

Date:

(Filing No. H-)

HEALTH AND HUMAN SERVICES

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

COMMITTEE AMENDMENT “ ” to H.P. 575, L.D. 889, “An Act to Amend the Laws Regarding the Department of Health and Human Services”

Amend the bill by striking out the title and substituting the following:

'An Act to Clarify the Release of Information by the Department of Health and Human Services in the Law Regarding Automatic Referrals'

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, individuals who are eligible to enroll in certain state programs will be referred to other programs for which they are eligible through an automatic referral project created by Public Law 2023, chapter 412; and

Whereas, individuals must be able to opt out of information sharing, and establishing that ability requires a statutory change; and

Whereas, the Department of Health and Human Services and other state agencies, quasi-state agencies and other entities are currently developing and implementing the project, and this legislation must take effect immediately to avoid any delays; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

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

'Sec. 1. 22 MRSA §3110, sub-§2, as enacted by PL 2023, c. 412, Pt. VV, §1, is amended to read:

2. Authorization required. Before providing any information pursuant to this section, the department must receive ~~express~~ authorization from the recipient of assistance

1 agreeing to the release of that information in accordance with ~~federal and state law~~ this
2 section. The department shall develop a simplified process to give the recipient of
3 assistance the choice to opt out of authorizing ~~the~~ a release of information pursuant to this
4 section at the time of application or recertification for assistance under this subtitle or at
5 another time of the individual's choice.

6 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
7 takes effect when approved.'

8 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
9 number to read consecutively.

10 SUMMARY

11 This amendment replaces the bill, which is a concept draft, and changes the title. The
12 Department of Health and Human Services is developing an automatic referral process
13 based on the provisions of Public Law 2023, chapter 412 to increase the number of
14 individuals served by the department who are referred to, or enrolled in, other income
15 supplementation and assistance programs. This amendment allows an individual to opt out
16 of authorizing the release of specific information concerning the individual to facilitate that
17 automatic referral or enrollment. The amendment also adds an emergency preamble and
18 emergency clause.

19 FISCAL NOTE REQUIRED

20 (See attached)