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HEALTH AND HUMAN SERVICES

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 89, L.D. 156, “An Act to Improve Notifications Related to Substance-exposed Infants”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 22 MRSA §4002, sub-§5-D is enacted to read:

5-D. Family care plan. "Family care plan" means a plan of safe care as described in the federal Child Abuse Prevention and Treatment Act.

Sec. 2. 22 MRSA §4004-B, as amended by PL 2019, c. 342, §2, is repealed.

Sec. 3. 22 MRSA §4004-C is enacted to read:

§4004-C. Infants born affected by substance abuse or withdrawal symptoms resulting from prenatal drug exposure or fetal alcohol spectrum disorder

The department shall:

1. Receive notifications. Receive notifications from health care providers, or their designees, regarding infants who are identified as having been born affected by substance abuse or having withdrawal symptoms resulting from prenatal drug exposure or who have a fetal alcohol spectrum disorder;

2. Develop family care plan. For each infant for whom the department receives a notification under subsection 1, develop, with the assistance of any health care provider involved in the infant's caregiver's or the infant's medical or mental health care, a family care plan, including any appropriate referrals for services for the child or caregiver. This subsection may not be construed as limiting a health care provider's ability to develop a family care plan for any family who could benefit from one;

3. Collect data. Collect data for reporting in a manner that complies with the federal Child Abuse Prevention and Treatment Act;

4. Comply with section 4004. For any infant about whom the department receives a report of abuse or neglect, comply with section 4004, subsection 2; and

7 **Sec. 4. 22 MRSA §4011-B**, as amended by PL 2019, c. 342, §3, is repealed.

9 §4011-C. Notification regarding infants affected by substance abuse or withdrawal
10 symptoms resulting from prenatal drug exposure or fetal alcohol spectrum
11 disorder

18 A. This section, and any notification made pursuant to this section, may not be
19 construed to establish a definition of "abuse" or "neglect."

23 **2. Report.** When a health care provider suspects that an infant has been abused or
24 neglected, the provider shall report to the department in accordance with section 4011-A,
25 subsection 1, paragraph A. If the infant has a family care plan developed under section
26 4004-C, subsection 2, a copy of the family care plan must accompany the report.

31 **4. Rulemaking.** The department shall adopt rules to implement this section. Rules
32 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter
33 375, subchapter 2-A.'

36 SUMMARY

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COMMITTEE AMENDMENT

1 The amendment also strikes the language in the bill that removes references in law to
2 notifications not being construed to establish a definition of "abuse" or "neglect" or to
3 require prosecution. It removes references to investigations by the Department of Health
4 and Human Services upon notification.

5 **FISCAL NOTE REQUIRED**

6 **(See attached)**