

2021 Public Laws, Resolutions & Carry Over Bills

These laws go into effect October 18, unless deemed “**emergency**” which became effective upon signature by the Governor.



1st Session Statistics

Total Bills Filed:	1,737
Total Bills Enacted:	620
Bills Enacted:	36%

Alliance Bills of Interest

Enacted:	18
Rejected:	24
Carried Over:	15



The Home Care & Hospice Alliance of Maine is a statewide non-profit trade association within which members offers a unified and informed voice in support of **affordable, accessible, quality** home care and hospice services throughout the State of Maine.



Advocating with a unified voice for affordable, accessible, quality home care and hospice services.



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[Ch. 28 - L.D. 1](#) **EMERGENCY LAW****

An Act To Establish the COVID-19 Patient Bill of Rights and To Amend the Governor's Emergency Powers

This law establishes certain requirements for the protection of health care consumers with regard to testing, treatment and immunization for COVID-19. The law also makes changes to improve access to prescription drugs and to health care services through telehealth.

[Ch. 400 - L.D. 121](#)

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

This law requires the Department of Health and Human Services to use the fingerprint-based background check information in the approval process of MaineCare provider applicants who are high-risk providers.

[CH. 398 - LD 221](#) (SUPPLEMENTAL BUDGET)

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, 2021, June 30, 2022 and June 30, 2023

LD 1528: Provides funding for annual Cost of Living (COLA) increases for Sections 19 & 96, as well as other MaineCare sections that are not otherwise receiving a rate adjustment on or within 12 months prior to 7/1/22.

LD 1573: Provides funding to the department for the new requirement that the labor portion of reimbursement under MaineCare or state-funded home and community-based services and residential services be at 125% of the minimum wage as well as taxes and benefits related to the labor portion.

[Ch. 103 - L.D. 248](#)

An Act Regarding the Board of Occupational Safety and Health

This law allows the Board of Occupational Safety and Health the authority to adopt emergency rules.

[Ch. 193 - L.D. 330](#)

An Act To Improve the Process of Disposal of Hospice Medications Used in the Home

This law requires the Department of Health and Human Services to establish minimum criteria for the written policy for medication disposal that is required for use by hospice providers who provide services in the home.

The written policy must include guidance that a care plan may include controlled substances, safe use and storage of controlled substances, documentation that the family is expected to dispose of any medications after the death of the client, information on safe disposal, return envelopes or other appropriate disposal kits and advance notice that the hospice provider will be contacting the family after death with a reminder that the family is expected to dispose of medications. The hospice provider must retain signed documentation that the written policy was provided and discussed. The law also requires the hospice provider to send a letter within 30 days of the death of the patient reminding the family of the disposal policy.

[Ch. 420 - L.D. 492](#)

An Act To Create a Regional Grant Program To Help Rural Businesses Find Qualified Staff

This bill creates a grant program and related fund for the purpose of aiding entities in hiring a workforce recruiter. The purpose of the position is to advertise and promote jobs in rural Maine and to locate qualified staff to fill open positions.

[Ch. 305 - L.D. 686](#)

An Act To Increase Prescription Drug Pricing Transparency

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

[Ch. 115 - L.D. 727](#)

Resolve, To Eliminate the Asset Test for the Supplemental Nutrition Assistance Program

This law directs the Department of Health and Human Services to request the United States Department of Agriculture to waive the asset test for determining the eligibility for the federal supplemental nutrition assistance program of any household in which there is an individual who is 60 years of age or older.

[Ch. 90 - L.D. 745](#)

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

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

An Act Regarding Telehealth Regulations

This law:

- It makes necessary changes to the definitions of "telehealth" and "telemonitoring" in the Maine Revised Statutes, Title 22 and Title 24-A for consistency.
- It allows patients receiving MaineCare health services to provide verbal, electronic or written consent to telehealth and telemonitoring services.
- It makes clear that a health insurance carrier must provide coverage for a health care service through telehealth as long as the provider is acting within the scope of practice of the provider's license and in accordance with any rules adopted by the board that issued the provider's license related to standards of practice for the delivery of a health care service through telehealth. It also removes restrictions related to the technology used to provide services through telehealth.
- It prohibits a carrier from placing any restriction on the prescribing of medication through telehealth by a provider whose scope of practice includes prescribing medication that is more restrictive than any requirement in state and federal law for prescribing medication through in-person consultation.
- It clarifies that the availability of health care services through telehealth may not be considered for the purposes of demonstrating network adequacy. Part B permits health care providers licensed under the Department of Professional and Financial Regulation to provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by law and in accordance with standards of practice. The amendment defines "telehealth services" and authorizes licensing entities to adopt rules to establish standards of practice and restrictions for telehealth services.

[Ch. 117 - L.D. 958](#)

Resolve, Directing the Department of Health and Human Services To Conduct a Review of Rules Governing In-home Personal Care Assistance Services

This resolve requires the Department of Health and Human Services to review rules that relate to direct care services provided in the home to assist individuals with the activities of daily living and the instrumental activities of daily living. The review must examine how entities providing direct care services to affected individuals provide information, such as advance notice of staff absences, termination of services and training requirements, and ensure supervision and quality care and protection of vulnerable people receiving care. The department is required to submit its findings and recommendations to the Joint Standing Committee on Health and Human Services no later than January 1, 2023.

[Ch. 391 - L.D. 1045](#)

An Act To Support Universal Health Care

This law establishes the Maine Health Care Plan to provide for all medically necessary health care services for all residents of this State, and the Maine Health Care Board to oversee planning and implementation of the plan. The effective date of the legislation is contingent on the enactment of federal law authorizing a state to obtain a waiver to establish a state-based universal health care plan and to receive federal financing for that plan.

[Ch. 438 - L.D. 1064](#)

An Act To Advance Palliative Care Utilization in the State

This law directs the Department of Health and Human Services to provide reimbursement under the MaineCare program for palliative care for the entire interdisciplinary team as appropriate to the plan of care, regardless of setting, including hospitals, nursing homes, outpatient clinics and home care providers. It also requires the department to adopt rules that support and standardize the delivery of palliative care in the State, including but not limited to strategies for the distribution of public educational documents and the distribution by health care providers of information regarding the availability of palliative care to patients.

[Ch. 404 - L.D. 1167](#)

An Act Relating to Fair Chance in Employment

This law includes language requiring that an applicant have the opportunity to explain criminal history record information if otherwise eligible for the position.

[Ch. 346 - L.D. 1327](#)

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

This law creates a new loan repayment program, administered by the Finance Authority of Maine, for health care providers who agree to live and work in the State for a minimum of 5 years. Annual awards cannot exceed \$30,000 annually; exceed \$90,000 in aggregate or 50% of a recipient's outstanding eligible student loan debt at the time of application to the program, whichever is less; or be awarded to a recipient for more than 3 years total.

[Ch. 118 - L.D. 1469](#)

Resolve, To Provide Add-on Payments for Ambulance Services Reimbursed by the MaineCare Program and To Increase Reimbursement Rates for Physical Therapy under the MaineCare Program

This resolve directs the Department of Health and Human Services to amend its rules in to provide additional add-on supplements for ambulance services that are equivalent to payments required under Medicare ambulance services under 42 United States Code, Section 1395m(l). The law also requires the Department to amend its rules to increase reimbursement rates for physical therapy services to no less than 57% of the federal Medicare reimbursement rate for these services as long as the rate is no lower than the rate reimbursed as of January 1, 2021.

[Ch. 50 - L.D. 1624](#)

Resolve, To Create a Stakeholder Group To Identify the Needs of Long-term Care Family Caregivers

This resolve requires the long-term care ombudsman program to establish a stakeholder group to consider and make recommendations for the implementation of an assessment measure for the needs of family caregivers providing long-term care services to family members, to establish a plan to improve referrals to services and to submit a report to the Joint Standing Committee on Health and Human Services no later than January 2, 2022.

An Act to Provide Allocations for the Distribution of State Fiscal Recovery Funds

This law appropriates \$1 billion which is Maine's share of the federal American Rescue Plan Act of 2021.

- LD 119: Nurse Faculty Loan Repayment Program - \$1 million dollars
- LD 296: Respite Care Fund Pilot Project - \$4.9 million
Department of Health and Human Services to establish Family Caregiver Grant Pilot Program. The department, in cooperation with area agencies on aging, shall establish the Family Caregiver Grant Pilot Program to increase the number of families served by the Respite Care Fund, alleviate costs associated with providing in home care of an adult, provide a family caregiver grant to increase economic security for family caregivers and examine the needs and preferences of the families served by the Respite Care Fund and the pilot program.
- LD 886: Department of Labor – \$500,000
Provides one-time funds to contract with a media consulting firm to design and implement a statewide multimedia campaign that promotes direct care worker jobs as a career choice.
- LD 1204: Department of Health and Human Services – \$465,000
The Department of Health and Human Services shall establish a pilot program to allow the parent of a child who is eligible for in-home personal care services under the MaineCare program to register as a personal care agency and receive reimbursement for providing those services to the child. To qualify for reimbursement under this section, the parent must have made reasonable efforts to obtain regular in-home personal care services and have satisfied the requirements of the applicable background check required of providers of in-home personal care services.
- Maine Health Care Provider Loan Repayment Pilot Program - \$1 million
- Department of Health and Human Services Central Operations - \$1.6 million
Provides one-time funding to increase the critical health care workforce by providing incentives to providers to serve as preceptors and clinical sites for health care students who require clinical hours and related oversight.
- Department of Labor - \$1.3 million
Establishes 3 limited-period Career Center Consultant positions and one limited period Employment and Training Specialist III position through December 14, 2024 to create, track and coordinate all activities related to the tuition remission program, including enrollment and payment processing.
- Department of Labor – \$600,000
Establishes 2 limited-period Career Center Consultant positions through December 14, 2024 to provide information on stackable credentials and prior learning credits and to assist out-of-state and foreign-trained health care workers to quickly re-credential as licensed providers in the State.
- Department of Labor – \$2.7 million dollars
Provides funding to develop and refine health care career pathways and implement health care apprenticeships.
- Department of Health and Human Services Central Operations - \$2.5 million dollars
Provides one-time funding to support nursing home, federally qualified health center and hospital health care recruitment efforts to address critical health care workforce shortages to be spent as part of a collaborative public-private partnership with providers.

- **Maine Community College System - \$35 million**
Provides one-time funding to support workforce development plans designed to meet the needs of workers and students, as well as employers and industries, especially those most affected by the COVID-19 pandemic, including the hospitality industry, heritage industries and health care, and skilled trades that are in demand and required for other economic opportunities, ranging from broadband expansion to affordable housing construction.
- **University of Maine System - \$35 million**
Provides one-time funding to support workforce development plans designed to meet the needs of workers and students, as well as employers and industries, especially those most affected by the COVID-19 pandemic, and economic needs that are in demand and required for other economic opportunities.
- **Department of Health and Human Services - \$5.9 million**
Provides one-time funding for the department to provide equal monthly supplemental payments from January 2022 through December 2022 to all providers of services under the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 2, Section 17, Section 26, Section 28 and Section 65 in equal proportion to the services provided by providers in the previous 12-month period.

Carry Over Bills (to be considered during 2nd Session commencing in January 2022)

LD 119	An Act To Increase Faculty in Nursing Education Programs by Amending the Nursing Education Loan Repayment Program <i>However, \$1 million for this program was included in LD 1733, the legislation authorizing use of Maine's American Rescue Plan Act funds.</i>
LD 296	An Act To Provide a Tax Credit for Family Caregivers <i>However, \$5.1 million for this program was included in LD 1733, the legislation authorizing use of Maine's American Rescue Plan Act funds. Legislation was amended to make the program a grant program for family caregivers through DHHS, rather than a tax credit.</i>
LD 415	Resolve, Directing the Department of Health and Human Services To Increase MaineCare Reimbursement Rates for Targeted Case Management Services and To Expand Eligibility for Targeted Case Management Services for Adults with Substance Use Disorder
LD 460	An Act To Amend Certain Employment Laws To Help Front-line and Other Workers
LD 496	An Act To Increase Timely Access to Mental Health Services by Increasing MaineCare Reimbursement Rates
LD 716	An Act To Enhance and Improve the Maine Developmental Services Oversight and Advisory Board and To Establish the Aging and Disability Mortality Review Panel
LD 886	Resolve, To Encourage Employment in the Direct Care Workforce <i>However, \$500,000 for this initiative was included in LD 1733, the legislation authorizing use of Maine's American Rescue Plan Act funds.</i>
LD 898	An Act To Provide Incentives to Unemployed Workers To Become Part of the Caregiver Workforce
LD 1204	An Act To Address the Shortage of Direct Care Workers for Children with Disabilities in Maine <i>However, \$465,000 for this program was included in LD 1733, the legislation authorizing use of Maine's American Rescue Plan Act funds.</i>
LD 1360	An Act To Provide Services to Maine's Most Vulnerable Citizens by Eliminating the Waiting Lists for Certain MaineCare Services
LD 1528	Resolve, Directing the Department of Health and Human Services To Adjust Reimbursement Rates for Certain Home-based Services
LD 1543	An Act To Improve and Modernize Home-based Care
LD 1573	An Act To Implement the Recommendations of the Commission To Study Long-term Care Workforce Issues <i>However funding and language was included in LD 221 {Supplemental Budget} to mandate that the labor portion of reimbursement under MaineCare or state-funded home and community-based services and residential services be at 125% of the minimum wage.</i>
LD 1597	An Act To Authorize a General Fund Bond Issue To Strengthen Maine's Health Care Workforce
LD 1701	An Act To Establish a Managed Care Program for MaineCare Services