

Summary of Health Care Legislation

123rd MAINE LEGISLATURE

JANUARY 2007- APRIL 2008

by

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ABORTION ISSUES

Defeated

L.D. 49, Resolve, To Deny Family Status to Fetuses (MMA monitored)

L.D. 61, An Act To Add Abortion Providers to the List of Mandated Reporters to the Department of Health and Human Services (MMA opposed)

L.D. 973, An Act To Require the Maine Center for Disease Control and Prevention To Publish Abortion Statistics (MMA opposed)

L.D. 1309, An Act To Provide Equity in Funding for Women's Health Services (MMA supported)

BLOOD & HIV ISSUES

Enacted

L.D. 429, An Act To Improve Access to HIV Testing in Health Care Settings (P.L. 2007, Chapter 93; effective 9/20/07) (MMA supported) The bill is an effort to bring Maine law into conformity with the federal CDC's recommendations to improve HIV screening rates. It eliminates the requirement for pre-test counseling and gives health care providers more flexibility in the documentation of informed consent to the HIV test.

Defeated

L.D. 568, An Act To Conform HIV Testing to the Recommendations of the Federal Centers for Disease Control and Prevention (MMA supported)

L.D. 721, An Act to Restore Support for HIV and AIDS Treatment and Prevention (MMA supported)

BUDGET ISSUES

Enacted

L.D. 215, An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2007 (P.L. 2007, Chapter 1; effective 2/13/07) (MMA monitored) The bill is a SFY 2007 supplemental budget. It includes the Baldacci Administration's agreement with the Maine Hospital Association to address outstanding MaineCare hospital settlements and prospective interim payments (language in Part L). The bill also includes an offset of a de-allocation of approximately \$8.4 million, state and federal, from the Fund for a Healthy Maine in P.L. 2005, Chapter 519, Part AA, section 3.

L.D. 499, An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009 (P.L. 2007, Chapter 240; effective 6/7/07) (MMA supported) The bill is the SFY 2008-2009 biennial budget. It includes a \$3 million General Fund increase in the MaineCare physician fee schedule effective July 1, 2008. It also includes savings as a result of:

- An increase in the federal financial participation rate in the MaineCare program;

- Implementation of a clinical management program for MaineCare members;
- Implementation of a managed care effort for behavioral health services;
- Adjusting state mental health service payment rates to a standard rate per service.

L.D. 977, An Act To Address the Funding Needs of Air and Ground Emergency Medical Services (Resolves 2007, Chapter 140; effective 9/20/07) (MMA monitored) The bill directs DHHS to convene a working group to “review costs of emergency response services and emergency and nonemergency transportation services; revenues that support the work of the service providers, including fee-for-service payments, insurance, Medicare and MaineCare reimbursement; and the cost of readiness and the growing gap between revenues and costs.” It directs the working group to report its findings and any recommendations for legislation or rulemaking to the Joint Standing Committee on Health & Human Services by January 15, 2008.

L.D. 2289, An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009 (P.L. 2007, Chapter 539, effective 6/30/08) (MMA opposed the \$20 million cut to Hospital-based Physicians) The bill is a supplemental budget for SFY 2008-2009. It covers a gap of approximately \$190 million without new broad-based taxes, but it includes a variety of health care and social service funding cuts. It avoids the \$20 million cut to hospital-based physicians and preserves the MaineCare physician fee increase in the biennial budget above through a re-basing of the current hospital tax from 2004 to 2006. See L.D. 2290, *An Act to Protect Access to Health Care* in the category, Regulation of Health Care Facilities.

Defeated

L.D. 189, An Act To Invest in an Allied Health Center at Northern Maine Community College (MMA monitored)

L.D. 244, An Act To Provide Additional Funding for the Office of Substance Abuse (MMA monitored)

L.D. 360, An Act To Identify the Methodology Used To Develop a Fiscal Note (MMA monitored)

L.D. 432, An Act To Authorize a General Fund Bond Issue To Maintain, Improve and Develop Trails (MMA supported)

L.D. 574, An Act To Increase Funding for the State's Immunization Program (MMA supported)

L.D. 589, An Act To Repeal Certain Health Savings Account Provisions (MMA monitored)

L.D. 722, An Act To Create the Acquired Brain Injury Fund (MMA monitored)

L.D. 806, An Act To Authorize a General Fund Bond Issue for the Maine Biomedical Research Fund to Create Jobs and Strengthen Maine's Economy (MMA monitored)

L.D. 818, An Act To Provide Support for the Volunteer Medical Ride Network (MMA monitored)

L.D. 1402, An Act To Authorize a General Fund Bond Issue To Enhance Funding for Stem Cell Research in Maine (MMA monitored)

L.D. 1733, An Act To Provide Additional Funding for the Regional Emergency Medical Services Councils and To Establish a Study Group To Examine Funding for the Emergency Medical Services System in Maine (MMA monitored)

L.D. 1925, An Act To Cut Taxes on Maine Residents by Over \$140,000,000 (MMA opposed expansion of the sales tax to elective cosmetic medical procedures)

L.D. 2098, An Act To Prevent and Treat Cancer in Maine by Providing a Source of Funding for a Comprehensive Cancer Prevention Program (MMA supported)

L.D. 2173, An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009 (MMA opposed \$20 million cuts in Physician services)

CHILDREN'S ISSUES

Enacted

L.D. 184, An Act To Protect Children's Health on School Grounds (P.L. 2007, Chapter 156; effective 9/20/07) (MMA supported) The bill prohibits brand-specific advertising of food or beverages in school buildings or on school grounds unless the food or beverage meets standards to be established by rule. "Advertising" does not include "advertising on broadcast media or in print media such as newspapers and magazines, clothing with brand images worn on school grounds or advertising on product packaging." It also prohibits tobacco use by any individual in school buildings or on school grounds at any time.

L.D. 334, Resolve, Regarding Legislative Review of Portions of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites (Resolves 2007, Chapter 47; effective 9/20/07) (MMA monitored) The bill approves final adoption of this major substantive rule.

L.D. 555, An Act To Protect Children from Lead Exposure by Requiring Sufficient Notice of Renovations (P.L. 2007, Chapter 238; effective 9/27/07) (MMA supported) The bill requires lessors of residential property to take specific steps to notify lessees in advance of proposed renovation work.

L.D. 658, An Act to Protect the Health of Infants (P.L. 2007, Chapter 595, effective 7/18/08) (MMA monitored) The bill requires that all individual and group health insurance policies issued or renewed after January 1, 2009 must provide coverage for amino acid-based elemental infant formula for children under 2 who have one of the following conditions:

- Symptomatic allergic colitis or proctitis;
- Laboratory- or biopsy-proven allergic or eosinophilic gastroenteritis;
- A history of anaphylaxis;
- Gastroesophageal reflux disease that is nonresponsive to standard medical therapies;
- Severe vomiting or diarrhea resulting in clinically significant dehydration requiring treatment by a medical provider;
- Cystic fibrosis; or
- Malabsorption of cow milk-based or soy milk-based infant formula.

L.D. 841, An Act To Extend Health Insurance Coverage for Dependent Children up to 25 Years of Age (P.L. 2007, Chapter 115; effective 9/20/07) (MMA monitored) The bill requires that all individual and group health insurance policies issued or renewed after the effective date of the bill include a "mandatory offer" (a rider option) of coverage for dependent children up to 25 years old. A "dependent child" is defined as the child of a covered person who:

- Is unmarried;
- Has no dependent of the child's own;
- Is a resident of this State or is enrolled as a full-time student at an accredited public or private institution of higher education; and

- Is not provided coverage under any other individual or group health insurance policy or health maintenance organization contract or under a federal or state government program.

L.D. 1142, An Act To Enhance the Newborn Hearing Program (P.L. 2007, Chapter 236; effective 9/20/07) **(MMA monitored)** The bill amends the State's newborn hearing program to clarify that the tracking system authorized in the program is intended to provide information to evaluate the comprehensive system of developmentally appropriate services for newborn infants and children up to 3 years of age who are deaf or hard-of-hearing. It also requires all service providers, including hospitals, to report data on hearing screening, evaluation, and diagnoses of children in this age group.

L.D. 1239, Resolve, To Establish a Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine (Resolves 2007, Chapter 133; effective 6/27/07) **(MMA monitored)** The bill establishes a 17-member working group, including a pediatrician and an ENT physician, to "examine issues of access to timely and accurate diagnosis of hearing loss by 3 months of age, and review and assess the processes by which families are informed of their options for communication and for finding providers in the state." The working group must report its findings and recommendations to the legislature no later than December 7, 2007.

L.D. 1442, Resolve To Increase Physical Education for Elementary School Students (Resolves 2007, Chapter 102; effective 9/20/07) **(MMA supported)** The bill directs the Commissioners of DHHS and DOE, along with the Co-chairs of the Governor's Council on Physical Fitness, Sports, Health and Wellness to convene a team to be known as "PE4ME" to develop and implement a plan for improving physical education in elementary schools. "PE4ME shall examine national guidelines for physical education for students in kindergarten to grade 8. PE4ME shall develop recommendations for each grade level including the minimum number of minutes of physical education per day or week and appropriate physical activities. PE4ME shall develop a timeline for implementing its recommendations and explore federal and private funding available to supplement state resources. The implementation timeline must include clear benchmarks for phasing in the recommendations, with a goal of complete implementation by the beginning of the 2010-2011 school year." PE4ME must report its findings and recommendations to the Joint Standing Committees on Health & Human Services and Education & Cultural Affairs by December 31, 2007.

L.D. 1567, Resolve, To Demonstrate Cost Savings by Preventing the Onset of Severe Mental Illness in Youth (Resolves 2007, Chapter 221, effective 7/18/08) **(MMA supported)** The bill directs DHHS to review the Portland Identification and Early Referral (PIER) program and consider options for expanding and funding the program. The Department must report its findings to the Joint Standing Committee on Health & Human Services by January 15, 2009 and the HHS Committee is authorized to submit legislation regarding the PIER program in the 124th Legislature.

L.D. 1658, An Act To Protect Pregnant Women and Children from Toxic Chemicals Released into the Home (P.L. 2007, Chapter 296; effective 9/20/07) **(MMA monitored)** The bill imposes new restrictions on the sale and distribution of "brominated flame retardants," meaning any chemical containing the element bromine that is added to a plastic, foam, or textile to inhibit flame formation.

L.D. 1785, An Act To Permit Automated External Defibrillators in Kindergarten to Grade 12 Schools (P.L. 2007, Chapter 267; effective 9/20/07) **(MMA monitored)** The bill authorizes school boards to place AEDs in occupied school buildings and at school athletic events. It also includes an immunity provision covering reasonable use of such devices.

L.D. 1850, An Act To Improve Efficiency and Effectiveness of Early Intervention and Early Childhood Special Education for Children from Birth to Eight Years of Age through Improved Oversight, Accountability and Interagency Coordination (P.L. 2007, Chapter 450; effective 9/20/07) **(MMA monitored)** The bill implements the recommendations of the Subcommittee To Study Early Childhood Special Education established by P.L. 2005, Chapter 662 to study early intervention and early childhood special education services for children from birth to 8 years of age. Based upon the findings of the subcommittee, including findings that the Child Development Services System performs very well relative to national benchmarks and findings that there is a national trend among states toward greater interagency coordination and oversight, the bill builds on Maine's good performance, increases interagency collaboration, and increases accountability of system components to the executive and legislative branches and to the public.

L.D. 1977, Resolve, To Establish a Statewide Protocol for the Early Detection and Treatment of Autism (Resolves 2007, Chapter 200, effective 7/18/08) **(MMA monitored)** The bill directs DHHS and DOE to convene an interdepartmental work group to develop and establish a uniform statewide protocol for screening children from 18 to 30 months of age for signs of autism, to examine models that meet criteria for evidence-based clinical trials to support individual young children with the diagnosis of autism served through the Child Development Services System, and to examine the interdepartmental system for capacity and service availability. The interdepartmental work group shall report its findings to the Joint Standing Committees on Health & Human Services and Education & Cultural Affairs by January 15, 2009. The HHS Committee is authorized to submit legislation to the 124th Legislature.

L.D. 2000, An Act to Authorize the Department of Health and Human Services to Investigate Suspicious Deaths of Children (P.L. 2007, Chapter 586, effective 7/18/08) **(MMA monitored)** The bill clarifies the child abuse and neglect reporting statutes to require reporting of suspicious deaths.

L.D. 2012, An Act to Protect Children in Vehicles from Secondhand Smoke (P.L. 2007, Chapter 591, effective 9/1/08) **(MMA supported)** The bill prohibits smoking in a motor vehicle when an individual who has not reached age 16 is present, regardless of whether the windows are open or not.

L.D. 2027, Resolve, to Examine the Information, Training and Support Services Provided to Parents of Children with Disabilities (Resolves 2007, Chapter 171, effective 6/30/08) **(MMA monitored)** The bill directs the Maine Developmental Disabilities Council to convene a work group to examine the information, training, and support services that are available to the families of children with disabilities regarding special education programs and special education services. The Council must report its findings, recommendations, and any proposed legislation to the Joint Standing Committee on Education & Cultural Affairs by January 31, 2009.

L.D. 2048, An Act To Protect Children's Health and the Environment from Toxic Chemicals in Toys and Children's Products (P.L. 2007, Chapter 643, effective 7/18/08) **(MMA supported)** The bill authorizes the DEP to include on a list of chemicals of high concern chemicals identified by specific entities. Prior to designating priority chemicals, the DEP is required to consult with affected industries, independent experts, and other interested parties and with the Maine CDC. It authorizes the DEP to adopt rules restricting the sale of children's products containing priority chemicals if safer alternatives are available. It authorizes DEP to designate mercury or a mercury compound as a priority chemical for the purpose of adopting rules to prohibit the sale of a mercury-added product that is not currently regulated.

L.D. 2053, An Act To Ensure that Children's Toys and Products are Free of Lead (P.L. 2007, Chapter 604, effective 7/1/09) **(MMA supported)** The bill prohibits the manufacture or sale in Maine of a "lead-containing children's product" after July 1, 2009 with some exceptions.

L.D. 2084, An Act To Protect Vulnerable Children by Allowing the Use of Emergency Medication (P.L. 2007, Chapter 588, effective 4/9/08) **(MMA supported)** The bill authorizes municipal employees and volunteers in a municipal recreation program to administer prescribed asthma inhalers and epinephrine pens.

L.D. 2106, An Act To Enhance the Newborn Hearing Program (P.L. 2007, Chapter 508, effective 6/30/08) **(MMA supported)** The bill amends the confidentiality provisions of the newborn hearing program to authorize the State to participate in a regional or national tracking system.

L.D. 2172, Resolve, To Achieve Universal Blood Lead Level Screening of Maine Children (Resolves 2007, Chapter 184, effective 7/18/08) **(MMA supported)** The bill directs the DHHS, Maine CDC to identify areas of the State that are of high-risk of having children with elevated blood lead levels based on analysis of blood lead level surveillance data and the Maine CDC shall attempt to achieve universal blood lead level screening in high risk areas. The Maine CDC shall report annually to the Joint Standing Committee on Health & Human Services beginning January 2009. The report must include identification of high-risk areas, progress made in achieving universal blood lead level screening in designated high-risk areas, lessons learned in attempting to achieve universal blood lead level screening, and any further recommendations for screening. By January 15, 2009, the DOE and DHHS shall report to the Joint Standing Committee on Health & Human Services on the feasibility of including blood lead level assessment information in the school records of enrolled children.

L.D. 2218, An Act to Protect Children From Hazardous Lead Paint (P.L. 2007, Chapter 628, effective 7/18/08) **(MMA supported)** The bill places responsibility for producing posters and brochures warning of lead poisoning on DHHS. It allows an owner of a leased residential property to designate the property on a registry of lead-safe property maintained by the Department of Environment Protection. It expands the scope of the report on lead-safe housing by the Department of Environmental Protection, the Maine State Housing Authority, and the DHHS, Maine Center for Disease Control & Prevention.

L.D. 2295, An Act To Implement the Recommendations of the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine (P.L. 2007, Chapter 646, effective 7/18/08) **(MMA monitored)** The bill requires a medical facility that performs a newborn hearing screening test indicating that a referral is appropriate to schedule a follow-up appointment with an audiologist and to notify the primary care provider of the appointment. The Newborn Hearing Program must report to the Joint Standing Committee on Health & Human Services on the results of its study of barriers to access to audiologists for the continued evaluation of hearing loss in newborns.

Defeated

L.D. 609, Resolve, To Preserve and Support Community Treatment Options for Children's Behavioral Health Needs **(MMA monitored)**

L.D. 708, An Act To Amend the Laws Concerning the Emancipation of Minors **(MMA monitored)**

L.D. 837, An Act To Prevent Infant Exposure to Harmful Hormone-disrupting Substances **(MMA monitored)**

L.D. 862, An Act To Improve Health Care for Maine Children through the Expansion of School-based Health Care Centers **(MMA supported)**

L.D. 950, An Act To Amend the Endangering the Welfare of a Child Laws **(MMA monitored)**

L.D.1111. An Act To Protect Children by Requiring Trigger Locks on Handguns **(MMA supported)**

L.D. 1246, Resolve, To Improve Oral Health for Children (MMA monitored)

L.D. 1250, An Act To Implement an Oral Health Capitation System for Children on MaineCare (MMA monitored)

L.D. 1446, An Act To Protect Children from Mercury and Thimerosal Toxicity in Immunizing Agents (MMA opposed)

L.D. 1765, An Act To Ensure End-of-life Care for Children with Terminal Illnesses (MMA supported)

L.D. 1774, An Act To Provide Greater Information Pertaining to the Health of Maine Children (MMA supported)

L.D. 1886, An Act To Assess Childhood Obesity Trends in Maine (MMA monitored)

L.D. 2034, An Act To Prohibit the Sale of energy Drinks to Minors (MMA monitored)

L.D. 2043, An Act To Protect Student Athletes (MMA monitored)

L.D. 2085, An Act To Protect Children from Secondhand Smoke (MMA supported)

L.D. 2242, An Act to Fund The Universal Childhood Immunization Program (MMA supported)

L.D. 2311, An Act to Invest in Maine's Young Children (MMA monitored)

FIREARMS & DOMESTIC VIOLENCE ISSUES

Enacted

L.D. 148, Resolve, Directing the Department of Public Safety and the Attorney General To Review Other States' Concealed Weapon Reciprocity Agreements and Actively Seek Reciprocity Where Appropriate (Resolves 2007, Chapter 84; effective 9/20/07) (MMA monitored) The bill directs the Commissioner of Public Safety to work in cooperation with the Attorney General to conduct a comprehensive review of other states' concealed weapon laws for the purpose of identifying and seeking other states with whom this State may enter into concealed weapon reciprocity agreements. It also requires the Commissioner to report his findings to the Joint Standing Committee on Criminal Justice & Public Safety no later than January 1, 2008. The Joint Standing Committee on Criminal Justice & Public Safety may submit implementing legislation, if necessary, to the Second Regular Session of the 123rd Legislature.

L.D. 1902, An Act To Bring Maine into Compliance with Federal Law Regarding Purchases of Firearms by Persons Found To Be a Danger to Themselves or Others (P.L. 2007, Chapter 670, effective 7/18/08) (MMA monitored) The bill establishes a procedure to prevent a person who has been found to be a danger to self or others from possessing a firearm.

L.D. 2051, An Act To Prohibit the Sale of Firearms Other than Handguns to Persons 16 or 17 Years of Age without Parental Consent (P.L. 2007, Chapter 512, effective 6/30/08) (MMA monitored) The bill prohibits the sale of a firearm to a person 16 years of age or older and under 18 years of age. It provides an exception for a sale by a parent, foster parent or guardian, or a sale approved by a parent, foster parent or guardian.

L.D. 2243, An Act To Increase the Number of Mandated Reporters of Abuse, Neglect or Exploitation and To Clarify the Probation Laws Relating to Violation of Protection Orders (P.L. 2008, Chapter 577, effective 7/18/08) **(MMA monitored)** The bill makes technical corrections to the probation statutes and expands the list of mandated reporters to include sexual assault counselors and family or domestic violence victim advocates.

L.D. 2267, An Act To Increase the Number of Concealed Firearms Permit Reciprocity Agreements That Maine May Enter into with Other Eligible States (P.L. 2007, Chapter 555, effective 7/18/08) **(MMA monitored)** The bill was submitted by the Joint Standing Committee on Criminal Justice & Public Safety pursuant to Resolves 2007, Chapter 84. That Resolve directed the Commissioner of Public Safety and the Attorney General to review other states' concealed firearms laws to determine if any satisfy Maine's statutory standards for reciprocity. After review of all other states' concealed firearms laws, the reviewers identified several states that meet or exceed Maine's standards and could be approached as candidates for reciprocity. This bill repeals the limitation that the Chief of the State Police may enter into reciprocity with no more than 2 states. The bill authorizes the Chief of the State Police to enter into reciprocity agreements with any other states that meet or exceed the requirements of this State.

Defeated

L.D. 361, An Act To Create a Waiting Period for Firearms **(MMA supported)**

L.D. 778, An Act To Enhance the Qualifications for a Concealed Firearms Permit **(MMA monitored)**

L.D. 1009, An Act To Provide Firearms Safety Instruction for Adolescents **(MMA monitored)**

L.D. 1224, An Act To Prevent Violence against Maine Families and To Provide Adequate Intervention in Cases of Domestic Violence and Sexual Assault **(MMA monitored)**

L.D. 1999, An Act to Amend Criminal Laws Against Domestic Violence to Ensure Appropriate Recognition of Prior Convictions **(MMA monitored)**

HEALTH CARE INFORMATION AND CONFIDENTIALITY ISSUES

Enacted

L.D. 40, Resolve, Regarding Legislative Review of Portions of Chapter 100: Enforcement Procedures, a Major Substantive Rule of the Maine Health Data Organization (Resolves 2007, Chapter 17; effective 9/20/07) **(MMA monitored)** The bill approves final adoption of this major substantive rule.

L.D. 902, An Act To Amend the Maine Health Data Organization Laws (P.L. 2007, Chapter 136; effective 9/20/07) **(MMA monitored)** The bill makes a number of modifications to the laws governing the operation of the Maine Health Data Organization, including adding Medicare prescription drug sponsors, pharmacy benefits managers, and nonlicensed carriers to the definition of "payor;" modifying the appointment process for employer representatives on the Board of Directors; expanding the contract authority of the board; and changing the major substantive rule designation for the organization's enforcement and quality data rules to routine technical rulemaking.

L.D. 1084, An Act To Provide Adult Adoptees Access to Their Original Birth Certificates (P.L. 2007, Chapter 409; effective 1/1/09) **(MMA monitored)** The bill establishes a process by which an adult adopted person may obtain a copy of that person's original, unaltered birth certificate.

This bill also allows a birth parent to include with the child's original birth certificate a form that indicates whether the parent wishes to be contacted by the child and a medical history form.

L.D. 1119, An Act To Permit Mental Health Professionals To Disclose Risks to People Likely To Be Harmed by a Patient (P.L. 2007, Chapter 310; effective 9/20/07) **(MMA supported)** The bill permits a mental health professional to disclose protected health information about a patient when necessary to avert a serious and imminent threat to health or safety if the disclosure is made in good faith and to a person who is reasonably able to prevent or minimize the threat. It also allows a mental health professional to disclose a client's mental health information to a family member, to another relative, to a close personal friend or caretaker, or to anyone identified by the client in circumstances consistent with disclosure under the HIPAA privacy rule.

L.D. 1425, An Act To Facilitate the Reporting of the Crime of Acquiring Drugs by Deception (P.L. 2007, Chapter 382; effective 9/20/07) **(MMA supported)** The bill expands the ability of a prescribing health care provider, or a person acting under the direction or supervision of a prescribing health care provider, to report with immunity if the provider or person knows or has reasonable cause to believe that a person is attempting to acquire drugs by deception.

L.D. 1797, Resolve, To Advance Maine's HealthInfoNet Program (Resolves 2007, Chapter 198, effective 7/18/08) **(MMA supported)** The bill directs that the Maine Quality Forum and HealthInfoNet shall work together to convene a broadly representative stakeholder group to study and make recommendations for establishing and financing a quality improvement and technology fund that would initially contribute to HealthInfoNet's establishment and sustainability and make it possible for health care providers with limited financial resources to obtain electronic medical record systems. The bill authorizes the Joint Standing Committee on Health & Human Services to submit legislation to the 124th Legislature pertaining to establishing and financing a quality improvement and technology fund.

L.D. 1874, Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting Systems for Maine Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization (Resolves 2007, Chapter 77; effective 9/20/07) **(MMA monitored)** The bill approves final adoption of this major substantive rule.

L.D. 2163, Resolve, regarding Legislative Review of Portions of Chapter 270: Uniform Reporting system for Health Care Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization (Resolves 2007, Chapter 166, effective 3/25/08) **(MMA monitored)** The bill approves final adoption of this major substantive rule.

L.D. 2167, Resolve, Regarding Legislative Review of Portions of Chapter 120: Release of Data to the Public; a Major substantive Rule of the MHDO (Resolves 2007, Chapter 192, effective 4/10/08) **(MMA monitored)** The bill approves final adoption of this major substantive rule.

L.D. 2297, An Act To Establish a Method for Reporting Health Care-associated Infection Quality Data (P.L. 2007, Chapter 594, effective 7/18/08) **(MMA monitored)** The bill requires the Maine Quality Forum to submit an annual report to the Legislature that includes health care-associated infection quality data and to report to the Joint Standing Committee on Health & Human Services by January 30, 2009 with any recommendations for additional health care-associated infection quality data to be collected. It requires the Maine Quality Forum and the Department of Health and Human Services, Maine Center for Disease Control & Prevention to report to the Committee on statewide collaborative efforts with health care infection control professionals in the state to control or prevent health care-associated infections and to make the information reported about the health care-associated infection quality data available to the public through a variety of means, including the Maine Quality Forum's publicly accessible website and the distribution of written reports and publications.

Defeated

L.D. 72, An Act To Improve MaineCare Members' Access to Information (MMA monitored)

L.D. 838, An Act Protecting the Confidentiality of Prescription Information (MMA opposed)

L.D. 958, An Act To Protect Maine Citizens' Credit (MMA monitored)

L.D. 1370, An Act Requiring Public Disclosure of Health Care Prices (MMA opposed)

L.D. 1453, Resolve, Regarding the Privacy of Social Security Numbers (MMA monitored)

L.D. 1939, Resolve, to Establish a Method for Reporting the Statistics of Diseases (MMA opposed)

HEALTH CARE REFORM PROPOSALS

Enacted

L.D. 431, An Act To Enable the Dirigo Health Program To Be Self-administered (P.L. 2007, Chapter 447; effective 9/20/07) (MMA supported) The bill expands the Dirigo Health Board of Directors from 5 to 9 members and renames it the Board of Trustees of Dirigo Health. The bill requires that 3 voting members of the board have expertise in accounting, banking, securities or insurance and adds the Treasurer of State as an ex officio, nonvoting member. The bill clarifies that 5 members of the board constitute a quorum and that an affirmative vote of 5 members is needed for the board to take action. The bill extends the limitation on personal liability of trustees under the Maine Uniform Trust Code to the trustees of Dirigo Health. The bill gives authority to the Dirigo Health Agency to provide access to health benefits coverage through the Dirigo Health Self-administered Plan after the board evaluates bids for self-administered and fully insured benefits coverage. If the board makes the decision to provide coverage through the self-administered plan, the bill requires the board to report to the Joint Standing Committee on Insurance & Financial Services within 30 days of the decision. The bill also gives the Committee the authority to report out legislation relating to the self-administered plan.

L.D. 911, Resolve, To Promote Health Care Insurance for Volunteer Public Safety Personnel through the Dirigo Health Program (Resolves 2007, Chapter 118; effective 9/20/07) (MMA monitored) The bill directs the Executive Director of Dirigo Health to conduct an education and outreach initiative to promote awareness of the Dirigo Health Program among volunteer public safety personnel. At a minimum, the Executive Director of Dirigo Health shall contact the Maine State Federation of Firefighters, the Maine Municipal Association, and each municipality in the State that is served by volunteer public safety personnel and provide information regarding the eligibility of volunteer public safety personnel for health insurance coverage through the Dirigo Health Program as individuals and the availability of subsidies for qualified individuals based on income.

L.D. 1072, Resolve, To Conduct an Updated Study of the Feasibility of Establishing a Single-payer Health Care System in the State (Resolves 2007, Chapter 216, effective 7/18/08) (MMA monitored) The bill directs the Legislature to contract with a qualified consultant to update the December 2002 document titled "Feasibility Study of a Single-payer Health Plan Model for the State of Maine" produced by Mathematica Policy Research, Inc. The Legislature shall seek outside grant funding to fully fund all costs of the updated study, which may not exceed \$60,000. If sufficient outside funding has not been received by the Legislature by August 1, 2008 to fully fund all costs of the updated study, no expenses of any kind related to the study may be incurred.

The updated study must be submitted no later than December 3, 2008 to the First Regular Session of the 124th Legislature. The Joint Standing Committee on Insurance & Financial Services may submit legislation based on the updated feasibility study to the First Regular Session of the 124th Legislature.

L.D. 1568, Resolve, To Explore the Feasibility of Enrolling the Legislature as an Employer Group in Dirigo Health (Resolves 2007, Chapter 112; effective 9/20/07) (MMA monitored) The bill directs the State Employee Health Commission, in consultation with the Dirigo Health Agency, to evaluate and issue a report on the feasibility of enrolling the Legislature as an employer group in the Dirigo Health Program. The evaluation must take special consideration of the effect of the Legislature's being part of the Dirigo Health Program on retirees who are Legislators and may not consider the inclusion of legislative employees and their dependents. The commission shall submit its report to the Joint Standing Committee on Insurance & Financial Services by December 15, 2007 with any suggested legislation. The Committee is authorized to submit a bill concerning this report to the Second Regular Session of the 123rd Legislature.

L.D. 2247, An Act To Continue Maine's Leadership in Covering the Uninsured (P.L. 2007, Chapter 629, effective 7/18/08) (MMA supported) The bill was intended to provide a sustainable and stable source of funding for the Dirigo Health Program and to make some modest changes to the regulation of health insurance in Maine. The new funding for Dirigo replaces the controversial "savings offset payment" (SOP) with a 1.8% "health access surcharge," a combination of alcohol and soft drink taxes, and some money from the Fund for a Healthy Maine.

Defeated

L.D. 48, An Act To Exempt Training and Educational Research Costs from the Voluntary Spending Cap (MMA monitored)

L.D. 278, Resolve, To Assess the Feasibility and Efficiency of Combining All Health Insurance Funds Supported by the State (MMA monitored)

L.D. 439, An Act To Reform the Dirigo Health Program (MMA monitored)

L. D. 476, An Act To Establish a Reinsurance Fund To Expand Health Insurance Coverage for Individuals and Small Groups (MMA monitored)

L.D. 526, An Act To Increase Eligibility for the Dirigo Health Program (MMA monitored)

L.D. 551, An Act To Create the Maine Health Card Program (MMA opposed)

L.D. 619, An Act To Require All State Employees To Carry State Health Insurance (MMA monitored)

L.D. 688, An Act To Establish a Universal Health Care Program (MMA monitored)

L.D. 773, An Act To Preserve Dirigo Choice (MMA monitored)

L.D. 842, An Act To Require Insurance Coverage for Infertility Treatments (MMA monitored)

L.D. 912, An Act To Return Affordable Health Insurance to the State (MMA opposed)

L.D. 959, An Act To Require Insurers To Use Savings from Dirigo Health To Reduce Premiums (MMA monitored)

L.D. 1028, An Act To Reform Dirigo Health (MMA monitored)

L.D. 1047, An Act to Lower the Cost of Health Insurance, (MMA opposed)

L.D. 1082, An Act To Create a Maine-based Independent Nonprofit Health Insurance Company (MMA supported)

L.D. 1102, An Act To Lower Mandatory Group Participation Rates to 60% (MMA monitored) (MMA monitored)

L.D. 1230, An Act To Protect Consumers against Inadequate Health Care Coverage (MMA monitored)

L.D. 1294, An Act To Establish a Health Care Bill of Rights (MMA monitored)

L.D. 1510, An Act To Provide an Income Tax Deduction for Health Insurance Premiums (MMA supported)

L.D. 1517, An Act To Allow Maine Consumers To Purchase Health Insurance from Out-of-State Insurers (MMA monitored)

L.D. 1539, An Act To Implement a Single-Payor Health Care System (MMA opposed)

L.D. 1659, An Act To Improve the Affordability of Health Insurance for Maine People (MMA monitored)

L.D. 1716, An Act To Ensure That DirigoChoice Is Affordable (MMA monitored)

L.D. 1742, An Act To Permit Greater Flexibility in the Design of Affordable Health Insurance (MMA monitored)

L.D. 1890, An Act To Make Health Care Affordable, Accessible and Effective for All (MMA)

L.D. 1894, An Act To Ensure Affordable Health Care for Maine Families through Shared Responsibilities (MMA monitored)

L.D. 2059, An Act to Establish a Wellness Tax Credit (MMA monitored)

L.D. 2153, An Act to Improve the Organizational Structure of the Department of Health and Human Services (MMA monitored)

L.D. 2224, An Act To Require Legislators and Their Dependents To Be Enrolled in Dirigo Health (MMA monitored)

INSURANCE MANDATES

Enacted

L.D. 101, An Act To Enhance Screening for Breast Cancer (P.L. 2007, Chapter 153; effective for insurance policies issued or renewed after 1/1/08) (MMA supported) The bill clarifies that an additional radiologic procedure recommended by a provider when the results of an initial screening mammogram are not definitive must also be considered a screening mammogram.

L.D. 1514, An Act To Require Health Insurance Coverage for Hearing Aids (P.L. 2007, Chapter 452; depending on age effective for policies issued or renewed on or after 1/1/08, 1/1/09, or 1/1/10) (MMA monitored) The bill requires health insurance policies to provide coverage for

hearing aids for persons 18 years of age and under. It allows insurance policies to limit coverage to \$1,400 per hearing aid every 36 months.

L.D. 2109, An Act Relating to Insurance coverage for Colorectal Cancer Early Detection (P.L. 2007, Chapter 516; effective for policies issued or renewed on or after 1/1/09) **(MMA supported)** The bill requires health insurance policies to provide coverage for colorectal cancer screening recommended by health care providers in accordance with guidelines published by the American Cancer Society. It states that, if a colonoscopy is provided as the screening procedure and a lesion is discovered and removed, the health care provider must bill the insurer for a screening colonoscopy as the primary procedure.

Defeated

L.D. 1429, An Act To Require Insurance Coverage for Temporomandibular Joint Disorders **(MMA monitored)**

L.D. 1667, An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Prevention **(MMA opposed)**

L.D. 1715, An Act To Reduce the Cost of Health Insurance **(MMA opposed)**

INSURANCE PRACTICES

Enacted

L.D. 416, An Act To Protect Seniors and the Public from Unfair Health Insurance Sales Practices (P.L. 2007, Chapter 53; effective 4/17/07) **(MMA monitored)** The bill includes as unfair trade practices certain unfair solicitation methods, such as “cold lead advertising.”

L.D. 1218, An Act To Further Limit Retrospective Denials of Previously Paid Health Insurance Claims (P.L. 2007, Chapter 106; effective 9/20/07) **(MMA bill/MMA supported)** The bill shortens the time frame from 18 months to 12 months in which a health insurance carrier may deny retrospectively a health insurance claim submitted by a health care provider and processed and paid in accordance with the standards in effect at the time of submission.

L.D. 1503, An Act To Clarify and Update the Laws Related to Health Insurance (P.L. 2007, Chapter 199; effective 5/31/07) **(MMA monitored)** The bill amends various provisions of law concerning health insurance in order to comply with final federal rules published in December 2004 to clarify the federal Health Insurance Portability & Accountability Act of 1996. It also provides that a waiting period in a small group health plan includes a period between the time a substantially complete application is filed and the time the coverage takes effect. It requires that second level appeals of health insurance claims be completed within 30 days when the insured has not requested the opportunity to appear in person before authorized representatives of the health carrier. It also clarifies that provisions of the health plan improvement laws applying to carriers offering health plans apply to carriers renewing health plans even if the plans are no longer sold. The bill amends the list of exceptions to the law concerning guaranteed renewal of individual health insurance to include withdrawal from the market. It amends the law concerning continuity of health insurance to clarify that it applies to blanket coverage. It clarifies that a life and health insurer can be licensed to issue health maintenance organization contracts. It clarifies the law requiring notice of group health termination. It clarifies the law regarding permissible limitations on coverage of preexisting conditions in specified disease policies. The bill clarifies the law relating to participation requirements at renewal of a policy to make it consistent with the law relating to participation requirements at the time a policy is issued. Finally, the bill extends for 2 years the provision allowing financial incentives under Bureau of Insurance Rule Chapter 850.

L.D. 1843, Resolve, To Eliminate or Reduce the Health Care Data Collection Problems Associated with Global Claims (Resolves 2007, Chapter 155, effective 3/18/08) **(MMA supported)** The bill directs that representatives of health insurance carriers licensed in the State, 3rd-party administrators, and hospitals licensed in the State, with representatives of the Maine Association of Health Plans, the Maine Hospital Association, and the Maine Health Data Organization, all of whom are referred to in this resolve as "the work group," shall meet to evaluate the Maine combined bill demonstration project, as proposed by the National Uniform Billing Committee. The work group may identify and propose an alternative that will solve the data collection problems associated with global claims. The work group must report its findings to the Joint Standing Committee on Health & Human Services by January 15, 2009.

L.D. 1753, An Act Regarding Health Insurance Coverage for Persons under the Influence of Alcohol or Narcotics (P.L. 2007, Chapter 216; effective 9/20/07) **(MMA supported)** The bill prohibits a health insurance policy from stating that "[t]he insurer is not liable for any loss sustained or contracted in consequence of the insured's being intoxicated or under the influence of any narcotic or of any hallucinogenic drug, unless administered on the advice of a physician."

L.D. 2066, An Act To Clarify the Laws Governing the Extension of Health Care coverage to Dependents (P.L. 2007, Chapter 514, effective 6/30/08) **(MMA monitored)** The bill clarifies current law on dependent coverage that it is not necessary that the dependent be currently insured by that insurer for that insurer to be required to offer coverage until the dependent is 25 years of age. It also amends the definition of "dependent child" to eliminate the requirement that the child is not provided coverage under any other individual or group health insurance policy or health maintenance organization contract or under a federal or state government program. The bill also requires insurers to provide notice of the availability of extended coverage for dependents upon renewal or at least once annually. This notice requirement is repealed on January 1, 2012.

L.D. 2162, Resolve, Regarding Legislative Review of Portions of Chapter 850; Health Plan Accountability, a Major substantive Rule of the Department of Professional and Financial Regulation (Resolves 2007, Chapter 160, effective 3/21/08) **(MMA monitored)** The bill approves final adoption of this major substantive rule.

Defeated

L.D. 388, An Act Concerning Insurance for Churches and Nonprofit Organizations **(MMA monitored)**

L.D. 713, An Act To Create the Insurance Fraud Division within the Bureau of Insurance **(MMA monitored)**

L.D. 1066, An Act To Protect Consumers in the Insurance Industry **(MMA opposed)**

L.D. 1389, An Act To Provide for Prompt Resolution of Insurance Claims **(MMA monitored)**

L.D. 1474, An Act To Increase the Minimum Medical Payments Coverage in Automobile Insurance **(MMA monitored)**

L.D. 1592, An Act To Protect Small Businesses and Individual Health Insurance Consumers **(MMA monitored)**

L.D. 1640, An Act To Allow Health Insurance Premiums To Vary Based on Behaviors Pertaining to Health **(MMA monitored)**

L.D. 1760, An Act To Restore Competition to Maine's Health Insurance Market **(MMA monitored)**

LONG-TERM CARE ISSUES

Enacted

L.D. 1308, Resolve, Regarding the Use of Restraints in Nursing Facilities (Resolves 2007, Chapter 60; effective 9/20/07) (MMA monitored) The bill directs the Department of Health & Human Services to adopt rules to ensure that prior to admission to a nursing facility a prospective resident or the family or guardian of a prospective resident is provided with information about the policy of the nursing facility regarding the use of restraints, including examples of the use of and alternatives to restraints in the nursing facility. The examples must include the use of bedside rails and other strategies to address falls from bed. It also provides that on or before January 1, 2008, January 1, 2009, and January 1, 2010, the Department shall report to the Joint Standing Committee on Health & Human Services regarding the use of bedside rails as restraints.

L.D. 2052, Resolve, To Create the Blue Ribbon Commission To Study the Future of Home-based and Community-based Care (Resolves 2007, Chapter 209, effective 4/17/08) (MMA monitored) The bill establishes an 11-member Blue Ribbon Commission to Study Long-term Home-based and Community-based Care to "examine and make recommendations on the development of choices to meet unmet needs and financing options to ensure access to and affordability of long-term home-based and community-based care. Given that the State has the oldest median age of any state in the nation, the commission shall create a coherent blueprint to ensure the sustainability of long-term home-based and community-based care options that provide choice and quality for the State's elderly and disabled citizens, many of whom are eligible for home-based and community-based care services and are not receiving them, forcing them into more costly institutional care." The Commission is directed to submit its findings, recommendations, and any proposed legislation to the Legislature no later than November 5, 2008.

Defeated

L.D. 519, An Act to Provide Assistance to Family members, Friends and Neighbors Who Provide Home Health Care for Senior Citizens (MMA monitored)

L.D. 931, Resolve, To Examine Eligibility for MaineCare Long-term Care Services (MMA monitored)

L.D. 1687, An Act To Increase Health Insurance Coverage for Front-line Direct Care Workers Providing Long-term Care (MMA monitored)

MANAGED CARE ISSUES

None

MEDICAID ISSUES

Enacted

L.D. 405, An Act Regarding MaineCare Pharmacy Professional Fees (P.L. 2007, Chapter 590, effective 7/18/2008) (MMA monitored) The bill provides a process for determining the cost of dispensing a medication under the MaineCare program, for reporting that information to legislative committees and for raising the professional fee paid to pharmacies for dispensing medications. It also requires the Department of Health & Human Services, Office of MaineCare Services to consider adjusting the fee every 2 years.

L.D. 650, An Act To Equalize MaineCare Reimbursements to Hospitals (P & S L. 2007, Chapter 19; effective 9/20/07) **(MMA monitored)** The bill directs the Department of Health & Human Services, when carrying out final and interim settlements of payments to hospitals for services provided to MaineCare members, to pay all final settlements for hospital fiscal years 2003 and earlier prior to paying interim settlements for services for hospital fiscal years 2005 and later. The Department must adopt routine technical rules to implement this law. Nothing in this section limits the department's authority to:

- Make ongoing MaineCare payments for services being rendered during the current fiscal year; or
- Provide partial settlements for hospital fiscal years 2004 and later to certain hospitals in need of such relief in order to relieve financial hardship.

L.D. 704, Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services (Resolves 2007, Chapter 16; effective 3/8/07) **(MMA monitored)** The bill approves final adoption of this major substantive rule.

L.D. 723, Resolve, To Promote Chronic Disease Prevention and Care (Resolves 2007, Chapter 36; effective 9/20/07) **(MMA monitored)** The bill directs the Department of Health & Human Services and the Advisory Council on Health Systems Development to report to the Joint Standing Committee on Health & Human Services by January 31, 2008 on the issues detailed below. To the extent possible, the report must identify public and private resources currently devoted to the promotion of effective prevention and care for chronic diseases, any resource needs to further promote effective prevention and care and strategies to promote the coordination of public and private resources. The report may also include any recommendations for legislation to further promote effective prevention and care for chronic diseases. The issues to be addressed in the report must include the following:

- The identification and a description of chronic diseases, including, but not limited to, diabetes, cancer, heart and lung disease and depression;
- Whether prevention is an effective means to reduce the impact of chronic diseases;
- A description of the care model of chronic disease prevention and care, which includes regular interactions among patients, their families and their formal caregivers, with a focus on maintaining the health of the individual patient with a chronic disease;
- A description of a pilot program for effective management of care of high-cost MaineCare members and the integration into that pilot program of chronic disease prevention and care; and
- The use of the State Health Plan, which is released every 2 years by the Governor's office, with guidance from the Advisory Council on Health Systems Development, as a primary approach to making Maine the healthiest state in the nation.

L.D. 813, An Act To Provide an Energy Allowance to At-home Patients Using Ventilators (P.L. 2007, Chapter 97; effective 9/20/07) **(MMA monitored)** The bill provides similar treatment in the laws governing needs-based low-income assistance for low-income electricity consumers who use ventilators as is provided to those who use oxygen pumps. It also requires the Public Utilities Commission to report annually to the Joint Standing Committee on Utilities & Energy on the low-income assistance programs for residential electricity consumers and the equitable-treatment program for low-income program participants who require an oxygen pump or ventilator for at least 8 hours each day. It also requires the Commission to examine medical devices that may be appropriate for inclusion in the equitable-treatment program and report its findings to the Committee no later than January 15, 2008.

L.D. 1537, Resolve, To Review Remote Access Medicine, Hospice and Home Health Care under MaineCare (Resolves 2007, Chapter 111; effective 9/20/07) **(MMA monitored)** The bill directs the Department of Health & Human Services to review MaineCare reimbursement for remote access medicine and hospice and home health care benefits for adults and shall report to the Joint Standing Committee on Health & Human Services by January 15, 2008 with recommendations for legislation and rule and funding changes. The Committee is authorized to submit legislation to the Second Regular Session of the 123rd Legislature.

L.D. 1566, An Act To Allow the State Timely Opportunity To Participate in Settlement Negotiations for MaineCare Benefits (P.L. 2007, Chapter 381; effective 9/20/07) **(MMA monitored)** The bill clarifies the law requiring recipients or their attorneys to notify the Department of Health & Human Services when they make a claim to recover the medical costs that were paid by MaineCare by requiring notification to be made prior to when settlement negotiations begin.

L.D. 1746, An Act To Improve MaineCare and Promote Employment (P.L. 2007, Chapter 448; effective 9/20/07) **(MMA monitored)** The bill requires the court, hearing officers or applicable administrative agency to consider, when determining new or modified orders for child support, a means to provide support for a child's health care expenses, including but not limited to enrollment in employer-sponsored group health insurance plans, purchase of private health insurance plans, participation in public health insurance plans and cash payments of premiums, copayments, deductibles and routine and extraordinary medical expenses not otherwise covered by health insurance plans. It requires plaintiffs and defendants to provide information related to their ability to provide medical child support including information on employer-sponsored group health insurance and private health insurance available to the plaintiff and defendant as part of the affidavits, medical child support and child support worksheets and other relevant information that the parties are required to file with the court. It requires the court or hearing officer to review the information submitted by the plaintiff and defendant and to determine the amount of medical child support to be contributed by each and how that support is to be payable. The bill exempts parties with incomes below 200% of the federal poverty guidelines from purchasing employer-sponsored group or private health insurance as part of their medical child support obligation unless such coverage is available at no cost. It allows the court or hearing officers to order parties with incomes between 150% and 200% of the federal poverty guidelines to make payments toward the cost of public insurance based on a sliding scale. It requires any amount of medical support payment that a noncustodial parent whose income is above 200% of the federal poverty guidelines is ordered by a court or administrative agency to pay to a custodial parent whose income is below 200% of federal poverty guidelines to first be used by the custodial parent to offset the premium for public health insurance coverage for the child. It requires the Department of Health and Human Services to maximize enrollment in the Private Health Insurance Premium Program and allows persons enrolled in the Private Health Insurance Premium Program with children eligible for Medicaid to be eligible for MaineCare benefits not otherwise provided by the private or employer-sponsored group health plan. It requires the Department to notify the Joint Standing Committee on Health & Human Services and the Revisor of Statutes when the final federal rules to implement the premium assistance provisions of the federal Deficit Reduction Act of 2005 have been adopted.

L.D. 2286, Resolve, Implementing the Recommendations of the Commission To Study Primary Care Medical Practice (Resolves 2007, Chapter 195, effective 7/18/08) **(MMA supported)** The bill directs that the Governor's Office of Health Policy & Finance and the Department of Health & Human Services to report to the Joint Standing Committee on Health & Human Services by January 15, 2009 on activities for implementing a multipayer patient-centered medical home pilot project. The report shall include specific recommendations for the application of the medical home concept to the MaineCare program and any legislation necessary for implementation. The pilot project must include specific standards for quality, access and integration as well as standards for appropriate reimbursement for medical home physicians. It also directs the

Department to report to the HHS Committee by January 15, 2009 on activities for implementing a single physician fee schedule for the MaineCare program. The report shall include specific recommendations for adequate reimbursement for physicians who serve as a patient's medical home under the patient-centered medical home model. It requires the Governor's Office of Health Policy & Finance and the DHHS, Office of MaineCare Services to report to the HHS Committee by January 15, 2009 on activities for implementing processes similar to those that are in place for specialists that will exempt primary care physicians and other practitioners who demonstrate a history of cost-effective prescribing that meets the needs of patients from certain preauthorization requirements. Finally, it directs the Governor's Office of Health Policy & Finance, the Maine Board of Pharmacy, and the DHHS, Office of MaineCare Services to report to the HHS Committee by January 15, 2009 on the feasibility of adopting flexible pharmacy dispensing standards. The report must assess the prospect of allowing a pharmacist to dispense prescribed medication in a dosage that varies from the prescription but is equivalent to the overall dosage prescribed. The report must include an analysis of the impact on patient medication compliance and costs to the health care system and MaineCare as well as other unintended consequences.

L.D. 2287, Resolve, Regarding Legislative Review of Portions of Major Substantive MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services (Resolves 2007, Chapter 207, effective 4/16/08) (MMA monitored) The bill approves final adoption of this major substantive rule.

Defeated

L. D. 12, An Act To Amend the Maine Certificate of Need Act of 2002 (MMA Monitored)

L.D. 282, An Act To Provide Dental Care for Pregnant Women and New Mothers Receiving MaineCare Benefits (MMA monitored)

L.D. 520, An Act To Ensure Access to MaineCare Services (MMA supported)

L.D. 689, An Act To Facilitate MaineCare Reimbursement in Workers' Compensation Cases (MMA opposed)

L.D. 984, Resolve, To Evaluate MaineCare Finances (MMA monitored)

L.D. 1120, An Act To Amend MaineCare Benefits as Allowed by the Federal Deficit Reduction Act of 2005 (MMA monitored)

L.D. 1146, An Act To Promote Healthy Practices for MaineCare Members (MMA monitored)

L.D. 1187, An Act To Recoup Health Care Funds through the Maine False Claims Act (MMA monitored)

L.D. 1437, An Act To Review Prescription Drug Prior Authorization under MaineCare (MMA monitored)

L.D. 1450, An Act To Create Equity in Hospital Charges (MMA monitored)

L.D. 1536, Resolve, Directing the Department of Health and Human Services To Reform Maine's Noncategorical Medicaid Program (MMA monitored)

L.D. 1762, An Act To Increase MaineCare Reimbursement for Speech and Language Therapists and Provide Treatment for Adults with Developmental Disabilities (MMA monitored)

L.D. 1820, An Act To Create a Program To Implement Choice of Health Plans in the MaineCare Program and Amend the MaineCare Program (MMA opposed)

MEDICAL ETHICS/MEDICAL RIGHTS ISSUES

Enacted

L.D. 375, An Act To Amend the Family Medical Leave Laws (P.L. 2007, Chapter 261; effective 9/20/07) (MMA supported) The bill adds domestic partners to the list of family members for whom employees may use family medical leave. It also adds a definition of domestic partner.

L.D. 1027, An Act To Clarify the Definition of "Physical or Mental Disability" in the Maine Human Rights Act (P.L. 2007, Chapter 385; effective 6/21/07) (MMA monitored) the bill adopts a new definition of "physical or mental disability." It includes a rule of construction that directs that the definition of "physical or mental disability" in the Act is to be interpreted broadly to create greater coverage than under the federal Americans with Disabilities Act of 1990. It provides that rules adopted by the Maine Human Rights Commission to implement the new definition of "physical or mental disability" are major substantive rules.

L.D. 1261, An Act To Clarify Intermittent Leave under the Family Medical Leave Laws (P.L. 2007, Chapter 233; effective 9/20/07) (MMA monitored) The bill amends the family medical leave laws to provide for intermittent leave as is provided under the federal Family & Medical Leave Act of 1993.

L.D. 1505, An Act To Adopt the Revised Uniform Anatomical Gift Act (P.L. 2007, Chapter 601, effective 7/18/08)(MMA supported) The bill is based upon the 2006 Revised Uniform Anatomical Gift Act modified to be compatible with related Maine laws.

L.D. 2132, An Act To Amend the Family Medical Leave Laws To Include Siblings (P.L. 2007, Chapter 519, effective 6/30/08) (MMA monitored) The bill amends the law to allow an employee to take family medical leave for a sibling with a serious health condition or who dies while on active military duty only if the sibling is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements.

MEDICAL LIABILITY ISSUES

Enacted

L.D. 866, An Act To Amend the Wrongful Death Laws (P.L. 2007, Chapter 85; effective 9/20/07) (MMA opposed) The bill increases the cap on non-economic damages for wrongful death from \$400,000 to \$500,000.

L.D. 1372, An Act To Increase Caps on Damages in Actions under the Maine Human Rights Act (P.L. 2007, Chapter 457; effective 9/20/07) (MMA monitored) The bill increases the caps on damages in actions brought under the Maine Human Rights Act.

Defeated

L.D. 223, An Act To Amend the Maine Tort Claims Act (MMA monitored)

L.D. 296, An Act To Amend the Laws Governing Indemnification Agreements (MMA monitored)

L.D. 367, An Act to Protect Emergency Room Personnel From Civil Liability (MMA supported)

L.D. 608, An Act To Extend the Statute of Limitations for Certain Medical Malpractice Cases (MMA opposed)

L.D. 684, An Act To Permit Medical Providers an Opportunity To Express Regret for a Medical Error (MMA opposed)

L.D. 857, Resolve, To Create A Medical Malpractice Study Group (MMA monitored)

L.D. 996, An Act To Support Medical Practice Protocols in Patient Care (MMA monitored)

L.D. 1271, An Act To Establish Health Care Practitioner Immunity for Consulting Physicians in Critical Specialties or Subspecialties (MMA bill/MMA supported)

L.D. 1423, An Act To Allocate Punitive Damage Awards in Civil Cases To Include an Amount To Ensure Access to Justice for Maine Citizens (MMA monitored)

L.D. 1641, An Act To Provide for Transparency in Insurance Rate Proceedings (MMA opposed)

MENTAL HEALTH, MENTAL RETARDATION, & SUBSTANCE ABUSE ISSUES

Enacted

L.D. 365, Resolve, To Promote Community Integration for Individuals with Brain Injuries (Resolves 2007, Chapter 105; effective 9/20/07) (MMA monitored) The bill directs the Department of Health & Human Services to complete a comprehensive plan to address the needs of persons with disabilities because of brain injuries by January 1, 2008. It provides a process for the development of the plan and the participation of interested persons. It requires reports to the Legislature by January 15, 2008, January 15, 2009, and April 15, 2009 regarding its progress in implementing the elements of the plan. It authorizes the Joint Standing Committee on Health & Human Services to submit legislation regarding services to persons with brain injuries to the Second Regular Session of the 123rd Legislature.

L.D. 631, An Act To Strengthen OUI Laws As They Pertain to Drugs (P.L. 2007, Chapter 63; effective 9/20/07) (MMA monitored) The bill makes the results of urine-drug level and blood-drug level hospital tests admissible as evidence along with blood-alcohol level test results.

L.D. 681, An Act Concerning the Examination of Persons in Protective Custody (P.L. 2007, Chapter 178; effective 9/20/07) (MMA monitored) Current law requires that a law enforcement officer who seeks to have a person involuntarily committed to a mental health hospital on an emergency basis must have that person examined by a licensed physician, a licensed clinical psychologist, a physician's assistant, a nurse practitioner or a certified psychiatric clinical nurse specialist for the purpose of determining whether that person poses a likelihood of serious harm. A related section of law says that this examination may be performed only by a licensed physician or a licensed clinical psychologist if the examination is performed outside a hospital emergency room. This bill allows the examination to be performed by any of the health care professionals authorized to conduct such examinations, whether the examination is performed in a hospital emergency room or elsewhere.

L.D. 726, An Act To Provide Services for Adults with Diagnoses of Mental Retardation and Other Developmental Disabilities (P.L. 2007, Chapter 152; effective 9/20/07) (MMA monitored) The bill requires the departments represented by the Interdepartmental Committee on Transition to make recommendations on methods to coordinate information and data that would facilitate the

identification and tracking of the needs of persons with mental retardation, serious emotional disturbance, pervasive developmental disorder or other developmental disabilities to the Interdepartmental Committee on Transition. It requires the Interdepartmental Committee on Transition to include these recommendations in its annual report to the Legislature. It requires the Maine Developmental Disabilities Council to provide information from the analysis required by federal government related to the needs of people with disabilities in the state to the Legislature by January 31st of each year.

L.D. 792, Resolve, To Direct the Department of Health and Human Services To Review and Report on Efforts Concerning Postpartum Mental Health Education (Resolves 2007, Chapter 58; effective 9/20/07) **(MMA supported)** The bill requires the Department of Health & Human Services to convene, in coordination with the Maine Primary Care Association, a work group that will review existing efforts in Maine and projects in other states concerning education and screening for postpartum depression. The bill specifies projects that must be included in the review and requires the work group to report findings and recommendations including legislation by January 15, 2008. The bill authorizes the Joint Standing Committee on Health & Human Services to submit legislation to the Second Regular Session of the 123rd Legislature.

L.D. 1033, An Act Regarding Involuntary Treatment of Mental Health Patients (P.L. 2007, Chapter 446; effective 1/1/08) **(MMA monitored)** The bill adds to the court procedure for involuntary commitment the option of a request for involuntary treatment. It amends the law on rules adopted by the Department of Health & Human Services regarding standards for treatment of a client absent informed consent. It requires the Department to amend those rules to include a clinical review and decision within 4 days of a request by the primary treating physician by a clinical review panel, to specify that orders for involuntary treatment are for the term of commitment and pending any appeal where appropriate, and to require the offer of the assistance of a lay advisor and to amend the rules regarding the rights of recipients of mental health services. The rules, which are designated routine technical rules, must be adopted by January 1, 2008 for use beginning on that date

L.D. 1118, An Act To Provide Certain Requirements for Rules Related to Rate Setting for Mental Retardation Services (P.L. 2007, Chapter 237; effective 6/6/07) **(MMA supported)** The bill requires the Department of Health & Human Services to adopt major substantive rules for rate setting for providers of mental retardation community services.

L.D. 1745, An Act To Improve Continuity of Care within Maine's Community-based Mental Health Services (P.L. 2007, Chapter 286; effective 9/20/07) **(MMA monitored)** The bill clarifies references to the area quality improvement councils in the mental health laws. It also renames the local service networks as the community service networks and requires them to be established in each of the geographical areas that were previously covered by area quality improvement councils. The bill requires each community service network to participate in the delivery of mental health services in a system that ensures continuity of care to adults experiencing psychiatric crises. The bill also establishes institute councils at the Riverview Psychiatric Center and the Dorothea Dix Psychiatric Center to evaluate the delivery of mental health services and to advise the Department regarding quality assurance and operations and functions of the mental health institute. It requires the Department by January 15, 2008 to report to the Joint Standing Committee on Health & Human Services regarding the operation of the community service networks and the state health regions designated by the Maine CDC and the possibilities for coordination among the regions or for redesignation.

L.D. 1801, An Act To Clarify the Definition of Autism (P.L. 2007, Chapter 309; effective 9/20/07) **(MMA supported)** The bill defines autism with respect to adults by reference to the Diagnostic and Statistical Manual of Mental Disorders and by an adaptive behavior score that is at a level of functional impairment as determined by the Department of Health and Human Services.

L.D. 1909, An Act To Establish the Acquired Brain Injury Advisory Council (P.L. 2007, Chapter 239, effective 9/20/07) **(MMA monitored)** The bill establishes the Acquired Brain Injury Advisory Council to provide oversight and advice and to make recommendations to the Commissioner of Health & Human Services and the Director of the Office of Adults with Cognitive and Physical Disability Services, the Director of the Maine Center for Disease Control and Prevention and the Director of the Office of MaineCare Services within the Department of Health & Human Services.

L.D. 1951, An Act To Create the Mental Health Homicide, Suicide and Aggravated Assault Review Board (P.L. 2007, Chapter 609, effective 7/18/08) **(MMA monitored)** The bill establishes the Mental Health Homicide, Suicide and Aggravated Assault Review Board. It provides that the board has jurisdiction to review homicides, suicides, and aggravated assaults involving persons with severe and persistent mental illness. It requires the board to ensure that its data collection and work do not interfere with criminal investigations or prosecutions. It requires disseminated conclusions and recommendations of the board to be disclosed in a manner that does not identify parties, victims, or witnesses. It requires the biennial report of the board to be reviewed by the Joint Standing Committee on Health & Human Services at a public meeting at which members of the public have an opportunity to address the committee. It amends the general confidentiality law that applies to the Department of Health & Human Services with regard to mental health information, exempts meetings and records of the board from the laws governing freedom of access in order to guard confidentiality and allows release of information of the work of the board.

L.D. 1967, An Act to Establish a Consumer Council System of Maine (P.L. 2007, Chapter 592, effective 7/18/08) **(MMA monitored)** The bill establishes the Consumer Council System of Maine, consisting of the Statewide Consumer Council and local councils, to provide an effective, independent consumer voice in an advisory capacity in the development of public policy and resource allocation for delivery of adult mental health services in the State.

L.D. 1986, An Act to Expand the Pool of Qualified Mental Health Examiners for Purposes of Involuntary Treatment (P.L. 2007, Chapter 472, effective 1/10/08) **(MMA opposed)** The bill expands the list of prescribing practitioners who can participate in an examination in anticipation of involuntary treatment to include nurse practitioner or a physician assistant.

L.D. 2108, Resolve, To Adopt Respectful Language in Programs Affecting Developmental Services (Resolves 2007, Chapter 172, effective 6/30/08) **(MMA supported)** The bill directs the Department of Health & Human Services to change the name of its programs serving people with mental retardation or autism to refer to developmental services programs. The Department shall take steps to amend its rules, policies, guidelines, publications, and forms to reflect this more respectful language as soon as practicable. In order to further implement the adoption of respectful language described above affecting developmental services, the Department may submit legislation for introduction to the First Regular Session of the 124th Legislature.

L.D. 2138, An Act To Amend the Requirements for Approval of the Use of Physical Restraints (P.L. 2007, Chapter 573, effective 7/18/08) **(MMA monitored)** The bill makes several changes in the statutes concerning the rights and protections of persons with mental retardation or autism. It establishes distinctions among physical restraints, mechanical supports, and safety devices and describes each in a separate provision of the law. It removes the requirement in statute that a 3-person team approve the use of a safety device for a person with mental retardation or autism and delegates that authority to the Department of Health & Human Services, which may adopt routine technical rules concerning the use and approval of safety devices. The bill clarifies the standards for the short-term use of physical restraints to prevent injury to the person being served or to others and prohibits entirely the use of totally enclosed cribs and barred enclosures. It requires that daily records of the use of physical restraints, either to prevent injury or as part of a behavioral treatment, be kept and reviewed at least quarterly by the person's planning team in a summary form. A monthly summary must be provided to the DHHS, Office of Advocacy.

L.D. 2193, An Act Regarding Clinical Review of Certain Requests for Involuntary Mental Health Treatment (P.L. 2007, Chapter 580, effective 4/8/08) **(MMA monitored)** The bill provides a process for a clinical review panel to review and make a determination regarding involuntary mental health treatment for a person who is involuntarily committed to a state mental health institute or a designated private mental health institution. The bill applies the same standards for ordering involuntary treatment as are currently applied by the District Court when a request for involuntary treatment is made as part of an application for involuntary commitment. The bill provides for notice, a clinical review panel procedure and a decision by the clinical review panel. The clinical review panel includes at least one member who is licensed to prescribe medication relevant to the patient's treatment. The bill specifies patient rights, including the right of assistance by a lay advisor or attorney and the right to attend meetings of the clinical review panel, to review documents reviewed by the panel, to question persons providing information to the panel, to present witnesses and to appeal decisions made in a designated private mental health institution to the director of the Office of Adult Mental Health Services within the Department of Health & Human Services and to appeal all decisions to the Superior Court. The bill specifies that the maximum time period for an order of involuntary treatment is 120 days or the length of commitment, whichever is shorter, unless altered by review or order of the Superior Court on appeal or agreement of the patient's primary treating physician and the patient.

Defeated

L.D. 71, An Act To Amend the Laws Governing the Plea of Not Criminally Responsible by Reason of Mental Disease or Defect in Juvenile Cases **(MMA monitored)**

L.D. 182, An Act To Amend the Laws Governing Cases Involving the Plea or Finding of Not Criminally Responsible by Reason of Insanity **(MMA monitored)**

L.D. 378, An Act To Ensure That County Jails Maintain the Same Formulary for Mental Health Medications as the Maine State Prison **(MMA supported)**

L.D. 1449, An Act To Provide Outreach and Training on Dementia-related Protocols for Law Enforcement Officers **(MMA monitored)**

L.D. 1574, Resolve, To Address Drug Abuse and Addiction **(MMA monitored)**

L.D. 1577, An Act To Address the Pervasive Effect of Substance Abuse in Maine **(MMA monitored)**

L.D. 1612, An Act To Reduce the Incidence of Incarceration for People with Mental Illness **(MMA supported)**

L.D. 1676, An Act To Ensure the Effective Management of the Behavioral Health Care Services System in Maine **(MMA monitored)**

L.D. 2004, An Act To Establish the Department of Substance Abuse **(MMA monitored)**

L.D. 2032, An Act to Implement a Consent Judgment Regarding OxyContin Abuse **(MMA monitored)**

L.D. 2042, An Act To Facilitate the Diversion of Persons with Mental Illness and Substance Abuse away from Incarceration through the Co-occurring disorders Court **(MMA monitored)**

L.D. 2054, An Act To Encourage Access to Respite Care Services for Maine Families with Behavioral Health Needs **(MMA monitored)**

L.D. 2107, An Act To Establish a Forensic Case Review Panel To Advise the Department of Health and Human Services (MMA monitored)

PRESCRIPTION DRUG ISSUES

Enacted

L.D. 4, An Act To Amend the Prescription Privacy Law (P.L. 2007, Chapter 460; effective 9/20/07) (MMA opposed) The bill provides an opt-out mechanism by which prescribers of prescription drugs may protect from marketing uses prescription drug information that identifies the prescriber.

L.D. 411, An Act To Establish a Pilot Program for Return of Unused Prescription Drugs by Mail (P & S L. 2007, Chapter 27; effective 9/20/07) (MMA supported) The bill allocates \$150,000 on a one-time basis for a grant to the Department of Public Safety, Maine Drug Enforcement Agency to establish a pilot program permitting citizens to return unused prescription drugs by mail consistent with the recommendations of the Maine Drug Return Implementation Group established in Public Law 2003, chapter 679.

L.D. 807, An Act To Prevent Overcharging for Prescription Drug Copayments (P.L. 2007, Chapter 431; effective for agreements executed or renewed after 1/1/08) (MMA monitored) The bill requires a pharmacy benefits manager or insurer to require a contracted pharmacy to charge to an enrollee or insured person the pharmacy's usual and customary price of filling the prescription or the contracted copayment, whichever is less.

L.D. 839, An Act To Establish a Prescription Drug Academic Detailing Program (P.L. 2007, Chapter 327; effective 9/20/07) (MMA supported) The bill establishes within the Department of Health & Human Services the prescription drug academic detailing program to enhance the health of residents of the State, to improve the quality of decisions regarding drug prescribing, to encourage better communication between the Department and health care practitioners participating in publicly funded health programs, and to reduce the health complications and unnecessary costs associated with inappropriate drug prescribing. The bill requires the Department to investigate initially establishing the program collaboratively with the states of New Hampshire and Vermont. The bill requires the Department to review and evaluate use of the educational and assessment materials developed by the Commonwealth of Pennsylvania for the prescription drug academic detailing program that involved the cooperative work of that state and Harvard Medical School and to consider adopting the Pennsylvania program as a starting point for the program.

L.D. 883, An Act To Allow a Self-pay Patient To Choose between Generic and Brand-name Medications (P.L. 2007, Chapter 85; effective 9/20/07) (MMA monitored) The bill allows a self-pay patient to purchase prescribed brand-name drugs even if the prescriber has not indicated that the prescription is for brand-name only. It excludes from this provision drugs that are listed as Schedule II drugs on the federal drug schedule.

L.D. 1198, Resolve, Regarding the Provision of Over-the-counter Medications in the MaineCare Program (Resolves 2007, Chapter 75; effective 9/20/07) (MMA monitored) The bill directs that the DHHS, Office of MaineCare Services to undertake an educational initiative for health care practitioners who prescribe medications under the MaineCare program. The initiative must provide information on prescription medications and any available over-the-counter equivalents that are reimbursed under MaineCare and must remind practitioners that MaineCare will reimburse for over-the-counter medications only when they are medically necessary.

L.D. 1440, An Act To Prohibit the Sale or Distribution of Software That Contains Inappropriate Advertising of Prescription Drugs (P.L. 2007, Chapter 362; effective 9/20/07) (MMA supported)

The bill provides that beginning January 1, 2008, a person may not sell or distribute in the State computer software that influences or attempts to influence a prescribing decision of a prescriber to prescribe a certain drug or that directs a patient to a certain pharmacy. Features of computer software that are prohibited include, but are not limited to, pop-up and other advertisements, instant messages and economic incentives that are triggered by or in specific response to a selection, act or other input or designation of pharmacy by the prescriber or an agent of the prescriber. This prohibition does not apply to in-house equipment provided within a hospital for use by prescribers and the hospital pharmacy or to information provided to a prescriber about prescription drug formulary compliance, patient care management, or pharmacy reimbursement.

L.D. 2231, An Act To Reduce the Cost of Prescription Drugs Purchased by the State and Counties by Using Section 340B of the Federal Public Health Service Act (P & S L. 2007, Chapter 43, effective 4/16/08) (MMA monitored) The bill requires the Governor's Office of Health Policy & Finance to coordinate with the Department of Health & Human Services in identifying opportunities to provide prescription drugs through Section 340B. It directs the Department to prepare and issue a request for proposal for specialty drugs with the greatest potential for savings. It directs the Department of Corrections to convene a working group to identify opportunities for cost savings through Section 340B. It directs the Department of Corrections to enter into negotiations with its current medical services and pharmacy contractor to recover a greater percentage of rebates and discounts paid by prescription drug manufacturers and wholesalers.

Defeated

L.D. 97, An Act Regarding Prescription Drug Expiration Dates (MMA monitored)

L.D. 364, An Act To Stop Misleading Drug Advertisements (MMA opposed)

L.D. 386, An Act To Provide for Prescription Monitoring and Protection of Personal Patient Information (MMA opposed)

L.D. 770, An Act To Clarify Application of the Medical Marijuana Law (MMA opposed)

L.D. 1286, An Act To Impose Tighter Controls over Addictive Prescription Drugs (MMA opposed)

L.D. 1287, An Act To Assist Maine Pharmacies (MMA monitored)

L.D. 1405, An Act To Amend the Laws Governing the Lawful Possession of Certain Scheduled Drugs (MMA monitored)

L.D. 1418, An Act To Provide Patients with Their Medication (MMA opposed)

L.D. 1463, An Act To Prevent Elder Prescription Drug Abuse (MMA monitored)

PUBLIC HEALTH & SAFETY ISSUES

Enacted

L.D. 24, An Act To Make Failure To Wear a Seat Belt a Primary Offense (P.L. 2007, Chapter 60; effective 9/20/07) (MMA supported) The bill permits a police officer to detain and cite a vehicle operator or passenger 18 years of age or older solely for failing to wear a seat belt. It prohibits searches of vehicles and occupants solely because of a violation of the mandatory seat belt law. It also provides that a person detained solely for a violation of the mandatory seat belt law before April 1, 2008 may only be issued a warning.

L.D. 137, Resolve, Requiring the Maine Center for Disease Control and Prevention To Report on Activities To Implement the Recommendations of the Task Force To Study Cervical Cancer Prevention, Detection and Education (Resolves 2007, Chapter 73; effective 9/20/07) **(MMA supported)** The bill requires that the Department of Health & Human Services make the need for sufficient resources to provide the human papillomavirus vaccination to the population of low-income females in Maine that need the vaccine a priority in future budget requests. It requires the Department to report on expenditures and distribution of the human papillomavirus vaccine, public education efforts regarding cervical cancer, recommendations for improving cervical cancer prevention and detection in racial and ethnic minority populations, recommendations for reducing incidence of cervical cancer in Washington County and Somerset County and progress on implementing the recommendations of the Task Force To Study Cervical Cancer Prevention, Detection and Education. It requires the Department to engage in these 4 initiatives to improve cervical cancer screening and to report on the progress of those initiatives. It requires the Department to submit an initial report to the Joint Standing Committee on Health & Human Services no later than January 30, 2009 and a 2nd report no later than January 30, 2011. It authorizes the Committee to submit legislation to the 124th Legislature and 125th Legislature.

L.D. 144, An Act To Support Maine's Free Clinics (P.L. 2007, Chapter 416; effective 10/1/07) **(MMA supported)** The bill provides a sales tax exemption for an "incorporated nonprofit medical clinics whose sole mission is to provide free medical care to the indigent or uninsured."

L.D. 627, An Act To Ensure Uniform Emergency Medical Dispatch Services in Maine (P.L. 2007, Chapter 42; effective 4/10/07) **(MMA monitored)** The bill clarifies the emergency medical dispatch (EMD) role of public safety answering points (PSAP) and requires state licensure for all persons and entities engaged in EMD. The current statute requires certification only for PSAPs and dispatchers employed by the PSAPs. This bill provides flexibility for PSAPs to enter into cooperative agreements with non-PSAPs to provide emergency medical dispatch services, and ensures that non-PSAPs engaged in EMD do so in accordance with rules established by the Emergency Medical Services' Board.

L.D. 676, An Act To Implement the Recommendations of the Task Force To Study Maine's Homeland Security Needs (P.L. 2007, Chapter 462; effective 6/29/ 07) **(MMA monitored)** The bill makes the following changes to Maine law based upon the Task Force recommendations:

- It specifies that local health officers must be qualified by education, training or experience in the field of public health or a combination as determined by standards set through the adoption of major substantive rules by the DHHS, Maine Center for Disease Control and Prevention by June 1, 2008. A person employed as a local health officer before June 1, 2008 who is not qualified by education, training or experience must meet qualification standards no later than June 1, 2009.
- It directs the Maine Emergency Management Agency to continue to work with communities to develop plans for ensuring sheltering of pets, to ensure continuous medical care of persons transferred in emergencies, and to ensure identification of persons who need transportation in an emergency and to report to the Joint Standing Committee on Criminal Justice & Public Safety by January 1, 2008 with recommendations including legislative changes, if necessary.
- It directs the Director of the Maine Emergency Management Agency, in cooperation with the Maine Developmental Disabilities Council and the Public Utilities Commission, to develop and implement a plan, including funding, to provide a statewide disability indicator system to allow individuals with disabilities and special health needs to provide a means for identifying special assistance needed in an emergency. The director shall report regarding the implementation of the plan and shall identify any necessary implementing legislation to the Joint Standing Committee on Criminal Justice & Public Safety by January 1, 2008.

- It directs the Director of the Maine Emergency Management Agency, in cooperation with the Chief Information Officer and the Statewide Radio Network Board, to seek and coordinate information from fire chiefs across the State identifying those facilities in each chief's community that pose radio communications challenges and, after a standardized risk assessment, are identified as having high potential for high vulnerability in an emergency event. The director shall report findings and recommendations, including any necessary legislation, to the Joint Standing Committee on Criminal Justice & Public Safety by January 1, 2008.
- It directs the Director of the Maine Emergency Management Agency, in cooperation with the Department of Professional & Financial Regulation and the Department of Environmental Protection, to research the public safety factors involved in determining whether fuel tanks should be attached to buildings in order to withstand high winds and flooding and whether all fuel tanks should have emergency shut-off valves. The director shall report findings and recommendations, including any necessary legislation, to the Homeland Security Advisory Council by January 1, 2008.
- It provides funding for 6 stream gauges to be installed on rivers in York and Cumberland counties.

L.D. 740, An Act To Promote the Safety of Deaf or Hard-of-hearing Drivers (P.L. 2007, Chapter 123; effective 9/20/07) **(MMA monitored)** The bill requires the Secretary of State, at the request of a person who is deaf or hard-of-hearing, to issue a sticker to that person to place in a location designated by the Secretary of State on the back of the person's driver's license to indicate that the person is deaf or hard-of-hearing.

L.D. 775, An Act To Create a Special License Plate To Support Breast Cancer Support Services (P.L. 2007, Chapter 547 effective 6/30/08) **(MMA monitored)** The bill establishes a breast cancer support services special registration plate for motor vehicles that do not exceed 10,000 pounds. Nine dollars of each initial registration and renewal fee of breast cancer support services special registration plates must be deposited in a fund administered by the DHHS, Maine Center for Disease Control & Prevention to support breast cancer services efforts.

L.D. 995, An Act To Reduce the Expense of Health Care Treatment and Protect the Health of Maine Citizens by Providing Early Screening, Detection and Prevention of Cancer (P.L. 2007, Chapter 341; effective 9/20/07) **(MMA supported)** The bill adds "implementation of a comprehensive cancer screening, detection and prevention program" to the DHHS, Maine CDC's cancer prevention and control program. It also creates the Comprehensive Cancer Screening, Detection & Prevention Fund to receive public and private funds to assist in this effort. The bill also gives the Maine CDC rulemaking authority to carry out the purposes of the bill.

L.D. 1044, An Act To Address Eating Disorders in Maine (P & S L. 2007, Chapter 20; effective 9/20/07) **(MMA monitored)** The bill directs the DHHS, Maine Center for Disease Control & Prevention to begin an eating disorders initiative to provide education and assistance to residents of the State suffering from eating disorders. The initiative must be designed to reduce the prevalence and long-term emotional and medical consequences of eating disorders and increase the cost-effectiveness of appropriate treatment, public awareness and coordination of treatment resources. The initiative must be undertaken using existing resources within the department of \$38,500 per year. The department shall report to the Joint Standing Committee on Health and Human Services by May 1, 2008 on the implementation of the eating disorders initiative.

L.D. 1521, Resolve, To Provide Education Concerning and Insurance Coverage for Lyme Disease (Resolves 2007, Chapter 143; effective 9/20/07) **(MMA opposed)** The bill directs that within existing resources, the DHHS, Maine Center for Disease Control & Prevention shall develop a public education program related to the prevention, diagnosis, and treatment of Lyme disease and other tick-borne illnesses. At a minimum, the public education program must include the distribution of written materials to elementary and secondary schools and health care

providers throughout the State. The Maine CDC shall also expand and update the information and resources made available on its publicly accessible website regarding Lyme disease and other tick-borne illnesses.

L.D. 1786, An Act To Reduce the Spread of Infectious Disease through Shared Hypodermic Apparatuses (P.L. 2007, Chapter 346; effective 9/20/07) **(MMA monitored)** The bill prohibits the DHHS, Maine Center for Disease Control & Prevention from limiting the number of hypodermic apparatuses that a certified hypodermic apparatus program may provide to enrolled participants or the number that enrolled participants may legally possess, transport, or exchange. The bill requires the Maine CDC to adopt rules for measures to discourage the utilization of used hypodermic apparatuses and makes rules adopted or amended routine technical rules. It authorizes persons to lawfully possess, furnish, or transport hypodermic apparatuses or residual amounts of scheduled drugs that may be present in the hypodermic apparatuses or a residual amount of any scheduled drug that is contained in one or more hypodermic apparatuses to the extent authorized by law.

L.D. 1798, An Act To Fund Pesticide Education in the State (P.L. 2007, Chapter 302; effective 9/20/07) **(MMA supported)** The bill establishes the Maine Pesticide Education Fund. Money in the fund is to be distributed to the Integrated Pest Management Fund, the Board of Pesticides Control, and the University of Maine Cooperative Extension for pest management education programs.

L.D. 1808, An Act To Improve Road Safety and Update Bicycling Laws (P.L. 2007, Chapter 400; effective 9/20/07) **(MMA supported)** The bill amends the bicycling laws in a variety of technical ways designed to improve bicycling safety.

L.D. 1812, Resolve, Regarding the Role of Local Regions in Maine's Emerging Public Health Infrastructure (Resolves 2007, Chapter 114; effective 6/21/07) **(MMA monitored)** The bill provides that the Governor will expand the membership of the Public Health Work Group established under the State Health Plan to include a statewide family planning organization, aging agencies, emergency medical services, county commissioners, municipal elected officials, municipal health departments, local health officers, small and large hospitals, community health centers, public health organizations and associations, health care providers, behavioral health provider organizations, substance abuse prevention organizations, substance abuse treatment providers, emergency management officials, community social services agencies, statewide voluntary health agencies, comprehensive community health coalitions, education and training institutions, environmental health organizations, school administrative units, tribal representatives, the DHHS Maine Center for Disease Control & Prevention and Office of Substance Abuse, the Department of Education, and the Governor's Office of Health Policy & Finance. There must be representatives from all 8 public health regions. The Public Health Work Group may not have more than 40 members. The Public Health Work Group shall notify members of the Joint Standing Committee on Health & Human Services and the Joint Standing Committee on State & Local Government of the dates and locations of its meetings. The Public Health Work Group shall report to the Joint Standing Committee on Health & Human Services and the Joint Standing Committee on State & Local Government by December 1, 2007 on:

- A description of current plans for the development of a statewide public health services infrastructure, including the regional coordinating councils;
- Recommendations for a statewide public health infrastructure to be developed within existing resources over the next 5 years with the goals of ensuring access to public health services and of improving effectiveness and efficiencies of public health services delivery;
- Recommendations for any necessary changes to public health duties, financing and governance and the roles of public, private, grassroots and nonprofit

organizations as well as the scope of functions they perform in the public health system; and

- Draft legislation, as necessary, to carry out the Public Health Work Group's recommendations.

L.D. 1824, An Act To Regulate Outdoor Wood Boilers (P.L. 2007, Chapter 442; effective 6/27/07) **(MMA supported)** The bill sets emission standards for the sale of outdoor wood boilers and prohibits the operation of outdoor wood boilers in a manner that creates a nuisance condition as defined in rules of the Department of Environmental Protection. It directs the DEP to adopt emergency major substantive rules for the regulation of outdoor wood boilers including provisions relating to siting, operation, and labeling requirements, stack heights, dealer and manufacturer reporting, public notification of emission standards and operation and siting requirements, code enforcement officer training, nuisance conditions and existing inventory issues. It directs the DEP to report to the Joint Standing Committee on Natural Resources on achievable emission standards for outdoor wood boilers and on the status of the resolution of complaints regarding outdoor wood boilers.

L.D. 1841, An Act To Improve the Efficiency of the Maine Emergency Medical Services System (P.L. 2007, Chapter 274; effective 9/20/07) **(MMA supported)** The bill removes mandatory language regarding the role of the regional emergency medical services councils to allow for evolution of that role in accordance with recommendations resulting from a review of the Maine Emergency Medical Services system and, based on the needs of the State, provides that the state emergency medical services medical director is subject to the Maine Tort Claims Act, authorizes the Emergency Medical Services' Board to use certain technologies to conduct public meetings, improves the efficiency of the practical testing process, amends the basis for certain licensing actions, clarifies treatment of confidential information disclosed to the board for investigative and licensing purposes and authorizes Maine Emergency Medical Services to participate in and provide information to the National Emergency Medical Services Information System.

L.D. 1851, An Act To Establish the Regional Greenhouse Gas Initiative Act of 2007 (P.L. 2007, Chapter 351; effective 9/20/07) **(MMA supported)** The bill establishes a statewide carbon dioxide cap-and-trade program for fossil fuel fired electrical generating units within the State that have a nameplate capacity equal to or greater than 25 megawatts and requires the Department of Environmental Protection to develop carbon dioxide cap-and-trade rules that ensure credible greenhouse gas emissions reductions. The bill also authorizes the DEP to adopt major substantive rules regarding combined heat and power incentives and the Public Utilities Commission to adopt major substantive rules regarding the establishment and administration of the Maine Energy Conservation Board. The bill also authorizes the sale of carbon dioxide emissions allowances for the benefit of consumers and the creation of the Energy and Carbon Savings Trust. It directs the Office of the Public Advocate to study the feasibility of integrating the programmatic and organizational responsibilities and functions with respect to energy efficiency and conservation within the Public Utilities Commission and the Energy and Carbon Savings Trust and consider the responsibilities of the Maine Energy Conservation Board in relation to the commission and the trust. The Office of the Public Advocate is required to submit a report by January 15, 2008 to the Joint Standing Committee on Utilities & Energy, and the Committee may submit legislation on this issue to the Second Regular Session of the 123rd Legislature.

L.D. 1855, An Act To Clarify Involuntary Admissions for Psychiatric Hospitalizations (P.L. 2007, Chapter 319; effective 9/20/07) **(MMA monitored)** The bill makes a variety of amendments to the laws governing hospitalization of psychiatric patients.

L.D. 1945, An Act To Update the Regional Greenhouse Gas Initiative (P.L. 2007, Chapter 608, effective 7/18/08) **(MMA supported)** The bill makes various changes to the laws governing the regional greenhouse gas initiative.

L.D. 1991, Resolve, To Create a Working Group To Develop Options for Long-term Funding for the Northern New England Poison Center (Resolves 2007, Chapter 206, effective 7/18/08) **(MMA supported)** The bill directs the Department of Health & Human Services to convene a working group to develop options for ongoing funding for the Northern New England Poison Center. The working group must include representatives of the center, medical and emergency services providers and other organizations and interested parties. The Department shall submit a brief report including options and recommendations for funding the center to the Joint Standing Committee on Health & Human Services not later than January 15, 2009. The Committee may submit a bill to the First Regular Session of the 124th Legislature in response to the report.

L.D. 2009, Resolve, Regarding Legislative Review of Portions of Chapter 150: Control of Emissions from Outdoor Wood Boilers, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Air Quality Control (Resolves 2007, Chapter 190, effective 4/9/08) **(MMA monitored)** The bill approves final adoption of this major substantive rule.

L.D. 2126, An Act to Minimize Carbon Dioxide Emissions from New Coal-powered Industrial and Electrical Generating Facilities in the State (P.L. 2007, Chapter 584, effective 7/18/08) **(MMA supported)** The bill seeks to meet Maine's climate goals and to promote development of new clean energy and carbon reduction technologies by requiring that new industrial and electrical generating facilities that use coal as a feedstock attain the lowest achievable emissions rate for emissions of greenhouse gases into the atmosphere. It requires the Board of Environmental Protection to establish greenhouse gas emission standards for coal gasification facilities that generate electricity or liquid fuels. Rules to establish the standards are major substantive rules and must be submitted to the Legislature for review by January 5, 2011. Until the effective date of the major substantive rules authorized by the Legislature or until August 1, 2011, whichever is earlier, a moratorium is placed on the authorization of coal gasification facilities. The bill provides for the discounting of carbon dioxide emissions that are captured and permanently isolated from the atmosphere in compliance with all applicable laws and rules in the calculation of greenhouse gas emissions.

L.D. 2157, An Act to Implement the Recommendations of the Joint Standing Committee on Insurance and Financial Services Regarding Reporting on Lyme Disease and Other Tick-borne Illnesses (P.L. 2007, Chapter 561, effective 7/18/08) **(MMA monitored)** The bill is a recommendation of the majority of the Joint Standing Committee on Insurance & Financial Services, and is the result of the Committee's study and review of issues regarding Lyme disease and other tick-borne illnesses, which took place between the First Regular Session and Second Regular Session of the 123rd Legislature. The bill requires the DHHS, Maine Center for Disease Control & Prevention to report annually beginning February 1, 2009 to the Legislature on the incidence of Lyme disease and other tick-borne illnesses in the State, the recommended treatment guidelines for Lyme disease, medical studies on the treatment of Lyme disease and other tick-borne illnesses and the activities of the Maine CDC focused on education, prevention, and treatment of Lyme disease and other tick-borne illnesses. The bill also requires that health insurers and the Superintendent of Insurance report annually on health insurance claims for the treatment Lyme disease and other tick-borne illnesses, including information on the number of approved claims, claim denials and the outcome of both internal and external appeals processes.

L.D. 2164, Resolve, Regarding Legislative Review of Portions of Chapter 157: CO2 Budget Trading Program Waiver and suspension, A Major Substantive Rule of the Department of Environmental Protection (Resolves 2007, Chapter 175, effective 3/31/08) **(MMA monitored)** The bill approves final adoption of this major substantive rule.

L. D. 2166, Resolve, Regarding Legislative Review of Portions of Chapter 294: Rules Governing the Qualifications for Local Health Officers, a Major Substantive Rule of the Department of Health and Human Services, MeCDC (Resolves 2007, Chapter 165, effective 3/25/08) **(MMA supported)** The bill approves final adoption of this major substantive rule.

L.D. 2285, An Act To Implement the Recommendations of a Task Force Convened To Evaluate and Recommend Revisions Regarding the Statutory Definition of "Service Dog" (P.L. 2007, Chapter 664, effective 7/18/08) **(MMA monitored)** The bill implements the recommendations of the task force convened by the Commissioner of Labor to evaluate and recommend, among other things, revisions to the definition of "service dog" pursuant to Resolve 2007, chapter 96. The bill defines "service animal" as animals determined necessary for individuals with both physical and mental disabilities. The bill replaces the current statutory terms "guide dog," "trained dog," and "personal care dog" with the new term "service animal." The bill also amends the Maine Human Rights Act by adding language protecting the use of service animals in housing and in public. It also increases the maximum fine for misrepresentation of a service animal from \$100 to \$500.

L.D. 2294, An Act To Modernize the Local Health Officer Statutes (P.L. 2007, Chapter 598, effective 7/18/08) **(MMA supported)** The bill modernizes the local health officer role by focusing the authorities and duties of the local health officer on preventing and suppressing communicable diseases, as well as acting as a conduit of public health-related information between residents and statewide resources. Certain functions of local health officers are transferred to the Commissioner of Health & Human Services.

Defeated

L.D. 133, An Act To Require Seat Belts on All School Buses **(MMA opposed)**

L.D. 185, An Act To Prohibit Certain Uses of Monosodium Glutamate **(MMA monitored)**

L.D. 414, An Act To Decrease Cervical Cancer in Maine Girls **(MMA monitored)**

L.D. 578, An Act To Help Maine People Be Informed Medical Consumers **(MMA monitored)**

L.D. 637, An Act To Limit Mercury Exposure **(MMA monitored)**

L.D. 808, Resolve, To Establish the Study Group To Examine Strategies for Integrating Nutritional Wellness and Prevention Measures into Maine's Health Care System **(MMA opposed)**

L.D. 1090, An Act To Authorize the State's Participation in the Regional Greenhouse Gas Initiative **(MMA supported)**

L.D. 1179, An Act To Provide Regional Coordination and Planning for Public Health Programs and Activities **(MMA monitored)**

L.D. 1184, Resolve, To Establish a Commission To Study the Possibility of Implementing the Proposed Healthy Americans Act **(MMA monitored)**

L.D. 1451, An Act To Promote the Health and Safety of Maine Consumers **(MMA monitored)**

L.D. 1523, An Act Requiring Heavy Metal-free Immunizing Agents **(MMA opposed)**

L.D. 1956, Resolve, To Expand the Case Definition of Lyme Disease for Purposes of Compiling the Annual Lyme Disease Surveillance Report **(MMA opposed)**

L.D. 1975, Resolve, To Require the Department of Health and Human Services to Promote Awareness of Parkinson's Disease **(MMA monitored)**

L.D. 2210, An Act to Promote the Use of Safer Chemicals in Consumer Products **(MMA monitored)**

REGULATION OF HEALTH CARE FACILITIES

Enacted

L.D. 339, Resolve, To Ensure Proper Levels of Care for the Elderly and the Disabled (Resolves 2007, Chapter 61; effective 6/6/07) **(MMA monitored)** The bill directs that, within available resources, the Department of Health & Human Services shall establish an ongoing process to assess the medically necessary physical, cognitive, and behavioral needs of adult MaineCare members living in out-of-state facilities or living in state nursing or hospital facilities, including psychiatric hospitals and units, who could benefit from a less restrictive level of care but who have been unable to locate appropriate services because they have complex medical needs such as ventilator care or complex behavioral health needs. It directs that the Department shall plan for appropriate and medically necessary physical, cognitive, and behavioral services within available resources, including residential and supportive services, so that individuals who are inappropriately placed, if they choose, may live in the least restrictive setting that meets their medical, physical, cognitive and behavioral needs. By November 1, 2007, the Department shall report to the Joint Standing Committee on Health & Human Services on the progress made to implement this resolve. This report must recount the activities to date and identify any needs to be addressed. The Committee is authorized to submit legislation that it determines necessary to further the intent of this resolve to the Second Regular Session of the 123rd Legislature.

L.D. 436, An Act To Postpone the Expiration of the Required Nonhospital Expenditures Component in the Capital Investment Fund (P.L. 2007, Chapter 94; effective 9/20/07) **(MMA bill/MMA supported)** The bill postpones by one year the repeal date established in the Dirigo Health laws for setting aside 12.5% of the capital investment fund, the annual limit established for expenditures approved through the certificate of need program, for nonhospital projects.

L.D. 711, An Act Regarding Notice That Must Be Provided by a Psychiatric Facility Concerning Certain Patients ((P.L. 2007, Chapter 89; effective 9/20/07) **(MMA monitored)** The bill amends the law regarding involuntary hospitalization to require private mental health institutions to provide notice to the Department of Health & Human Services whenever any involuntarily admitted patient has died, attempted suicide, or sustained a serious injury. It also requires the Department to forward these notices to the federally designated protection and advocacy agency for persons with disabilities.

L.D. 727, An Act To Expand the Definition of Health Care Facility Under the Maine Health and Higher Educational Facilities Authority Act (P.L. 2007, Chapter 72; effective 5/4/07) **(MMA supported)** The bill adds a statewide health information network to the definition of "health care facility" for eligibility for funding through the Maine Health & Higher Educational Facilities Authority and adds to that definition hospice facilities that are or will be licensed by the Department of Health & Human Services.

L.D. 919, An Act To Clarify the Sales Tax and Service Provider Tax Exemptions for Nonprofit Ambulance Services (P.L. 2007, Chapter 419; effective 9/20/07) **(MMA monitored)** The bill expands an existing sales and use tax exemption for incorporated nonprofit fire departments and ambulance services to include air ambulance services that are limited liability companies, all of whose members are nonprofit organizations. The bill also adds a similar exemption to the service provider tax law.

L.D. 1130, Resolve, To Increase Fairness in Medical Payments (Resolves 2007, Chapter 48; effective 9/20/07) **(MMA monitored)** The bill directs the Department of Health & Human Services with the Edmund S. Muskie School of Public Service to review the possibility of basing hospital reimbursement under the MaineCare program on a methodology derived from the diagnosis-related group, or DRG, method that is used in the federal Medicare program. By January 15,

2008, the Department shall report to the Joint Standing Committee on Health & Human Services with the results of the review and any recommendations for legislation. The Committee is authorized to submit legislation to the Second Regular Session of the 123rd Legislature regarding MaineCare reimbursement to hospitals.

L.D. 1535, Resolve, To Establish the Work Group To Review and Recommend Improvements for the Certificate of Need Program (Resolve 2007, Chapter 110; effective 9/20/07) (MMA monitored) The bill directs the Department of Health & Human Services to convene a work group to review and make recommendations on the following issues with regard to the certificate of need program:

- Recent changes made by law or rule to the certificate of need program and the need for any modifications to the law or rule;
- The current dollar amount threshold used in determining whether a project requires review and, if inadequate, a potential process for identifying projects that fall below the threshold;
- The current statutory authority of and methods used by the Department of Health & Human Services to determine whether review is needed. This should include the definition of "reviewable project" and clarification of the term "new service";
- The current statutory authority of and methods used by the Department of Health & Human Services to define community need for new services or facilities;
- The relationship between the State Health Plan, the certificate of need process, and the capital investment fund;
- The roles of the Maine Quality Forum; the Department of Health & Human Services, Maine Center for Disease Control & Prevention; and the Department of Professional & Financial Regulation, Bureau of Insurance in the certificate of need review process;
- The criteria used by the Department of Health & Human Services for evaluating a certificate of need application along with procedures for public hearings and the use of review panels;
- Historical review of revenues and expenditures in the certificate of need unit to identify and determine the amount of resources that are adequate to have a highly functioning unit;
- Historical review of the certificate of need application process including number of submissions, approvals, disapprovals and withdrawn applications and associated timelines to determine any improvements needed;
- Review of the description of "related projects;"
- Review of the acquisition of major medical equipment and review requirements for major medical equipment as they pertain to equipment that was previously leased by an entity subject to a certificate of need; and
- Additional topics determined by unanimous agreement of the work group members.

The work group must report on the results of the review of the certificate of need program and its recommendations to the Joint Standing Committee on Health & Human Services by January 15, 2008. The Committee is authorized to submit legislation regarding the certificate of need program to the Second Regular Session of the 123rd Legislature.

L.D. 1538, Resolve, To Further the Collection of Hospital Quality Data Regarding Nurse Staffing (Resolves 2007, Chapter 88; effective 9/20/07) (MMA monitored) The bill directs the Maine Health Data Organization, in consultation with the Maine Quality Forum, to amend MHDO Rule

Chapter 270: *Uniform Reporting System for Quality Data Sets*, to include the submission of measures of nursing satisfaction using only metrics that can be compared to national benchmark data. It also directs the Department of Health & Human Services to enter into rulemaking to require hospitals to provide nurses annual notice of the Whistleblowers' Protection Act.

L.D. 1763, An Act To Amend the Maine Certificate of Need Act of 2002 (P.L. 2007, Chapter 440; effective 6/27/07) **(MMA monitored)** The bill amends the certificate of need law with regard to acquisitions of major medical equipment, the funding of new nursing facility beds, nursing facility bed banking, subsequent review of certificate of need projects, determinations of nonapplicability of certificate of need, the description of what constitutes the record in a certificate of need proceeding, and the maintenance of the record and the authorization of the Department of Health & Human Services to withhold funds with regard to a project for which a certificate of need was approved.

L.D. 1781, An Act To Prevent Duplication in Certification of Hospitals (P.L. 2007, Chapter 314; effective 7/1/08) **(MMA monitored)** The bill exempts a hospital from Department of Health & Human Services inspection requirements if the hospital is certified to participate in the federal Medicare program and accredited by a recognized health care accrediting agency. If the hospital is certified for participation in the Medicare program but not accredited, then the facility must be inspected by the Department once every 3 years. The bill does not exempt hospitals from Department of Health & Human Services inspection in response to complaints or suspected violations or by other agencies or municipalities for purposes unrelated to health care facility licensing.

L.D. 1849, An Act To Protect Consumers from Rising Health Care Costs (P.L. 2007, Chapter 441; effective 6/27/07) **(MMA opposed)** The bill expands the membership and duties of the Advisory Council on Health Systems Development and authorizes the Council to seek grants and other funding to support its work. The Council has authority to identify cost drivers in our health care system and to develop cost containment initiatives.

L.D. 2044, An Act To Prohibit Health Care Facilities from Charging for Treatment To Correct Mistakes or Preventable Adverse Events (P.L. 2007, Chapter 605, effective 7/18/08) **(MMA opposed)** The bill prohibits a health care facility from knowingly charging a patient or insurer for treatment to correct mistakes or preventable adverse events. It clarifies that, in the case of a patient's death or disability, the mistake or preventable adverse event must be the cause of the patient's death or disability; the bill only requires the death or disability to be associated with the mistake or adverse event. It requires health care facilities to inform patients of the prohibition on payment for health care facility mistakes or preventable adverse events.

L.D. 2290, An Act To Protect Access to Health Care (P.L. 2008, Chapter 545, effective 6/30/08) **(MMA supported)** The bill gives the community service networks the responsibility of providing consolidated mental health crisis services for children and adults, beginning March 1, 2009, through a memorandum of understanding among providers of mental health services in the network that includes provisions to ensure coordination, eliminate duplication, and provide a minimum level of crisis services established by the Department. It also updates the base year for the hospital tax and excludes municipally funded hospitals from the tax after July 1, 2008.

L.D. 2301, An Act To Amend the Maine Certificate of Need Act of 2002 (P.L. 2007, Chapter 681, effective 4/23/08) **(MMA monitored)** The bill amends the Maine Certificate of Need Act of 2002 in the following ways:

- It standardizes January 1st as the date when the Commissioner of Health & Human Services must update the threshold amount for review to reflect the change in the Consumer Price Index medical index; and

- It clarifies when the Department of Health & Human Services may approve nursing facility certificate of need applications for capital expenditures for necessary renovations and improvements.

Defeated

L.D. 303, An Act To Strengthen the Whistleblowers' Protection Act (MMA monitored)

L. D. 469, An Act To Disseminate "Lessons Learned" from Medical Injury Claims (MMA opposed)

L.D. 500, An Act To Amend the Definition of Health Care Facility To Include Hospice Facilities (MMA supported)

L.D. 651, An Act To Support Small, Local and Efficient Hospitals (MMA monitored)

L.D. 703, An Act To Repeal the Tax on Private Nonmedical Institutions (MMA monitored)

L.D. 1170, An Act To Exempt Nationally Accredited Child Welfare and Behavioral Health Care Organizations from State Licensing Requirements (MMA monitored)

L.D. 1321, Resolve, To Require the Office of Program Evaluation and Government Accountability To Provide Audit and Oversight Services Regarding Medical and Dental Services Provided in the County Jails and State Prisons (MMA monitored)

L.D. 2035, An Act to Clarify the Laws Governing the Inspection of Medical Facilities (MMA monitored)

L.D. 2148, An Act To Improve the Health of Maine Communities and Reduce Emergency Care Burdens (MMA monitored)

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

Enacted

L.D. 177, An Act To Clarify the Requirements for Temporary Licensure of Psychologists (P.L. 2007, Chapter 10; effective 9/20/07) (MMA monitored) The bill specifies that applicants for temporary licensure by the State Board of Examiners of Psychologists must possess at least 1,500 hours of postdoctoral experience.

L.D. 306, An Act To Provide Medically Necessary Speech Therapy Services (P.L. 2007, Chapter 71; effective 9/20/07) (MMA monitored) The bill allows the provision of speech therapy benefits under MaineCare Basic for members who without a maintenance level of speech therapy services would experience a significant decline in their ability to communicate orally, safely swallow, or masticate.

L.D. 583, An Act To Permit Medical and Social Service Professionals To Report Animal Cruelty (P.L. 2007, Chapter 140; effective 9/20/07) (MMA monitored) The bill gives those professionals who are already mandated reporters of adult or child abuse, neglect or exploitation and social service agencies under contract with the Department of Health & Human Services the option of also disclosing such limited confidential information related to a reasonable suspicion of animal cruelty, abuse, or neglect as would be needed by a local animal control officer or the animal welfare program of the Department of Agriculture, Food & Rural Resources to begin an investigation. It also extends the existing good faith immunity provision to the reporters of animal

cruelty, abuse, or neglect that are social service agencies under contract with the Department of Health & Human Services. In addition, it permits employees of the Department to disclose the same information to local animal control officers or to the animal welfare program of the Department of Agriculture, Food & Rural Resources.

L.D. 615, An Act To Authorize the Use of the Department of Health and Human Services Staff as Hearing Officers (P.L. 2007, Chapter 80; effective 9/20/07) **(MMA monitored)** The bill eliminates the prohibition that existed in the former Department of Behavioral & Developmental Services against allowing Department employees to serve as hearing examiners in grievances filed by clients receiving adult mental health services, adult mental retardation services, or children's behavioral health services. Following the merger of that department with the Department of Health & Human Services, the Office of Administrative Hearings operates separately from the program employees and can fairly and impartially hear these matters.

L.D. 754, An Act To Allow Physician Assistants To Sign Death Certificates (P.L. 2007, Chapter 56; effective 9/20/07) **(MMA monitored)** The bill allows a physician assistant to sign death certificates.

L.D. 981, An Act Concerning the Supervision of Nursing Support Staff (P.L. 2007, Chapter 197; effective 9/20/07) **(MMA monitored)** The bill allows a certified nurse practitioner to delegate certain activities relating to advanced practice registered nursing to employees or support staff when those activities are carried out by custom and usage and are under the control of the certified nurse practitioner, who is legally liable for their activities.

L.D. 1129, Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review of Oral Health Care Issues (Resolves 2007, Chapter 85; effective 9/20/07) **(MMA monitored)** The bill directs the Commissioner of Professional & Financial Regulation to conduct an independent assessment of the following oral health care issues: the proposal for expansion of the scope of practice of dental hygienists to create a mid-level dental hygienist license category, as well as the proposal to permit dental hygienists to practice independently without the supervision of a licensed dentist in order to increase access to preventive dental care across the State; the proposal to expand licensing requirements to permit graduates of a foreign university considered satisfactory to the Board of Dental Examiners to practice dentistry in this State, including a review of other states' models for evaluation of foreign-trained dentists; and the proposal that the regulatory structure for denturists and dental hygienists include placing denturists and dental hygienists under the jurisdiction of a new board within the Department of Professional and Financial Regulation. The Commissioner shall submit a report following the independent assessment to the Joint Standing Committee on Business, Research & Economic Development no later than February 15, 2008. The Committee is authorized to introduce legislation on the subject matter of the report to the Second Regular Session of the 123rd Legislature.

L.D. 1280, Resolve, Regarding the Training Curriculum and Skills of Certified Nursing Assistants (Resolves 2007, Chapter 50; effective 9/20/07) **(MMA monitored)** The bill directs the State Board of Nursing to review the training curriculum and skills for certified nursing assistants. In doing so, the Board shall invite the participation of stakeholders and interested parties. The review must include the care of feeding tubes and cough-assist and suctioning devices. The Board must report to the Joint Standing Committee on Health & Human Services by January 15, 2008 on the results of the review and any recommended training curriculum and skills changes.

L.D. 1470, An Act To Clarify the Laws Regarding Physicians (P.L. 2007, Chapter 380; effective 9/20/07) **(MMA monitored)** The bill requires professional competence committees and physicians to report unprofessional conduct to the relevant regulatory board. It also amends the law concerning the Board of Licensure in Medicine by including disruptive behavior in the description of unprofessional conduct as grounds for discipline and by rule creates a license category limited to administrative medicine. It provides that the standard of professional behavior

for licensees licensed by the Board of Medicine includes not engaging in disruptive behavior, which is defined as aberrant behavior that interferes with or is likely to interfere with the delivery of care.

L.D. 1575, An Act To Authorize the Maine Board of Pharmacy To Establish a Pharmacist Health Program (P.L. 2007, Chapter 288; effective 6/12/07) **(MMA bill/MMA supported)** The bill authorizes the Maine Board of Pharmacy to establish a program promoting the health and recovery of pharmacists and pharmacy technicians who are diagnosed with substance use disorders and other mental illnesses.

L.D. 1598, An Act To Grant Supervisory Privileges to Supervising Nurse Practitioners (P.L. 2007, Chapter 316; effective 9/20/07) **(MMA opposed)** The bill authorizes qualified independent registered nurse practitioners to provide the supervision necessary for a certified nurse practitioner to qualify to practice as an advanced practice registered nurse.

L.D. 1623, An Act To Create the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting (P.L. 2007, Chapter 369; effective 12/1/07) **(MMA monitored)** The bill establishes the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting. It repeals the provisions of law regulating speech-language pathology, audiology, and hearing aid dealing and fitting and combines those provisions into one authorizing statute. The bill eliminates the need for a Licensed Audiologist to hold a separate license as a Hearing Aid Dealer and Fitter, as well as eliminates the requirement of a business license. This bill reflects the current practice standards in the delivery of audiology and hearing aid services, while providing an appropriate level of public protection.

L.D. 1714, Resolve, To Expand the Maine Registry of Certified Nursing Assistants (Resolves 2007, Chapter 87; effective 9/20/07) **(MMA monitored)** The bill directs the Department of Health & Human Services to review all state and federal criteria applicable to the Maine Registry of Certified Nursing Assistants and to develop a plan to improve and expand the registry to include unlicensed assistive personnel. It also directs the Department to submit a report of its findings together with its recommendations to the Joint Standing Committee on Health & Human Services no later than December 1, 2007.

L.D. 1800, An Act To Amend Licensing and Certification Requirements (P.L. 2007, Chapter 324; effective 6/19/07) **(MMA monitored)** The bill makes a variety of changes to the licensing and certification provisions of the Department of Health & Human Services, including establishing a process for registration of personal care agencies and placement agencies.

L.D. 1827, Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Practice of Licensed Midwifery (Resolves 2007, Chapter 115; effective 9/20/07) **(MMA opposed)** The bill directs the Commissioner of Professional & Financial Regulation to conduct an independent assessment of the proposal to license certified professional midwives as provided by law. No later than February 15, 2008, the Commissioner of Professional & Financial Regulation must submit a report following the review to the Joint Standing Committee on Business, Research & Economic Development. The Committee is authorized to submit legislation on the subject matter of the report to the Second Regular Session of the 123rd Legislature.

L.D. 1830, Resolve, Regarding Legislative Review of Portions of Chapter 872: Exemptions from the Ban on Sale of Mercury-added Switches, Relays and Measuring Devices, a Major Substantive Rule of the Department of Environmental Protection (Resolves 2007, Chapter 64; effective 6/6/07) **(MMA monitored)** The bill approves final adoption of this major substantive rule.

L.D. 1842, An Act To Update Professional and Occupational Licensing Laws (P.L. 2007, Chapter 402; effective 9/20/07) **(MMA monitored)** The bill updates and streamlines the State's professional and occupational licensing laws within the jurisdiction of the Department of Professional & Financial Regulation, Office of Licensing & Registration by:

- Redesignating certain registration programs as licensing programs;
- Enhancing the accountability of licensees by requiring that they promptly make corrections to the information in their application and licensing files;
- Removing unnecessary disclosure and notification requirements;
- Clarifying the authority of licensing programs to protect the public through license denial or revocation;
- Clarifying terms of service for board members;
- Streamlining provisions related to board meetings and board governance;
- Removing the requirements for unnecessary reporting by boards and commissions;
- Clarifying the gubernatorial appointment process;
- Clarifying penalties for noncompliance with the licensing laws;
- Making licensees responsible for meeting statutory application deadlines; and
- Clarifying the examination process for many professions and occupations.

L.D. 2024, An Act to Clarify the Licensure of Advanced Practice Registered Nurses (P.L. 2007, Chapter 498, effective 9/1/08) **(MMA monitored)** The bill amends the law providing for authority to practice as an advanced practice registered nurse to provide a one-step licensing process rather than the two-step process currently in place.

L.D. 2192, An Act To Increase Access to Dental Care (P.L. 2007, Chapter 690, effective 7/18/08) **(MMA monitored)** The bill establishes a tax credit of not more than \$15,000 annually for eligible dentists practicing in an underserved area. By March 1, 2011, the Oral Health Program must report to the Joint Standing Committee on Taxation on the effectiveness of the tax credit in attracting dentists to underserved areas and must recommend whether to retain, repeal, or amend the credit. The law sunsets on December 31, 2015.

L.D. 2253, An Act To Provide Access to Certain Medications to Certified Midwives (P.L. 2007, Chapter 669, effective 7/18/08) **(MMA opposed)** The bill authorizes midwives certified by an international certification agency to possess and administer a limited number of noncontrolled prescription drugs and substances in the course of the practice of midwifery, including oxygen; oxytocin, excluding the oxytocic drug methergine, for the sole purpose of postpartum control of maternal hemorrhaging; vitamin K; eye prophylaxis; and local anesthetics or numbing agents for repair of lacerations. It requires midwives to report the use of the antihemorrhagic medication to the maternal and child health division of the DHHS, Maine Center for Disease Control & Prevention. It also provides that a pharmacist, acting in good faith, is not prohibited from selling and dispensing any of those drugs and substances to a midwife. A pharmacist, or person acting at the direction of a pharmacist, who in good faith sells and dispenses noncontrolled prescription drugs and substances to a midwife is not liable for any adverse reactions caused by any method of use by the midwife. A pharmacist, or person acting at the direction of a pharmacist, who makes a report to an enforcement agency is immune from any civil liability that may result from that action, including, but not limited to, any civil liability that might otherwise arise under state or local laws or rules regarding confidentiality of information. It also establishes a rebuttable presumption of good faith for pharmacists.

L.D. 2277, An Act Regarding the Sunrise Review of Oral Health Care Issues (P.L.2007, Chapter 620, effective 7/18/08) **(MMA monitored)** The bill creates the new license category of independent practice dental hygienist. An independent practice dental hygienist must meet the ordinary requirements for licensure as a dental hygienist and, in addition, must have an associate degree in dental hygiene with 3 years' experience or a bachelor's degree in dental hygiene with

one year's experience. The bill authorizes an independent practice dental hygienist to perform specified procedures without supervision by a dentist, but requires an independent practice dental hygienist to provide a patient with a referral plan to a dentist for any necessary dental care. Under this bill an independent practice dental hygienist could be the proprietor of a business or could be an employee of a dentist, denturist, another independent practice dental hygienist or a business owned by persons who are not dental professionals. The bill also provides the Subcommittee on Denturists and the Subcommittee on Dental Hygienists with equal authority to review applications for licensure and submissions relating to continuing education, as well as initial review of all complaints. It also requires that a proprietor of a business where independent practice dental hygiene is performed be a licensee of the Board of Dental Examiners.

L.D. 2278, An Act To Create Efficiencies in Professional Licensing Laws Pursuant to the State Government Evaluation Act Review of the Department of Professional and Financial Regulation (P.L. 2007, Chapter 621, effective 7/18/08) (MMA monitored) The bill clarifies the legal requirement that licensees report name, address or other material change information to the Department of Professional & Financial Regulation within 10 days of the change; reenacts provisions that permit 2 boards to enforce orders of correction; changes the configuration of certain licensing boards; corrects cross-references in certain board statutes; eliminates unnecessary documentation requirements; repeals the Maine Athletic Commission; and sunsets the "registered counselor" license category.

Defeated

L.D. 22, An Act To Require Health Care Practitioners To Distribute Free Samples of Medication in Certain Circumstances (MMA opposed)

L.D. 286, An Act To Protect Veterinarians Providing Animal Welfare Services for the State (MMA monitored)

L.D. 550, An Act To Allow the Independent Practice of Dental Hygiene (MMA monitored)

L.D. 553, An Act To Allow for Corporate Ownership of Dental Practices (MMA monitored)

L.D. 1161, An Act To Make Certain Changes to the Board of Licensure in Medicine (MMA supported)

L.D. 1354, Resolve, To Direct the Department of Health and Human Services To Establish a Physician Specialist Program (MMA supported)

L.D. 1466, An Act To Address Issues Related to Chiropractic Licensure (MMA monitored)

L.D. 1472, An Act To Provide for the Regulation of Denturists by the Board of Complementary Health Care Providers (MMA monitored)

L.D. 1516, An Act To Permit Certain Health Care Practices (MMA opposed)

L.D. 1637, An Act To Adopt the Uniform Emergency Volunteer Health Practitioners Act (MMA monitored)

L.D. 1701, Resolve, To Review the Disciplinary Process of the Board of Licensure in Medicine (MMA supported)

L.D. 1963, An Act Regarding the Training of Applicants for a Limited Radiographer License by Licensed Practitioners (MMA bill/MMA requested sponsor's withdrawal)

L.D. 2078, Resolve, To Determine Methods of Securing a Trained Laboratory Workforce for

Maine (MMA monitored)

TOBACCO ISSUES

Enacted

L.D. 38, Resolve, Regarding Legislative Review of Portions of Chapter 250: Rules Relating to Smoking in the Workplace, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention, Partnership for a Tobacco-free Maine (Resolves 2007, Chapter 4; effective 3/22/07) **(MMA monitored)** The bill approves final adoption of this major substantive rule.

L.D. 70, An Act Concerning Reduced Ignition Propensity Cigarettes (P.L. 2007, Chapter 253; effective 1/1/08) **(MMA supported)** The bill requires that all cigarettes sold in the State be certified as meeting reduced ignition propensity standards by January 1, 2008 and creates standards for testing them. It also includes provisions to allow for the sale of existing inventory. It authorizes the State Fire Marshal, the State Tax Assessor, and the Attorney General to enforce the standards and creates the Fire Prevention and Public Safety Fund from fines collected for noncompliance.

L.D. 243, An Act To Establish Cancer Awareness Week and Lung Cancer Awareness Day (P.L. 2007, Chapter 27; effective 9/20/07) **(MMA supported)** The bill provides that the Governor shall annually issue a proclamation setting aside November 1st to November 7th each year as Cancer Awareness Week and November 1st as Lung Cancer Awareness Day. The proclamation must invite and urge citizens, health agencies, schools, and other suitable organizations and groups to observe this week through appropriate activities.

L.D. 725, An Act To Ensure Retail Tobacco License Compliance (P.L. 2007, Chapter 172; effective 9/20/07) **(MMA monitored)** The bill requires a tobacco retailer to document a current retail tobacco license before a distributor can ship cigarettes to that retailer. It ensures that all tobacco retailers are licensed in order to purchase cigarettes from distributors to be sold at retail.

L.D. 859, An Act To Restrict the Smoking Exemption for Tobacco Specialty Stores (P.L. 859, Chapter 180; effective 9/20/07) **(MMA supported)** The bill limits the exemption granted to tobacco specialty stores from the public place smoking prohibition. It provides that the on-premises service, preparation or consumption of food or drink, if the tobacco specialty store is not licensed for such service or consumption prior to January 1, 2007, is prohibited in such a store. It also provides that smoking a waterpipe or hookah is prohibited in a tobacco specialty store that is newly licensed or that requires a new license after January 1, 2007.

L.D. 1361, An Act Concerning Certain Flavored Cigarettes and Flavored Cigars and Hard Snuff (P.L. 2007, Chapter 467; effective 9/20/07) **(MMA supported)** The bill provides a beginning date of July 1, 2009 for new restrictions on selling flavored cigarettes and cigars. It provides a process for certain flavored cigarettes and cigars to be sold, including an exemption granted by the Attorney General. It restricts purchases of flavored cigarettes and cigars by tobacco distributors. It requires the Attorney General to maintain on a publicly accessible website a list of flavored cigarettes and cigars that are authorized for sale in the State. It provides a transition time period for flavored tobacco products held in stock before July 1, 2009. It also bans the sale of the smokeless tobacco product called "hard snuff." The bill requires that the Attorney General adopt rules no later than January 15, 2008 and report to the Joint Standing Committee on Health & Human Services on the preliminary implementation of the law no later than February 1, 2008. It authorizes the Committee to report out legislation to the Second Regular Session of the 123rd Legislature. It requires the Attorney General to verify the statement by the manufacturer that a flavored cigarette or flavored cigar was on the market prior to January 1, 1985. It also requires the Attorney General to establish and administer a process by rule for granting exemptions for

flavored cigarettes and flavored cigars that were first on the market after January 1, 1985 based on a determination by the Attorney General that the characterizing flavor and the associated packaging, promotion, and brand style do not directly or indirectly target youth or encourage the limitation of smoking. Finally, the bill provides for the transfer of funds from the Fund for a Healthy Maine to the General Fund to offset the revenue loss to the General Fund from the prohibition on the sale of certain flavored cigarettes and cigars.

L.D. 1421, Resolve, Regarding Tobacco Cessation and Treatment (Resolves 2007, Chapter 34; effective 9/20/07) **(MMA supported)** The bill directs the Department of Health & Human Services, through the Partnership for a Tobacco-Free Maine, Maine Center for Disease Control & Prevention, and the Office of MaineCare Services, to undertake a study of best practice treatment and clinical practice guidelines for tobacco cessation treatment. The study must use the most recent available clinical practice guidelines available from the U.S. Department of Health & Human Services Public Health Service and must include development of a model tobacco cessation treatment program for use in the public sector and private sector. The Department shall report back to the Joint Standing Committee on Health & Human Services by January 15, 2008. The Committee may submit legislation to the Second Regular Session of the 123rd Legislature related to best practice treatment and clinical practice guidelines for tobacco cessation treatment.

L.D. 1961, An Act to Repeal the Ban on the Sale and Furnishing of Hard Snuff (P.L. 2007, Chapter 487, effective 3/6/08) **(MMA monitored)** The bill repeals the prohibition on the sale, furnishing or gifting of hard snuff.

L.D. 2014, Resolve, to Extend the Deadline To Adopt A Rule by the Department of Health and Human Services Regarding Smoking in the Workplace (Resolves 2007, Chapter 149, effective 2/20/08) **(MMA monitored)** The bill gives the Department of Health & Human Services additional time in which to adopt changes to Chapter 250: Rules Relating to Smoking in the Workplace, changes to which were authorized in the First Regular Session of the 123rd Legislature in Resolve 2007, chapter 4.

L.D. 2081, An Act To Prohibit the Retail Sale and Distribution of Novelty Lighters (P.L. 2007, Chapter 510, effective 3/24/08) **(MMA supported)** The bill prohibits a person from selling or distributing for retail sale in Maine novelty lighters, which are lighters that are designed to appear to be a toy, feature a flashing light or make musical sounds. Violation is a civil infraction.

L.D. 2170, Resolve, Regarding Legislative Review of Portions of Chapter 10: Rules for Exemptions to the Ban on Flavored Cigarettes and Cigars, A Major Substantive Rule of the Department of the Attorney General (Resolve 2008, Chapter 178, effective 4/1/08) **(MMA monitored)** The bill approves final adoption of this major substantive rule.

Defeated

L.D. 31, An Act To Fund Alcohol and Tobacco Addiction Treatment Programs **(MMA monitored)**

L.D. 1169, An Act Relating to Uncollectible Cigarette and Tobacco Taxes **(MMA monitored)**

L.D. 1176, An Act Regarding MaineCare Prescription Drug and Tobacco Sales **(MMA monitored)**

L.D. 1181, An Act To Reclassify Certain Tobacco Products **(MMA supported)**

L.D. 1332, An Act Regarding Tobacco Products in Jails **(MMA monitored)**

L.D. 1375, An Act To Equalize the Taxation of Noncigarette Tobacco Products **(MMA supported)**

L.D. 1484, An Act To Fund Community Health Centers (MMA monitored)

L.D. 1751, An Act To Address Smoking in Senior Housing (MMA monitored)

WORKERS' COMPENSATION ISSUES

Enacted

L.D. 1107, An Act To Promote Compliance with the Workers' Compensation Laws (P.L. 2007, Chapter 265; effective 9/20/07) (MMA supported) The bill raises the penalties in the Workers' Compensation Act for any employer, insurer, or 3rd-party administrator for an employer who has engaged in a pattern of questionable workers' compensation claims-handling techniques or repeated unreasonably contested claims.

L.D. 1314, An Act To Reimburse MaineCare in Certain Workers' Compensation Cases (P.L. 2007, Chapter 311; effective 9/20/07) (MMA monitored) The bill requires MaineCare expenses incurred for the treatment of an injury of an employee covered by workers' compensation to be reimbursed 100% and requires the Workers' Compensation Board to notify the Commissioner of Health & Human Services within 10 days after the receipt of notice of an approved agreement for payment of compensation or within 10 days after any order or decision of the board awarding compensation identifying the employee who is to receive the compensation. It also authorizes the Department of Health & Human Services to contract for attorney services in order to pursue reimbursement of MaineCare costs in workers' compensation claims cases.

L.D. 1861, An Act Regarding Payment of Penalties for Nonpayment of Bills for Medical or Health Care Services under the Maine Workers' Compensation Act of 1992 (P.L. 2007, Chapter 218; effective 9/20/07) (MMA monitored) The bill provides that penalties for nonpayment of bills for medical or health care services provided in a workers' compensation case are payable to the provider of the medical or health care services or the employee who paid for the medical or health care services instead of the Workers' Compensation Board Administrative Fund.

Defeated

L.D. 1024, An Act To Address Labor Practices with On-call Workers (MMA monitored)

L.D. 1285, An Act To Amend the Laws Regarding Appeals from Decisions Issued by the Workers' Compensation Board (MMA monitored)

L.D. 1416, An Act To Create a Workers' Compensation Board Appeals Process (MMA monitored)

L.D. 1585, An Act To Assist the Independent Medical Examiner Program for Workers' Compensation (MMA supported)

L.D. 1691, An Act To Improve the Independent Medical Examiner System (MMA monitored)

More Legislative Advocacy Resources

The MMA web site, www.mainemed.com, has more information about the MMA's legislative and regulatory advocacy activities. The MMA advocacy team highlights legislative activities and alerts physicians to action they should take through the MMA's weekly electronic newsletter, *Maine Medicine Weekly Update*.

Also, you will find the State Legislature's web site to be a valuable resource for legislative research: <http://janus.state.me.us/legis>.

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

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

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

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

If you would like more information about the MMA's advocacy on behalf of Maine physicians and their patients, please contact Andrew MacLean, Deputy EVP.

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