

is immune to claims against the State for breach of fiduciary duty owed to the person subject to public guardianship or public conservatorship.

PART LL

Sec. LL-1. 22 MRSA §1708, sub-§3, ¶F, as enacted by PL 2017, c. 460, Pt. B, §1, is amended to read:

F. Establish a nursing facility's base year every 2 years and increase the rate of reimbursement beginning July 1, 2014 and every year thereafter until June 30, 2018. For the state fiscal year beginning July 1, 2018, the base year for each facility is its fiscal year that ended in the calendar year 2016. For state fiscal years beginning on or after July 1, 2019, subsequent rebasing must be based on the most recent cost report filings available. The department may provide a mechanism for subsequent adjustments to base year costs to reflect any material difference between as-filed cost reports used in rebasing and subsequent determinations of audited, allowable costs for the same fiscal period. The department's rules must provide that, beginning in the state fiscal year beginning July 1, 2018, the rates set for each rebasing year must include an inflation adjustment for a cost-of-living percentage change in nursing facility reimbursement each year in accordance with the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index ~~medical care~~ nursing homes and adult day care services index.

Any rebasing done pursuant to this paragraph may not result in a nursing facility receiving a reimbursement rate that is lower than the rate in effect on June 30, 2018.

PART LL SUMMARY

This Part updates the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index to be used for cost-of-living adjustments from the medical care services index to the nursing and adult day care services index.

PART MM

Sec. MM-1. 22 MRSA §1816, as amended by PL 2019, c. 343, Pt. YY, §5, is further amended to read:

§1816. Inspections

Every building, institution or establishment for which a license has been issued must be periodically inspected by duly appointed representatives of the ~~Office of MaineCare Services~~ Division of Licensing and Certification under the rules and regulations to be established by the department. An institution licensed pursuant to this chapter may not be required to be licensed or inspected under the laws of this State relating to hotels, restaurants, lodging houses, boardinghouses and places of refreshments. A full license may not be issued until the applicant

has furnished the department with a written statement signed by the Commissioner of Public Safety or the proper municipal official designated in Title 25, chapters 313 to 321 to make fire safety inspections that the home and premises comply with chapters 313 to 321 relating to fire safety. The department shall establish and pay reasonable fees to the municipal official or the Commissioner of Public Safety for each such inspection. This written statement must be furnished annually prior to the issuance of full licensure.

~~For nursing facilities providing both nursing home and assisted living services, the department shall ensure that a single coordinated licensing and life safety code inspection is performed. The commissioner shall adopt rules to implement this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter H-A.~~

A hospital licensed under this chapter is exempt from department relicensure inspection requirements under this chapter if the hospital is certified by the Centers for Medicare and Medicaid Services for participation in the federal Medicare program and holds full accreditation status by a health care facility accrediting organization recognized by the Centers for Medicare and Medicaid Services. If a hospital is certified to participate in the federal Medicare program and not accredited by a health care facility accrediting organization recognized by the Centers for Medicare and Medicaid Services, the department shall inspect the hospital every 3 years for compliance with the Centers for Medicare and Medicaid Services' conditions of participation. The provisions of this paragraph do not exempt a hospital from an inspection by the department in response to a complaint or suspected violation of this chapter or of the Centers for Medicare and Medicaid Services' conditions of participation or an inspection by another state agency or municipality for building code, fire code, life safety code or other purposes unrelated to health care facility licensing or accreditation. For purposes of this paragraph, "Centers for Medicare and Medicaid Services" means the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

PART MM SUMMARY

This Part accomplishes the following:

1. It changes the representatives that inspect establishments from the Office of MaineCare Services to the Division of Licensing and Certification.
2. It removes the requirement that the department conduct a single coordinated inspection of a facility dually licensed as a nursing home and an assisted housing facility. This requirement is not feasible as nursing facilities are inspected based on their federal certification requirements which varies year to year between 9 and 15 months and assisted housing licensure inspections are done every 2 years to coincide with the term of licensure.

PART NN

Sec. NN-1. 22 MRSA §1964, as enacted by PL 2017, c. 312, Pt. A, §2, is amended to read:

§1964. Required Staffing

Notwithstanding any other provision of law, and without further approval or justification, the department shall promptly fill all public health nurse positions within the Public Health Nursing Program for which funding is provided.

The department shall widely post public notices for public health nurse vacancies under this section on publicly accessible state websites and in other appropriate locations. Public notice must be posted within 30 days of the effective date of this section for vacancies then existing and within 30 days of each subsequent vacancy that occurs. The department shall recruit and hire qualified individuals for these vacant positions

~~Notwithstanding any other provision of law, the department may not transfer or otherwise repurpose any funds appropriated or allocated for the salaries, benefits and other costs of public health nurses and the services they provide.~~

PART NN SUMMARY

This Part removes the language which does not allow the transfer or otherwise repurpose of any funds appropriated or allocated for public health nurses and the services they provide.

PART OO

Sec. OO-1. 36 MRSA §2892, as enacted by PL 2019, c.616, Pt. Y, §1, is amended by:

§2892. Tax imposed

For the state fiscal year beginning on July 1, 2003, a tax is imposed against each hospital in the State. The tax is equal to .74% of net operating revenue for the tax year as identified on the hospital's most recent audited annual financial statement for that tax year. Delinquent tax payments are subject to Title 22, section 3175-C.

For state fiscal years beginning on or after July 1, 2004, a tax is imposed annually against each hospital in the State. The tax is equal to 2.23% of the hospital's net operating revenue as identified in the hospital's audited financial statement for the hospital's taxable year. For the state fiscal year beginning July 1, 2004, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2002. For the state fiscal year beginning July 1, 2005, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2003. For state fiscal years beginning on or after July 1, 2006 but before July 1, 2008, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2004.

For state fiscal years beginning on or after July 1, 2008 but before July 1, 2010, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2006.

For state fiscal years beginning on or after July 1, 2010 but before July 1, 2013, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2008.

For state fiscal years beginning on or after July 1, 2013 but before July 1, 2017, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2012.

For state fiscal years beginning on or after July 1, 2017 but before July 1, 2019, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2014.

For state fiscal years beginning on or after July 1, 2019, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2016.

For state fiscal years beginning on or after July 1, 2021, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2018.

PART OO SUMMARY

This Part updates the base year for the hospital tax.

PART PP

Sec. PP-1. 22 MRSA, §3762, sub-§8, ¶B, as amended by PL 2015, c. 267, Pt. RRRR, §3, is further amended to read:

B. The department shall provide limited transitional transportation benefits to meet employment-related costs to ASPIRE-TANF program participants who lose eligibility for TANF assistance due to employment, and to employed families with children with income less than 200% of the nonfarm income official poverty line. The department may also make transitional transportation benefits available to families in which one or both adults are working and who, although they remain financially eligible for TANF benefits, request that their benefits be terminated. Benefits may be provided for up to 18 months ~~following loss of TANF eligibility.~~ The department may adopt rules that impose a weekly limit on available transitional transportation benefits and that require a contribution from each participant toward the cost of transportation. For the purposes of employed families, whose household income is less than 200% of the nonfarm income official poverty line and who do not qualify based on the loss of TANF due to earnings or are a two parent household who request termination of TANF benefits when at least one adult is working, the department may use up to \$1.4 million annually from the federal TANF block grant for expenditures under this program.

PART PP SUMMARY

This Part accomplishes the following:

1. It changes eligibility for transitional transportation to include families who are employed and have income less than 200% of the nonfarm income official poverty line.
2. It allows the department to use federal TANF block grant to support employed families who have transportation costs and have income less than 200% of the nonfarm income official poverty line. The department may use up to \$1.4 million annually in TANF block grant expenditures for these families.

PART QQ

Sec. QQ-1. 22 MRSA §8605, as amended by PL 1997, c. 728, §15, is further amended to read:

§8605. Fire safety

1. Inspection required. A license may not be issued by the department for an adult day care program until the department has received from the Commissioner of Public Safety a written statement signed by one of the officials designated under Title 25, section 2360, 2391 or 2392 to make fire safety inspections. This statement must indicate that a facility has complied with the applicable fire safety provisions referred to in subsection 2 and Title 25, section 2452 and must be furnished annually to the department prior to the issuance of full licensure.

2. Life Safety Code. The written statement must be furnished annually to the department prior to the issuance of full licensure and must indicate that the adult day care program has complied with at least the requirements of the Life Safety Code of the National Fire Protection Association that are specified in:

A. The family day care homes section, if the adult day care program has no more than 6 adults per session;

B. The group day care homes section, if the adult day care program has at least 7 but no more than 12 adults per session; or

C. The child day care section, if the adult day care program has more than 13 adults per session.

3. Fees. The department shall establish and pay reasonable fees to the Department of Public Safety or municipal official for each such inspection. Fees collected by the Department of Public Safety must be deposited into a special revenue account to defray expenses in carrying out this

section. Any balance of fees may not lapse but must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

PART QQ SUMMARY

This Part changes the frequency of life safety inspections from annual to prior to the issuance of the license which is every 2 years.

PART RR

Sec. RR-1. 22-A MRSA, §205, sub-§4, as amended by PL 2007, c.539, Pt. N, §44, is further amended to read:

4. Appointments. All deputy commissioners, all office directors, the senior legal advisor for the commissioner, the regional systems integration directors and the superintendents of any state institutions are appointed by the commissioner and serve at the pleasure of the commissioner.

PART RR SUMMARY

This Part establishes a Senior Legal Advisor within the Department of Health and Human Services that is appointed by the commissioner and serves at the pleasure of the commissioner.

PART SS

Sec. SS-1. Transfer provision. Notwithstanding any other provision of law, at the close of fiscal year 2020-21, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balances in the Low-Cost Drugs to Maine's Elderly program, the Mental Health Services - Community Medicaid program and the Office of Substance Abuse and Mental Health Services - Medicaid Seed program, General Fund to the Medical Care - Payments to Providers program, General Fund. Additionally, all existing contracts, agreements and compacts currently in effect in the Department of Health and Human Services continue in effect.

Sec. SS-2. Transfer provision. Notwithstanding any other provision of law, at the close of fiscal year 2020-21, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balances in the Private Non-Medical Institutions Room and Board program, General Fund to the Nursing Facilities program, General Fund. Additionally, all existing contracts, agreements and compacts currently in effect in the Department of Health and Human Services continue in effect.

Sec. SS-3. Transfer provision. Notwithstanding any other provision of law, at the close of fiscal year 2020-21, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balances in the Developmental Services Waiver - MaineCare program, the Developmental Services Waiver - Supports program, the Medicaid Waiver for Other Related Conditions program, the Traumatic Brain Injury Seed program and the Medicaid Waiver for Brain Injury Residential and Community Services program, General Fund to the Medicaid Services - Developmental Services program, General Fund. Additionally, all existing contracts, agreements and compacts currently in effect in the Department of Health and Human Services continue in effect.

Sec. SS-4. Transfer of funds. Notwithstanding any other provision of law, the Department of Health and Human Services may transfer available balances in the accounts by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are considered adjustments to appropriations.

PART SS SUMMARY

This Part contains transition provisions for the consolidation of General Fund programs from 13 to 4 in the Department of Health and Human Services, Office of MaineCare Services. Additionally, all existing contracts, agreements and compacts currently in effect in the Department of Health and Human Services continue in effect.

PART TT

Sec. TT-1. Carrying balances; Department of Health and Human Services web portal upgrade. Notwithstanding any provision of law to the contrary, at the end of each fiscal year the State Controller shall carry forward, to be used for the same purposes, any unexpended balance of the \$1,400,000 appropriated in Public Law 2019, chapter 343 in the All Other line category in the Office for Family Independence -District program, General Fund account for the purpose of upgrades to the public assistance web portal.

PART TT SUMMARY

This Part authorizes any unexpended balance in the Office for Family Independence – District program, General Fund account within the Department of Health and Human Services for the purpose of upgrades to the public assistance web portal be carried forward for use in the next fiscal year.

PART UU

Sec. UU-1. Transfer of Personal Services balances to All Other; state psychiatric centers. Notwithstanding any provision of law to the contrary, for fiscal years 2021-22 and 2022-23 only, the Department of Health and Human Services is authorized to transfer available balances of Personal Services appropriations and allocations in the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program, the Riverview Psychiatric Center program and the Dorothea Dix Psychiatric Center program after all salary, benefit and other obligations are met to the All Other line category of those programs. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

PART UU SUMMARY

This Part authorizes the Department of Health and Human Services to transfer by financial order available Personal Services balances in the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program, the Riverview Psychiatric Center program and the Dorothea Dix Psychiatric Center program in order to provide flexibility in the payment of operational expenses.

PART VV

Sec. VV-1. Rename Office of Substance Abuse and Mental Health Services. Notwithstanding any other provision of law, the Office of Substance Abuse and Mental Health Services within the Department of Health and Human Services is renamed the Office of Behavioral Health.

PART VV SUMMARY

This Part renames the Office of Substance Abuse and Mental Health Services within the Department of Health and Human Services to the Office of Behavioral Health.

PART WW

Sec. WW-1. Emergency rule-making authority; health and human services matters. The Department of Health and Human Services is authorized to adopt emergency rules under the Maine Revised Statutes, Title 5, sections 8054 and 8073 as necessary to implement those provisions of this Act over which the department has subject matter jurisdiction for which specific authority has not been provided in any other Part of this Act without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or general welfare.

PART WW SUMMARY

This Part authorizes the Department of Health and Human Services to adopt emergency rules to implement any provisions of this Act over which it has specific authority that has not been addressed by some other Part of the Act without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or welfare.

PART XX

Sec. XX-1. Department of Health and Human Services; transfer of funds from All Other. Notwithstanding any provision of law to the contrary, for fiscal years 2021-22 and 2022-23 only, the Department of Health and Human Services may transfer from available balances of appropriations in the All Other line category after the deduction of all appropriations, financial commitments, other designated funds or any other transfer authorized by statute from any account within the Department of Health and Human Services, excluding balances in the IV-E Foster Care/Adoption Assistance and State-funded Foster Care/Adoption Assistance programs, for the purpose of the information system modernization project in the Office of Aging and Disability Services, including the modernization of and merging of information systems within the Department of Health and Human Services, Office of Aging and Disability Services, by financial order upon the recommendation of the State Budget Officer and approval of the Governor. This transfer is not considered an adjustment to appropriations.

PART XX SUMMARY

This Part authorizes the transfer of All Other balances from any account within the Department of Health and Human Services, excluding balances in the IV-E Foster Care/Adoption Assistance and State-funded Foster Care/Adoption Assistance programs, for the purpose of the information system modernization project in the Office of Aging and Disability Services.

PART YY

Sec. YY-1. Transfer of funds. Notwithstanding any other provision of law, for fiscal years 2021-22 and 2022-23, the Department of Health and Human Services may transfer available balances between the State-Funded Foster Care/Adoption Assistance program and the IV-E Foster Care/Adoption Assistance program in the All Other line category. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

**PART YY
SUMMARY**

This Part authorizes the Department of Health and Human Services to transfer appropriations within the Office of Child and Family Services related to the cost of administering the child welfare program.

PART ZZ

Sec. ZZ-1. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any provision of law to the contrary, until June 30, 2023, available balances of appropriations in MaineCare General Fund accounts may be transferred between accounts by financial order upon the recommendation of the State Budget Officer and approval of the Governor.

**PART ZZ
SUMMARY**

This Part authorizes the Department of Health and Human Services to transfer available balances of appropriations between the MaineCare General Fund accounts for the 2022-2023 biennium.

PART AAA

Sec. AAA-1. Transfer of Personal Services balances to All Other; Department of Health and Human Services, Office for Family Independence. Notwithstanding any provision of law to the contrary, in fiscal years 2021-22 and 2022-23 only, the Department of Health and Human Services is authorized to transfer available balances of appropriations in the Personal Services line category in the Office for Family Independence program and the Office for Family Independence - District program after all financial commitments for salary, benefit, other obligations and budgetary adjustments have been made to the All Other line category in either the Office for Family Independence program or the Office for Family Independence - District program in order to provide for information technology and related services. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

**PART AAA
SUMMARY**

This Part authorizes the Department of Health and Human Services to transfer available balances of Personal Services appropriations to All Other in the Office for Family Independence program and the Office of Family Independence – District program for the 2022-2023 biennium.

PART BBB

Sec. BBB-1. Department of Health and Human Services; General Assistance – Reimbursement to Cities and Towns account; lapsed balances. Notwithstanding any other provision of law, \$3,000,000 of unencumbered balance forward from the Department of Health and Human Services, General Assistance – Reimbursement to Cities and Towns, General Fund carrying account, All Other line category lapses to the unappropriated surplus of the General Fund no later than June 30, 2022.

**PART BBB
SUMMARY**

This Part lapses \$3,000,000 of the unencumbered balance forward of the Department of Health and Human Services, General Assistance – Reimbursement to Cities and Towns, General Fund account to the General Fund in fiscal year 2021-22.

PART CCC

Sec. CCC-1. Department of Health and Human Services; Temporary Assistance to Needy Families account; lapsed balances. Notwithstanding any other provision of law, \$5,000,000 of unencumbered balance forward from the Department of Health and Human Services, Temporary Assistance to Needy Families, General Fund carrying account, All Other line category lapses to the unappropriated surplus of the General Fund no later than June 30, 2022.

**PART CCC
SUMMARY**

This Part lapses \$5,000,000 of the unencumbered balance forward of the Department of Health and Human Services, Temporary Assistance to Needy Families, General Fund account to the General Fund in fiscal year 2021-22.

PART DDD

Sec. DDD-1. Department of Health and Human Services; Additional Support for People in Retraining and Employment account; lapsed balances. Notwithstanding any other provision of law, \$10,000,000 of unencumbered balance forward from the Department of Health and Human Services, Additional Support for People in Retraining and Employment, General Fund carrying account, All Other line category lapses to the unappropriated surplus of the General Fund no later than June 30, 2022.

PART DDD SUMMARY

This Part lapses \$10,000,000 of the unencumbered balance forward of the Department of Health and Human Services, Additional Support for People in Retraining and Employment, General Fund account to the General Fund in fiscal year 2021-22.

PART EEE

Sec. EEE-1. Department of Health and Human Services; Medical Care Services account; lapsed balances. Notwithstanding any other provision of law, \$60,000,000 of unencumbered balance forward from the Department of Health and Human Services, Medical Care Services, General Fund carrying account, All Other line category lapses to the unappropriated surplus of the General Fund no later than June 30, 2022.

PART EEE SUMMARY

This Part lapses \$60,000,000 of the unencumbered balance forward of the Department of Health and Human Services, Medical Care Services, General Fund account to the General Fund in fiscal year 2021-22.

PART FFF

Sec. FFF-1. 4 MRSA, §1804, sub-§4, ¶D is amended to read:

4. Powers. The commission may:

- A. Establish and maintain a principal office and other offices within the State as it considers necessary;
- B. Meet and conduct business at any place within the State;
- C. Use voluntary and uncompensated services of private individuals and organizations as may from time to time be offered and needed;