimbursement Rates for Those Services

Sponsor: *Rep. Stover* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079732>

Health & Human Services

Committee Status: APP TBL

Public Hearing: 4/6/2021 9:00 AM

Final Status: CARRY OVER

This bill includes a statutory requirement for substance use disorder treatments to comply with trauma-informed principles of care according to the U.S. Substance Abuse and Mental Health Services Administration. The bill also requires DHHS to increase by 25% the Medicaid reimbursement rate for (i) Section 65 substance use disorder outpatient services, and, (ii) for services provided under Section 97, except for detoxification services. For those services, the bill requires to be cost-based. The bill also requires the department to amend Section 97 to change the limitations on the number of days for certain residential treatment services.



LD 1136 An Act To Promote Fairness in Income Tax Rates by Making Them More Progressive

Sponsor: Rep. Harnett <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079733>

Taxation

Committee Status: ONTP

Public Hearing:

Final Status: DEAD

This is one of many bills to change the individual income tax brackets to provide 4 brackets rather than 3. The bill adds a new bracket of 10.15% on taxable income exceeding \$100,000 for single individuals and married persons filing separately, \$150,000 for heads of households and \$200,000 for individuals filing married joint returns and surviving spouses.

LD 1139 An Act To Authorize and Regulate Visitation of Essential Caregivers at Long-term Care Facilities

Sponsor: Rep. Libby <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079737>

Health & Human Services

Committee Status: DIV RPT

Public Hearing: 4/5/2021 1:00 PM

Final Status: DEAD

This emergency bill establishes the right of a resident of a long-term care facility to designate a person as an essential caregiver who may visit the resident, at the request of the resident, at any time and who may not be prohibited from visiting because of an outbreak of disease or other reason. The essential caregiver is subject to the same limitations of behavior and entry as employees of the facility, including requirements for illness screening and testing and use of personal protective equipment. The facility may prevent the essential caregiver from approaching any other person in the facility except for the resident. The resident of the facility may have only one essential caregiver at a time.

LD 1144 An Act To Amend the Law Regarding Advance Health Care Directives

Sponsor: Rep. Roeder <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079744>

Judiciary

Committee Status: DIV RPT

Public Hearing: 4/30/2021 9:00 AM

Final Status: PL 2021, CH 452

This law describes a special audiovisual protocol for signing advance health care directives in a hospital or residential health care setting. It may be used by staff, employees or agents of the hospital or residential health care facility to help a patient who is medically isolated in a room or ward to prevent the spread of infectious disease to complete the patient's advance health care directives. In addition to allowing a patient to direct an individual outside the patient's room to sign an advance health care directive for the patient, it allows the patient to communicate signing directions to an individual by means of 2-way audiovisual technology. It also allows other individuals who contemporaneously view the signing through audiovisual means to sign the document as witnesses. It includes an opportunity for the patient or the patient's agent to review a copy of the advance health care directive prior to its execution and after it has been signed. It allows the patient or the patient's agent to revoke the advance health care directive if a substantive difference is discovered upon review. It provides immunity for good faith acts or omissions by staff, employees or agents of the hospital or residential care facilities for their use of the remote signing process. It does not apply to any other documents or settings or when advance health care directives are notarized.

LD 1147 Resolve, To Enhance Access to Medication Management for Individuals with Serious and Persistent Mental Illness

Sponsor: Rep. Madigan <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079708>

Health & Human Services

Committee Status: APP TBL

Public Hearing: 4/12/2021 1:00 PM

Final Status: CARRY OVER

This resolve provides for a 25% rate increase for the medication management services provided under Section 65 of the MaineCare manual and requires the department to amend its rules governing medication management services to respond the increased demand and complexity of the need.



LD 1151 An Act To Lower Out-of-pocket Prescription Medicine Costs by Requiring Health Insurers To Offer Plans with No Deductibles

Sponsor: Rep. Collings <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079717>

Health Coverage, Insurance & Financial Services

Committee Status: ONTP

Public Hearing: 4/8/2021 10:00 AM

Final Status: DEAD

This bill requires carriers offering individual and group health plans to make available at least 50% of health plans in each market segment without deductibles for prescription drugs covered under those health plans. The bill also clarifies the treatment of copayments and coinsurance for prescription drugs under these plans.

LD 1167 An Act Relating to Fair Chance in Employment

Sponsor: Rep. Talbot Ros <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079755>

Labor & Housing

Committee Status: DIV RPT (Maj. OTPA)

Public Hearing: 4/7/2021 10:00 AM

Final Status: PL 2021, CH 404

This law prohibits an employer from requesting criminal history record information on an initial employee application form or stating on an initial employee application form or advertisement or specifying prior to determining a person is otherwise qualified for the position that a person with a criminal history may not apply or will not be considered for a position.

The law provides exceptions to those prohibitions, including instances in which federal or state law or regulation or rule mandates for a position that a criminal conviction disqualifies an applicant, or imposes an obligation on an employer not to hire an applicant who has been convicted of a certain type of offense, or requires that an employer conduct a criminal history record check.

LD 1173 Resolve, To Develop a Plan To Treat in Maine Those Children with Behavioral Health Needs Currently Treated Outside the State

Sponsor: Rep. Gramlich <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079769>

Health & Human Services

Committee Status: ONTP

Public Hearing: 4/7/2021 10:00 AM

Final Status: DEAD

This resolve requires DHHS to present a plan for implementing Resolve 2019, chapter 54, which requires the department to coordinate with families of children who are receiving residential treatment services for behavioral health issues outside the State to develop plans to bring the children back to the State to receive the required services that would be received under Section 97 (Private Non-Medical Institution Services). Resolve 2019, chapter 54 also requires the department to negotiate related reimbursement rates in order to provide services to the children.

LD 1194 An Act To Reduce Health Care Worker Shortages

Sponsor: Rep. Libby <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079774>

Health Coverage, Insurance & Financial Services

Committee Status: ONTP

Public Hearing: 5/6/2021 10:00 AM

Final Status: DEAD

This bill makes permanent the authorization for licensing out-of-state and recently retired doctors, physician assistants and nurses that was provided through executive order during the declared state of civil emergency related to COVID-19. The bill also expands the scope of health care services that can be provided through telehealth to include the use of audio-only telephone.



LD 1196 An Act Regarding Targets for Health Plan Investments in Primary Care and Behavioral Health

Sponsor: Rep. Zager <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079777>

Health Coverage, Insurance & Financial Services **Committee Status:**
Public Hearing: 4/15/2021 10:00 AM **Final Status:** CARRY OVER

This bill requires health carriers to meet certain targets for investment and spending in primary care and behavioral health care beginning in plan year 2023 and through plan year 2026. Overall spending may not increase to meet the targets. The bill establishes a benchmark for combined spending in primary care and behavioral health care as a percentage of overall health spending. The benchmark is indexed to the median amount spent by carriers on primary care and behavioral health care for plan year 2019. The bill requires carriers to increase relative spending in these areas by at least 2% per year if spending is less than or equal to the median and at least 1% per year if spending is above the median. Beginning in plan year 2027, carriers are required to maintain, at a minimum, the total combined spending on primary care and behavioral health care achieved in plan year 2026. The bill prohibits the Superintendent of Insurance from approving health insurance rates filed by a carrier unless the carrier demonstrates that the targets have been met. The bill also authorizes a carrier to meet the spending targets by supplemental payments focused on primary care and behavioral health care. The bill also requires the MaineCare program and the state employee health plan to meet the same targets beginning in 2023.

LD 1225 An Act To Provide Dignity for Fetal Remains by Requiring Their Interment or Cremation

Sponsor: Sen. Cyrway <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079851>

Judiciary **Committee Status:** DIV RPT
Public Hearing: 5/18/2021 9:00 AM **Final Status:** DEAD

This bill requires the final disposition of fetal remains resulting from abortion, miscarriage or fetal death, regardless of gestational age, through cremation or interment.

LD 1229 An Act To Require Certain Medical Providers To Administer Ultrasounds and Provide Information to Certain Pregnant Patients

Sponsor: Rep. Griffin <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079857>

Judiciary **Committee Status:** DIV RPT
Public Hearing: 5/18/2021 9:00 AM **Final Status:** DEAD

This bill requires a health care professional to ensure that a pregnant woman undergoes an ultrasound and receives information about alternatives to abortion, including parenting the child, at least 48 hours before she can have an abortion. The existence of a medical emergency eliminates the 48-hour waiting period.

LD 1251 An Act To Encourage Charitable Giving

Sponsor: Rep. Arata <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079911>

Taxation **Committee Status:** DIV RPT
Public Hearing: 4/15/2021 9:00 AM **Final Status:** DEAD

This bill allows an individual to claim, beginning with taxable years beginning on or after January 1, 2021, itemized deductions from Maine adjusted gross income for individual income tax purposes for charitable contributions that exceed the State's limit on itemized deductions.



LD 1258 An Act To Implement the Recommendations of the Stakeholder Group Convened by the Emergency Medical Services' Board Related to Reimbursement Rates for Ambulance Services by Health Insurance Carriers and To Improve Participation of Ambulance Service Providers in Carrier Networks

Sponsor: <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079922>

Health Coverage, Insurance & Financial Services

Committee Status: OTPA

Public Hearing: 4/20/2021 10:00 AM

Final Status: PL 2021, CH 241

The law implements recommendations related to reimbursement rates and contracting for ambulance services made by a stakeholder group convened by the Emergency Medical Services' Board. It does the following.

1. It requires insurance carriers to reimburse ambulance service providers rendering covered emergency services at the ambulance service provider's rate or 200% of the Medicare rate for that service, for in-network ambulance services. For out-of-network providers, the reimbursement rate is 180% of the Medicare rate. The bill also permits carriers to add an adjustment to increase reimbursement for providers in rural areas.
2. It requires insurance carriers to offer a standard contract to ambulance service providers with certain minimum requirements related to the length of the contract, the ability to terminate the contract and the time period in which ambulance service providers may submit claims for payment.
3. It requires the Emergency Medical Services' Board to adopt rules and protocols to evaluate the need for any new ambulance service in this State before granting a license for five years.
4. It requires the Emergency Medical Services' Board to establish by rule a program for collecting and reporting cost and performance metrics related to emergency services, including ambulance services.
5. It directs the Emergency Medical Services' Board to convene a stakeholder group to review issues related to financial health and costs of ambulance service providers and the delivery of services by ambulance service providers in this State. The stakeholder group is required to report to the joint standing committee of the Legislature having jurisdiction over health coverage, insurance and financial services matters no later than February 1, 2023.

LD 1262 Resolve, Directing the Department of Health and Human Services To Develop a Comprehensive Statewide Strategic Plan To Serve Maine People with Behavioral Health Needs throughout Their Lifespans

Sponsor: Sen. Breen <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079930>

Health & Human Services

Committee Status: OTPA

Public Hearing: 4/12/2021 1:00 PM

Final Status: PL 2021, CH 80

This resolve directs DHHS, including the department's Office of Child and Family Services, office of behavioral health and office of aging and disability services and a variety of other interested parties and stakeholders, to develop a vision and comprehensive statewide strategic plan to serve people in the State with behavioral health needs throughout their lifespans.

LD 1267 Resolve, To Provide Medicaid Rate Increases for Professionals Working with Individuals with Intellectual or Developmental Disabilities

Sponsor: Sen. Stewart <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079936>

Health & Human Services

Committee Status: ONTP

Public Hearing: 4/20/2021 12:00 PM

Final Status: DEAD

This resolve requires DHHS to amend its rules governing MaineCare reimbursement for professionals working with individuals with intellectual or developmental disabilities to provide an increase reflecting cost increases from 2010 to 2020.



LD 1268 An Act To Provide Greater Access to Treatment for Serious Mental Illness by Prohibiting an Insurance Carrier from Requiring Prior Authorization or Step Therapy Protocol

Sponsor: *Sen. Stewart* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079937>

Health Coverage, Insurance & Financial Services

Committee Status: DIV RPT

Public Hearing: 4/14/2021 11:00 AM

Final Status: PL 2021, CH 345

This law requires a health insurance carrier to approve a prior authorization request for medication on the carrier's formulary prescribed to assess or treat an enrollee's serious mental illness. It also requires a carrier to provide an exception to step therapy protocols for prescription drugs selected by the enrollee's health care provider intended to assess or treat the enrollee's serious mental illness.

LD 1279 An Act To Increase the Minimum Wage

Sponsor: *Rep. Collings* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079948>

Labor & Housing

Committee Status: DIV RPT (Maj. ONTP)

Public Hearing: 4/12/2021 9:00 AM

Final Status: DEAD

This bill increases the minimum hourly wage, starting January 1, 2022, from its present \$12.00 per hour to \$13.00 per hour and by an additional \$1.00 per hour each year until the minimum wage on January 1, 2025 is \$16.00 per hour. Beginning January 1, 2026 and every year after, the minimum wage increases by the increase, if any, in the cost of living.

LD 1290 An Act To Amend the Statement of Purpose of the Maine Emergency Medical Services Act of 1982 To Include Emergency Responses That Do Not Require Transportation

Sponsor: *Sen. Farrin* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079830>

Criminal Justice & Public Safety

Committee Status: OTP

Public Hearing:

Final Status: PL 2021, CH 159

This law amends the statutory purpose of the Maine Emergency Medical Services Act of 1982 to provide that the treatment and nontransport of the sick and injured is a key element of an emergency medical services system.

LD 1292 An Act Regarding the Parental Right To Direct the Health Care of Children

Sponsor: *Sen. Keim* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079893>

Judiciary

Committee Status: DIV RPT

Public Hearing: 5/13/2021 9:00 AM

Final Status: DEAD

This bill requires the Department of Health and Human Services to obtain permission from a parent or guardian before placing an infected minor in isolation during a public health emergency. It also prohibits physical examinations, surgical procedures, vaccine administrations and drug prescriptions for a minor without parent or guardian permission, as well as a physician's orders not to resuscitate, to withhold an artificial life-sustaining procedure or to withhold artificial nutrition and hydration. An exception is provided for life-threatening situations or when the parent or guardian cannot be readily located or contacted.

LD 1293 An Act To Improve Access to Certain Injectable Medications for Treatment of Mental Illness and Substance Use Disorder

Sponsor: *Sen. Claxton* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280079931>

Health Coverage, Insurance & Financial Services

Committee Status: OTPA

Public Hearing: 4/15/2021 10:00 AM

Final Status: PL 2021, CH 271

This bill permits pharmacists licensed within the State to administer to adults injections of drugs approved by the United States Food and Drug Administration for the treatment of mental illness and substance use disorder upon the order of a licensed practitioner or as part of a collaborative practice agreement.



LD 1297 An Act To Provide Educational Opportunities for Family Members of Deceased Veterans, First Responders and Health Care Workers

Sponsor: Rep. Brooks <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080057>

Innovation, Development, Economic Advancement and ECommittee Status: ONTP

Public Hearing: 4/20/2021 9:30 AM **Final Status:** DEAD

This bill creates the Educational Opportunity Grant Program for Family Members of Deceased Veterans, First Responders and Health Care Workers, administered by the Finance Authority of Maine, to provide postsecondary education grants to eligible children and spouses of veterans, first responders and health care workers who die or contract a condition or illness that leads to their death. The program is funded by a fund that may accept appropriations, allocations, grants or donations from public and private sources, including financial aid resources, and the authority may solicit private donations for the fund.

LD 1317 An Act To Regulate Insurance Carrier Concurrent, Prepayment and Postpayment Review

Sponsor: Sen. Brenner <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080022>

Health Coverage, Insurance & Financial Services Committee Status: OTPA

Public Hearing: 4/14/2021 11:00 AM **Final Status:** PL 2021, CH 272

This law establishes requirements for carriers performing practice or facility-wide prepayment review of claims for payment made by providers for covered health care services. The requirements apply to any claim of a provider that has been subjected to practice or facility-wide prepayment review that has not yet been resolved as of the effective date of the bill and any claim submitted by a provider on or after the effective date of the legislation.

LD 1325 An Act To Provide Relief from Audit Requirements for Certain Health Care Facilities during a State of Emergency

Sponsor: Rep. Perry <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080051>

Health & Human Services Committee Status: ONTP

Public Hearing: 4/14/2021 2:00 PM **Final Status:** DEAD

This bill prohibits the Maine Health and Higher Educational Facilities Authority from requiring certain health care facilities to file audited financial statements or reports with the authority during a state of emergency declared by the Governor and for 2 years thereafter.

LD 1327 An Act To Create the Maine Health Care Provider Loan Repayment Program

Sponsor: Rep. Bailey <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080053>

Innovation, Development, Economic Advancement and BCommittee Status: DIV RPT

Public Hearing: **Final Status:** PL 2021, CH 346

This law creates a new loan repayment program, administered by the Finance Authority of Maine, for health care providers who agree to live and work in the State for a minimum of 3 years. Under the program, the authority will pay up to \$30,000 per year and the lesser of \$90,000 in aggregate and 50% of the recipient's outstanding loan balance. It establishes a fund for the program, sets parameters for the administration of the program and establishes an advisory committee to guide the work of the Finance Authority of Maine in administering the program.



LD 1333 An Act Concerning the Controlled Substances Prescription Monitoring Program and the Dispensing of Naloxone Hydrochloride by Emergency Medical Services Providers

Sponsor: Rep. Zager <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080074>

Health & Human Services

Committee Status: OTPA

Public Hearing: 4/23/2021 9:00 AM

Final Status: PL 2021, CH 161

This law authorizes emergency medical services persons, ambulance services and nontransporting emergency medical services to administer intranasal naloxone hydrochloride if they have received medical training in accordance with protocols adopted by the Medical Direction and Practices Board.

This law accomplishes the following:

1. It authorizes emergency medical services persons, ambulance services and nontransporting emergency medical services to dispense naloxone hydrochloride to an individual who is at risk of experiencing an opioid-related drug overdose or to the individual's immediate family, a friend of the individual or another person in a position to assist the individual; and
2. It authorizes the chief medical officer, medical director or other administrative prescriber employed by a federally qualified health center or group practice to access prescription monitoring information pursuant to the Controlled Substances Prescription Monitoring Program when the access relates to the prescriptions written by the prescribers employed at the center or practice.

LD 1338 An Act To Protect Employees' Exercise of Workplace Rights

Sponsor: Rep. Millett <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080079>

Labor & Housing

Committee Status: APP TBL

Public Hearing:

Final Status: CARRY OVER

The bill seeks to protect employees who use earned leave from retaliation; it also adds another Department of Labor employee to enforce this law.

LD 1341 An Act To Protect Medicare Beneficiaries from Surprise Medical Billing

Sponsor: Rep. Bell <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080083>

Health Coverage, Insurance and Financial Services

Committee Status: ONTP

Public Hearing: 4/15/2021 10:00 AM

Final Status: DEAD

This bill prohibits physicians from balance billing Medicare beneficiaries for any amount in excess of the reasonable charge for a service, procedure or treatment paid to that physician under the Medicare program.

LD 1344 An Act To Clarify the Authority of the Department of Health and Human Services during a Public Health Emergency

Sponsor: Rep. Meyer <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080086>

Health & Human Services

Committee Status: DIV RPT

Public Hearing: 4/1/21 2:00 PM

Final Status: PL 2021, CH 349

This law allows the Department of Health and Human Services to impose administrative fines and license suspensions for violations of department rules regarding disease control and public health emergencies. The department is also authorized to close a business or entity when that business or entity directly and repeatedly violates public health control measures during an extreme public health emergency.



LD 1353 An Act To Require the Public Posting of the Costs of Medical Procedures, Services, Medications and Equipment Delivered in Hospitals and the Reporting of Those Costs upon Request

Sponsor: *Sen. Miramant* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080130>

Health Coverage, Insurance and Financial Services

Committee Status: ONTP

Public Hearing: 4/20/2021 10:00 AM

Final Status: DEAD

This bill requires a hospital to post on its publicly accessible website the cost to a patient of procedures, services, medications and equipment provided by that hospital. It requires a hospital to provide notice to a patient of this posting and provide these costs to a patient upon the request of that patient. A violation of the provisions of the bill is a Class E crime for which a fine of \$1,000 per day may be adjudged.

LD 1357 An Act To Require Private Insurance Coverage for Postpartum Care

Sponsor: *Sen. Carney* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080151>

Health Coverage, Insurance and Financial Services

Committee Status:

Public Hearing: 5/5/2021 10:00 AM

Final Status: CARRY OVER

This bill requires insurers, in individual policies that cover maternity benefits, to provide coverage for postpartum care that meets the recommendations of the American College of Obstetricians and Gynecologists.

LD 1361 An Act To Amend Telehealth Laws Regarding Out-of-state Telehealth Provisions

Sponsor: *Sen. Stewart* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080175>

Health Coverage, Insurance and Financial Services

Committee Status: ONTP

Public Hearing: 5/6/2021 10:00 AM

Final Status: DEAD

This bill amends the definition of "telehealth" in the health plan requirements of the Maine Insurance Code by clarifying that telehealth is the provision through electronic means of health care services from a telehealth provider in one location and an enrollee in another location directly or through another health care provider, by clarifying which electronic means are allowed for providing telehealth and by removing the exclusion of audio-only telephone, facsimile machine, e-mail or texting from the definition. The bill also repeals the provisions requiring the registration of out-of-state physicians providing telehealth consulting services and replacing the provisions with only the requirement that the out-of-state physician possess an unrestricted license in medicine in the state from which the physician is located when providing the consulting services and adds a similar provision in the provisions regarding licensure of osteopathic physicians.

LD 1385 An Act To Provide for Timely Placement with Respect to Violent Patients in Hospital Emergency Rooms

Sponsor: *Rep. Dodge* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080206>

Health & Human Services

Committee Status: ONTP

Public Hearing: 4/13/2021 2:30 PM

Final Status: DEAD

This bill requires emergency departments of health care facilities to discharge a person exhibiting violent behavior once the person has been medically stabilized and directs the Department of Health and Human Services to establish measures to ensure the safety of emergency department staff and provide appropriate treatment to persons admitted to emergency departments who exhibit violent behavior.

LD 1386 Resolve, To Improve Access to Bariatric Care

Sponsor: *Rep. Perry* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080219>

Health & Human Services

Committee Status: APP TBL

Public Hearing: 4/14/2021 2:00 PM

Final Status: CARRY OVER

This resolve requires the Department of Health and Human Services to develop a plan to provide up to new specialized bariatric care nursing facility beds.



LD 1390 An Act To Maximize Health Care Coverage for the Uninsured through Easy Enrollment in the MaineCare Program or in a Qualified Health Plan in the Marketplace

Sponsor: Rep. Evans <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080184>

Health Coverage, Insurance and Financial Services

Committee Status: APP TBL

Public Hearing:

Final Status: CARRY OVER

This bill establishes a process to identify individuals and families who are uninsured but potentially eligible for benefits under the MaineCare program or enrollment in a qualified health plan in the Maine Health Insurance Marketplace through the state income tax filing system. The marketplace must determine eligibility and follow up with the individual filing the tax return. A special enrollment period on the exchange is available to the uninsured individuals. The marketplace must offer assistance with the enrollment process for a qualified health plan and DHHS must offer assistance with MaineCare enrollment.

LD 1392 An Act Directing the Maine Center for Disease Control and Prevention To Release Annually Public Health Data Regarding Certain Fatalities and Hospitalizations

Sponsor: Rep. Gramlich <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080189>

Health & Human Services

Committee Status: Maj. OTP

Public Hearing: 4/29/2021 9:00 AM

Final Status: PL 2021, CH 369

This law requires the Director of the Maine CDC to annually report on public health data concerning firearm fatalities separated by homicides, including the number of domestic violence homicides, suicides and unintentional discharges, further separated by the ages of the victims of each category, and hospitalizations that occurred as a result of a firearm that did not result in death and to make the report publicly available. It directs the Commissioner of Public Safety, the Office of Chief Medical Examiner, the Office of the Attorney General and the Maine Health Data Organization to assist the director with the required data collection. It also adds unintentional and intentional firearm discharges as a type of category of data contained in uniform crime reports required by the Department of Public Safety, State Bureau of Identification.

LD 1403 An Act To Protect Maine Businesses, Nonprofits, Educational Institutions and Municipalities during the COVID-19 Pandemic

Sponsor: Rep. Dillingham <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080217>

Judiciary

Committee Status: DIV RPT

Public Hearing: 4/30/2021 9:00 AM

Final Status: DEAD

This bill provides a limitation against liability for a municipality, educational institution or for-profit or nonprofit business organization from suit alleging personal liability due to exposure to coronavirus if the municipality, educational institution or business organization is following applicable government standards and guidance related to coronavirus exposure.

LD 1419 An Act To Support Health Care Providers during State Public Health Emergencies

Sponsor: Sen. Moore <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080298>

Judiciary

Committee Status: DIV RPT

Public Hearing: 4/30/2021 9:00 AM

Final Status: DEAD

This bill provides a limitation on civil liability to certain health care professionals, health care facilities, behavioral and developmental services facilities and emergency medical services persons in the event of a declared emergency related to public health. The bill is retroactive to the beginning of the state of civil emergency declared by the Governor in response to the COVID-19 pandemic.



LD 1424 Resolve, To Change the Educational Requirements of Behavioral Health Professionals Providing Services for Children

Sponsor: Rep. Salisbury <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080307>

Health & Human Services

Committee Status: APP TBL

Public Hearing: 4/26/2021 1:00 PM

Final Status: CARRY OVER

This resolve changes the educational requirements for behavioral health professionals providing services for children, regardless of the setting in which the service is provided, to a minimum of 60 credit hours in a related field, 90 credit hours in an unrelated field or a high school diploma with a plan for supervision and training. The same changes to the educational requirements apply for a behavioral health professional to be eligible to receive training to provide specialized services. It also requires the Department of Health and Human Services to amend or establish contracts for training behavioral health professionals to train any number of additional individuals within existing resources, and authorizes the department to opt to charge individuals or their employers fees for training.

LD 1428 An Act To Increase the Availability of Nasal Naloxone in Community Settings

Sponsor: Rep. Dodge <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080313>

Health & Human Services

Committee Status:

Public Hearing: 4/23/2021 9:00 AM

Final Status: CARRY OVER

This bill allows community organizations, which are defined as private or nonprofit organizations operating a facility that serves the community, to store and administer nasal naloxone hydrochloride upon a standing order from a licensed health care professional authorized by law to prescribe nasal naloxone hydrochloride.

LD 1436 An Act To Protect Certain Essential Workers from Infectious Disease

Sponsor: Rep. O'Connell <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080325>

Labor & Housing

Committee Status: ONTP

Public Hearing: 4/30/2021 9:00 AM

Final Status: DEAD

This bill requires public and private employers that employ persons who provide direct, in-person services in medical settings or in correctional institutions or that employ firefighters or emergency medical services persons, collectively referred to in this bill as "covered employees," to take certain actions with respect to providing personal protective equipment for those covered employees. The bill requires employers to supply personal protective equipment to covered employees and to ensure these employees use the personal protective equipment in accordance with occupational and safety rules of the Department of Labor.

It also requires employers to maintain a stockpile of the following specific personal protective equipment equal to 3 months of normal use by covered employees: N95 filtering facepiece respirators, powered air-purifying respirators with high-efficiency particulate air filters, elastomeric air-purifying respirators and appropriate particulate filters or cartridges, surgical masks, isolation gowns, eye protection and shoe coverings. If an employer's covered employees work in a facility or other setting controlled by another employer that must stockpile equipment for its own covered employees, the employer that controls that facility or other setting is responsible for meeting the stockpiling requirements for all covered employees who work in that facility or setting.

The bill provides that, on or before January 15, 2022, an employer is required to determine its highest 7-day consecutive daily average consumption of personal protective equipment and to provide this information to the Department of Labor upon request. The bill provides for civil and administrative penalties for violations of the requirements of the bill.

LD 1443 An Act Regarding Higher Income Tax Levels

Sponsor: Rep. Collings <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080320>

Taxation

Committee Status: ONTP

Public Hearing:

Final Status: DEAD

This bill establishes 5 new tax brackets for income exceeding \$100,000 for persons filing as single individuals or married individuals filing separately, \$150,000 for individuals filing as head of household and \$200,000 for individuals filing married joint returns or surviving spouses. The tax rates for such brackets are 9.15%, 10.15%, 11.15%, 12.15% and 13.15%.



Maine Hospital Association

33 Fuller Road, Augusta, Maine 04330

Tel.: 207/622-4794; Website: www.themha.org

LD 1463 An Act To Make Health Care Coverage More Affordable for Working Families and Small Businesses

Sponsor: Rep. Tepler <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080356>

Health Coverage, Insurance and Financial Services

Committee Status:

Public Hearing:

Final Status: CARRY OVER

This bill:

1. Establishes the Maine Health Care Affordability Fund to fund activities and initiatives to reduce the cost of health insurance coverage for Maine residents;
2. Requires the Commissioner of Health and Human Services to adopt rules for the administration of the MHCA Fund and for the disbursement of funds from the fund to assist Maine residents;
3. Establishes the health care affordability assessment of 2.85% on carrier net premiums to provide funding and requires the Superintendent of Insurance to adopt rules for the administration and enforcement of the assessment;
4. Requires state agencies to provide technical assistance to the commissioner and the superintendent;
5. Establishes the Affordable Health Care Advisory Group, which consists of the commissioner, the superintendent and 11 additional members;
6. Requires the commissioner to submit an annual report by February 1st.

LD 1469 Resolve, To Give Direct Service Providers Hazard Pay and To Pay Additional COVID-19 Pandemic Costs

Sponsor: Rep. Craven <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080362>

Health & Human Services

Committee Status:

Public Hearing:

Final Status: PL 2021, CH 118

This law provides funding in the amount of \$750,000 for DHHS to provide additional add-on supplement payments for ambulance services in the Medicaid program that are equivalent to payments required under Medicare pursuant to 42 United States Code, 33 Section 1395m(l).

LD 1470 Resolve, Regarding Reimbursement for Providing Inpatient Care to Individuals with Acute Mental Health Care Needs

Sponsor: Rep. Meyer <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080363>

Health & Human Services

Committee Status:

Public Hearing: 4/27/2021 12:00 PM

Final Status: RESOLVE 2021, CH 119

This resolve requires DHHS to provide reimbursement for patients discharged from Southern Maine Health Care's psychiatric inpatient unit in the amount of \$10,166 per distinct discharge. The resolve directs the Department of Health and Human Services to seek and apply for federal funds and funds from any other sources to pay the costs of providing psychiatric services to uninsured patients. It also directs the department to submit a report to the Legislature regarding the progress the department has made.

LD 1477 Resolve, Directing the Department of Health and Human Services To Collaborate with the Long-term Care Ombudsman Program To Convene a Stakeholder Group To Make Recommendations for In-home Rehabilitation Services

Sponsor: Rep. Dodge <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080377>

Health & Human Services

Committee Status: ONTP

Public Hearing: 4/20/2021 12:00 PM

Final Status: DEAD

This resolve directs DHHS to collaborate with the long-term care ombudsman program to convene a stakeholder group to study and to identify and develop recommendations to resolve regulatory and administrative barriers may result in a delay or denial for qualified persons to receive in-home rehabilitation services.



LD 1481 An Act To Clarify Surprise Billing Restrictions

Sponsor: Rep. Morris <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080381>

Health Coverage, Insurance and Financial Services

Committee Status: ONTP

Public Hearing:

Final Status: DEAD

This bill eliminates the use of independent medical claims databases in the laws governing surprise medical bills and bills for out-of-network emergency services.

LD 1510 An Act Concerning Informed Consent of Minors' Authority to Release Health Care Information

Sponsor: Sen. Keim <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080443>

Judiciary

Committee Status: DIV RPT

Public Hearing: 5/13/2021 9:00 AM

Final Status: DEAD

This bill amends the laws governing the confidentiality of health care information to provide that if a health care facility or health care practitioner maintains a minor's records electronically, then the records must be provided electronically to any person who is authorized to access the minor's health care records.

LD 1523 An Act To Establish the Trust for a Healthy Maine

Sponsor: Rep. Millett <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080461>

Health & Human Services

Committee Status:

Public Hearing:

Final Status: CARRY OVER

This bill establishes the Trust for a Healthy Maine to remove legislative control of the money paid to the State pursuant to the tobacco settlement and from other sources and to give control to a Board to distribute that money to state agencies or designated agents of the State to fund tobacco use prevention and control, ensure adequate resources for other disease prevention efforts, promote public health, plan and deliver public health and prevention programs and services, support accreditation of the Department of Health and Human Services, Maine CDC and support public health workforce development. The trust is governed by a 15-member board of trustees composed of the Director of the Maine CDC and 14 members appointed by the Governor.

LD 1531 An Act To Provide Affordable Behavioral Health Services to Individuals under 26 Years of Age

Sponsor: Rep. Arford <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080469>

Health Coverage, Insurance & Financial Services

Committee Status: ONTP

Public Hearing:

Final Status: DEAD

This bill requires health insurance carriers to provide coverage without cost sharing for up to 6 behavioral health office visits for persons under 26 years of age in plan years 2021 to 2026.

LD 1543 An Act To Improve and Modernize Home-based Care

Sponsor: Rep. Meyer <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080522>

Health & Human Services

Committee Status: APP TBL

Public Hearing: 4/27/2021 9:00 AM

Final Status: CARRY OVER

The bill makes several changes to the Medicaid program for home care including the provision of reimbursement for telehealth and telemonitoring for MaineCare members receiving private duty nursing, home health services and personal care services and services provided to MaineCare members.



LD 1559 Resolve, To Create the Commission To Develop a Paid Family and Medical Leave Benefits Program

Sponsor: *Sen. Daughtry* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080500>

Labor & Housing

Committee Status: STUDY TBL

Public Hearing:

Final Status: CARRY OVER

This resolve establishes a 12-member Commission To Develop a Paid Family and Medical Leave Benefits Program and report back by February, 2022.

LD 1564 An Act To Amend the Laws Governing Unemployment Compensation

Sponsor: *Sen. Vitelli* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080543>

Labor & Housing

Committee Status:

Public Hearing:

Final Status: PL 2021, CH 456

This bill, filed on behalf of the Department of Labor, makes the following changes to the laws governing unemployment compensation.

1. It increases the amount of wages a person may receive and still be considered partially unemployed.
2. It provides the Commissioner of Labor or the commissioner's designee discretion to handle erroneous overpayments. Current law vests this judgment in the commission.
3. It transfers rule-making authority pertaining to unemployment insurance from the Unemployment Insurance Commission to the Commissioner of Labor.
4. It increases the allowance for dependents and the cap on the allowance for dependents.
5. It removes an exemption from the requirement to show good cause for participation in reemployment services and eligibility assessment.
6. It provides eligibility for unemployment compensation for a person who leaves employment due to the unexpected loss of child or elder care under certain circumstances.
7. It provides that evidence presented at a fact-finding interview by interested parties who personally participate in the interview by telephone or email or other electronic means is permitted for a determination of eligibility for unemployment compensation.
8. It specifies additional conditions that trigger an extended benefit period.
9. It increases the total extended benefit amount in a high unemployment period.

LD 1571 An Act To Strengthen the Unemployment Insurance System To Better Serve Maine Workers

Sponsor: *Speaker Fecteau* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080596>

Labor & Housing

Committee Status: ONTP

Public Hearing:

Final Status: DEAD

This bill, filed by the Speaker of the House, requires the Department of Labor, to examine the adequacy of Maine's unemployment compensation system in meeting the needs of today's workforce and economy, to establish benchmarks for program improvement and to annually measure progress in reaching those benchmarks. It also requires an assessment of the staffing capacity within the Department of Labor and requires the Commissioner of Labor to submit a report of these findings to the Labor Committee. It establishes the peer navigator program to increase access to unemployment compensation benefits for underserved individuals and makes several amendments in current law to support these goals.



LD 1573 An Act To Implement the Recommendations of the Commission To Study Long-term Care Workforce Issues

Sponsor: Rep. Fay <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080601>

Health & Human Services

Committee Status: APP TBL

Public Hearing: 5/3/2021 9:00 AM

Final Status: CARRY OVER

This bill implements the recommendations of the Commission To Study Long-term Care Workforce Issues, which was established in 2019. The bill does the following.

1. It directs DHHS to establish a 2-year rebasing requirement to set and increase reimbursement rates for in-home and community support services.
2. It requires direct care workers across the long-term care spectrum to be paid no less than 125% of the minimum wage and for reimbursement rates to be set that allow this wage.
3. It requires DHHS to adopt rules to increase reimbursement rates and any state funded programs to take into account costs of providing care and services in conformity with applicable state and federal laws, rules, regulations, training requirements and quality and safety standards.
4. It establishes the Long-term Care Workforce Oversight Advisory Committee and directs DHHS, the Department of Labor and the Department of Education to provide quarterly reports on the progress and efforts to implement the recommendations.

LD 1576 Resolve, To Establish and Fund a Medical Professionals Health Program from Health Care Provider License Fees

Sponsor: Sen. Brenner <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080129>

Health Coverage, Insurance and Financial Services

Committee Status: WITHDRAWN

Public Hearing:

Final Status: DEAD

This resolve requires the Department of Professional and Financial Regulation to study the best method of establishing and administering a medical professionals health program to assist medical professionals with substance use, mental health, behavioral and administrative issues and stress and burnout and working with state licensing boards to ensure the safety of medical professionals and their patients.

The program would be funded by a dedicated source of revenue generated from surcharges placed on the licensing fees of medical professionals. The surcharges would be based on the current licensing or certification fees.

LD 1584 An Act To Make Donated Medicines Available to Maine Patients at an Affordable Cost

Sponsor: Sen. Claxton <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080544>

Health Coverage, Insurance and Financial Services

Committee Status: APP TBL

Public Hearing: 5/20/2021 11:00 AM

Final Status: CARRY OVER

This bill establishes the Medicine Donation and Redispatching Program operated by nonprofit entities contracted by the Department of Health and Human Services. The program collects donations of unused medicines from health care providers, health care facilities and other sources and redispenses the medicines to qualified low-income persons.

LD 1586 An Act To Strengthen Statewide Mental Health Peer Support, Crisis Intervention Mobile Response and Crisis Stabilization Unit Services and To Allow E-9-1-1 To Dispatch Using the Crisis System

Sponsor: Rep. Warren <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080610>

Health & Human Services

Committee Status: APP TBL

Public Hearing: 5/3/2021 9:00 AM

Final Status: CARRY OVER

This bill provides funding for mental health services in the public health districts. These services include peer support, crisis lines, crisis intervention mobile response and crisis stabilization unit services. The bill also provides funding for ancillary services for mobile response services, including necessary travel and telephone conferences with clients. The bill also provides funding for a public education campaign about the availability of mental health peer support, crisis lines, crisis intervention mobile response and crisis stabilization unit services and the means by which members of the public and law enforcement agencies may access those services throughout the State. The bill also creates a framework whereby the E-9-1-1 system can dispatch using the crisis system in response to a mental health emergency.



LD 1597 An Act To Authorize a General Fund Bond Issue To Strengthen Maine's Health Care Workforce

Sponsor: Rep. Pierce <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080632>

Appropriations & Financial Affairs

Committee Status:

Public Hearing:

Final Status: CARRY OVER

This bond provides the following: \$7,000,000 to be used for the University of New England Institute for Interprofessional Education and Practice; and \$4,000,000 to be used to upgrade the capacity of FQHCs and other community-based health care clinics and hospitals throughout the State in order to facilitate educational and clinical links with the University of New England Institute for Interprofessional Education and Practice and to enhance and expand their capacity to provide access to high-quality health care.

LD 1598 An Act To Eliminate Taxpayer Subsidies for Discriminatory Employers

Sponsor: Rep. Terry <http://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080634>

Taxation

Committee Status:

Public Hearing:

Final Status: DEAD

This bill provides that persons, including entities, that violate laws against discrimination or certain labor laws are not eligible for state financial assistance.

LD 1601 Resolve, To Establish an Advisory Panel To Study the Implications of Genome-editing Technology for the Citizens of the State

Sponsor: Rep. Zager <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080639>

Health & Human Services

Committee Status: STUDY TBL

Public Hearing: 5/4/2021 2:00 PM

Final Status: CARRY OVER

This resolve establishes the Advisory Panel To Study the Implications of Genome editing Technology for the Citizens of the State to study the implications of genome-editing technology and the legislative, administrative or other steps that the State should take to capitalize on the potential and avoid the hazards of genome-editing technology. The panel is directed to submit its report, including suggested legislation, by December 31, 2022.

LD 1605 An Act To License Ambulance Drivers Who Are Not Licensed To Provide Emergency Medical Service

Sponsor: Rep. McDonald <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080613>

Criminal Justice & Public Safety

Committee Status: OTPA

Public Hearing:

Final Status: PL 2021, CH 220

This law establishes a licensing requirement for a person associated with a ground ambulance service who is not a licensed emergency medical services person and who operates an ambulance in emergency mode or transports patients.

LD 1608 An Act To Expand the MaineCare Program To Cover All Citizens of the State

Sponsor: Rep. Sylvester <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080619>

Health & Human Services

Committee Status:

Public Hearing: 5/10/2021 10:00 AM

Final Status: CARRY OVER

This bill establishes a single-payer health care program in the State that provides health care services for Maine residents. The bill directs DHHS to consult with the Department of Labor and the Bureau of Insurance to develop the program by 2023.



LD 1614 An Act To Mandate That Certain Health Care Providers Disclose an Estimate of Charges at Time of Service

Sponsor: Rep. Lookner <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080631>

Health Coverage, Insurance and Financial Services **Committee Status:** ONTP
Public Hearing: 5/5/2021 11:00 AM **Final Status:** DEAD

Current law requires a health care entity, upon the request of an uninsured patient, to provide an estimate of the total price of medical services to be rendered by that health care entity during a single medical encounter. This bill expands that requirement to all patients, regardless of their insured status and regardless of whether a request is made, and to those patients' health insurance providers, if any. This bill also requires a health care entity, in the event that medical or laboratory services will be provided by a 3rd party, to identify that 3rd-party health care entity or laboratory so that the patient or the patient's health insurance provider, if any, can obtain an estimate of the costs of those services.

LD 1629 An Act Regarding the Qualifications for Licensure as a Physician or Surgeon

Sponsor: Rep. Hasenfus <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080671>

Health Coverage, Insurance and Financial Services **Committee Status:** OTPA
Public Hearing: **Final Status:** PL 2021, CH 229

This law states that the Board of Licensure in Medicine may accept in fulfillment of the requirements for licensure postgraduate training of an applicant that occurs following graduation from a dental school accredited by the American Dental Association Commission on Dental Accreditation or its successor organization, but before graduation from a medical school accredited by the Liaison Committee on Medical Education or its successor organization.

LD 1636 An Act To Reduce Prescription Drug Costs by Using International Pricing

Sponsor: Sen. Claxton <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080692>

Health Coverage, Insurance and Financial Services **Committee Status:**
Public Hearing: **Final Status:** CARRY OVER

This bill requires the Superintendent of Insurance to create a list of 250 referenced drugs that are subject to a referenced rate. The referenced rate must be calculated as the lowest cost from official publications of certain Canadian provincial government agencies and the wholesale acquisition cost. A state entity, health plan or participating plan qualified under the federal Employee Retirement Income Security Act of 1974 must purchase referenced drugs to be dispensed or delivered to a consumer of this State at a cost equal to or lower than the referenced rate. Any savings generated as a result must be used to reduce costs to consumers.

LD 1646 An Act To Amend the Occupational Therapy Licensing Statutes

Sponsor: Sen. Sanborn <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080706>

Health Coverage, Insurance and Financial Services **Committee Status:** OTPA
Public Hearing: **Final Status:** PL 2021, CH 278

This law amends the laws governing occupational therapy by expanding the description of occupational therapy services and directing the Board of Occupational Therapy Practice to adopt requirements for continuing education for license renewals and continuing education for reinstated licenses.

LD 1648 An Act To Ensure Reasonable Access to Laboratory Testing and Imaging Services for State Employee Health Care Plan Participants

Sponsor: President Jackso <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080720>

Health Coverage, Insurance and Financial Services **Committee Status:**
Public Hearing: 5/20/2021 11:00 AM **Final Status:** DEAD

This bill requires the Department of Administrative and Financial Services to coordinate with health benefit carriers administering the state employee health insurance program to ensure that state employees and retirees participating in the state employee health insurance program have access to participating providers of laboratory testing and imaging services within 100 miles of their residential address or can obtain laboratory testing and imaging services from out-of-network providers at no additional cost to themselves. The bill requires the department to provide information on participating providers of laboratory testing and imaging services to participating state employees and retirees and to notify a participant of any error in the information it provides within 30 days of the discovery of the error.



LD 1677 An Act To Support Frontline Workers by Adding a Temporary Tax Bracket Affecting High Earners

Sponsor: *Speaker Fecteau* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080739>

Taxation

Committee Status: ONTP

Public Hearing:

Final Status: DEAD

This bill requires the Department of Labor to create the Frontline Worker Support Program to provide grants to frontline workers including, without limitation, health care workers, firefighters, law enforcement officers, corrections officers, food and agricultural workers, United States Postal Service workers, manufacturing workers, grocery store workers, public transit workers and persons who work in the educational sector, such as teachers, support staff or child care workers. The grants, disbursed by the Treasurer of State based on the eligibility criteria developed by the Department of Labor, are funded by a temporary, 2-year surcharge of 3% on annual Maine adjusted gross income in excess of \$200,000 for single filers, \$350,000 for heads of households and \$500,000 for joint filers.

LD 1693 An Act To Advance Health Equity, Improve the Well-being of All Maine People and Create a Health Trust

Sponsor: *Rep. Talbot Ros* <http://legislature.maine.gov/LawMakerWeb/summary.asp?paper=HP1258&SessionID=14>

Health & Human Services

Committee Status:

Public Hearing:

Final Status: CARRY OVER

Part A establishes the Trust for a Healthy Maine to receive money paid to the State pursuant to the tobacco settlement agreement. The trust is governed by a 15-member board of trustees composed of the Director of the Maine CDC and 14 members appointed by the Governor.

Part B establishes the Office of Health Equity within the Department of Health and Human Services. The office is tasked with providing advice to the state and recommendations to advance health equity in all sectors and settings; producing and updating a state health equity plan; and producing an annual Maine Health Equity Report Card.

Part C requires the Department of Education to revise its school nutrition and physical activity standards to increase obesity prevention in public schools and requires those standards to match those specified by various national organizations and federal agencies.

Part D prohibits the sale and distribution of flavored tobacco products, including flavored cigars and electronic smoking devices.

Part E increases the tax on cigarettes from 100 mills to 200 mills per cigarette effective November 1, 2021 and eliminates the provision that allows the sale of cigarette stamps to licensed distributors at a discount.

LD 1699 An Act To Establish the Southern Aroostook County Emergency Medical Services Authority

Sponsor: *Sen. Stewart* <http://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080831>

Criminal Justice & Public Safety

Committee Status:

Public Hearing:

Final Status: PS 2021, CH 12

This law establishes the Southern Aroostook County Emergency Medical Services Authority to facilitate the provision of emergency medical services to residents of southern Aroostook County (defined as: Amity, Hammond, Hodgdon, Linneus, Littleton, Ludlow, Merrill, Monticello and Smyrna).

LD 1701 An Act To Establish a Managed Care Program for MaineCare Services

Sponsor: *Rep. Millett* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080853>

Health & Human Services

Committee Status:

Public Hearing: 5/18/2021 1:00 PM

Final Status: CARRY OVER

This bill establishes a managed care program for all covered MaineCare services. It requires DHHS to issue a request for proposals for 3 managed care organizations that are able to operate the managed care program on a statewide basis. Rollout would be staggered but that within 4 years all eligible MaineCare members must be enrolled in managed care programs.



LD 1706 An Act To Require Appropriate Coverage of and Cost-sharing for Generic Drugs and Biosimilars

Sponsor: *President Jackso* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080872>

Health Coverage, Insurance & Financial Services

Committee Status:

Public Hearing: 5/20/2021 11:00 AM

Final Status: CARRY OVER

This bill requires that formularies for prescription drugs approved for coverage under a health plan contain tiers of generic drugs or biosimilars that are equivalent to the approved branded drugs, and that cost-sharing through coinsurance or a copayment make the cost of the generic drug or biosimilar meaningfully lower than the cost of the equivalent branded drug.

LD 1711 An Act To Enhance Enforcement of Employment Laws

Sponsor: *President Jackso* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080700>

Labor & Housing

Committee Status: DIV RPT (Maj. OTP)

Public Hearing:

Final Status: DEAD

This bill provides for a right of a whistleblower alleging a violation of certain labor laws to bring a private enforcement action on behalf of the State and in the name of the State after providing notice to the Attorney General, the Department of Labor or the Maine Human Rights Commission, depending on which law has been claimed to be violated. The bill provides for penalties if the private enforcement action succeeds, which vary depending on whether the State has intervened, and for distribution of the penalties, including 15% of any penalty received to be deposited into the Community Outreach and Labor Education Fund, created by the bill to assist workers enforcing employment rights, including outreach, community-based education events, training materials, technical assistance, counseling and investigative, research and referral services.

LD 1717 An Act To Ensure Home Care and Hospice Providers Are Included in Maine's Emergency Response Plans

Sponsor: *Rep. Dillingham* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080947>

Committee Status: ONTP

Public Hearing:

Final Status: DEAD

This bill requires the Governor, in the event of a declared public health emergency, to consult with health care practitioners and operators of health care facilities regarding measures to be taken to ensure the health and safety of the public and the health care workers.

LD 1718 An Act To Establish the Accidental Drug Overdose Death Review Panel

Sponsor: *Rep. Evans* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080948>

Committee Status: OTP

Public Hearing:

Final Status: PL 2021, CH 292

This law establishes the Accidental Drug Overdose Death Review Panel to review a subset of deaths caused by accidental drug overdoses and to recommend methods of preventing deaths as the result of accidental drug overdoses including modification or enactment of laws, rules, policies and procedures.

LD 1722 An Act To Ensure Access to All Paths to Recovery for Persons Affected by Opioids Using Money Obtained through Litigation against Opioid Manufacturers

Sponsor: *Rep. Warren* <http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280080952>

Committee Status:

Public Hearing:

Final Status: CARRY OVER

This bill directs all funds awarded through opioid litigation and settlements to the Opioid and Substance Use Abatement Fund administered by the Attorney General for the purpose of remediating and addressing the substance use crisis in Maine through prevention, intervention, treatment and recovery. The bill also establishes the Maine Opioid and Substance Use Abatement Advisory Commission to review opioid and substance use related information and determine how Opioid and Substance Use Abatement Fund funds are to be spent to carry out the purposes of the fund.



LD 1733 An Act To Provide Allocations for the Distribution of State Fiscal Recovery Funds

Sponsor: *Sen. Breen*

<http://www.legislature.maine.gov/LawMakerWeb/summary.asp?ID=280081198>

Appropriations & Financial Affairs

Committee Status:

Public Hearing:

Final Status:

PL 2021, CH 483

This law appropriates \$1 billion which is Maine's share of the federal American Rescue Plan Act of 2021; with respect to hospitals:

1. It provides \$2.5 million for workforce training funding for hospitals and nursing homes;
2. It provides \$1 million for nurse faculty loan repayments (the substance of LD 119);
3. It provides \$2,000,000 for the Doctor's For Maine's Future Program (the substance of LD 440);
4. It provides \$1.6 million for to providers to serve as preceptors and clinical sites for health care 3 students who require clinical hours and related oversight;
5. It provides \$80 million to defray unemployment insurance cost increases on business.

The scope of several other workforce and business grant programs in the law is unclear as to whether hospitals may participate. We will provide more information as we learn more.

