

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: April 6, 2021
To: Joint Standing Committee on Health & Human Services
From: Anna Broome, Legislative Analyst

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

SUMMARY: This bill establishes the Aging and Disability Mortality Review Panel to review deaths of and serious injuries to all adults receiving home-based and community-based services under a waiver approved by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

The bill also makes changes to the laws governing the Maine Developmental Services Oversight and Advisory Board, moving the budget of the board from the Department of Health and Human Services to the Department of Administrative and Financial Services and requiring disclosure of final reports of investigations pursuant to the Adult Protective Services Act to the board. It also clarifies the appointment process for members of the board.

ISSUES FROM TESTIMONY:

- Mortality Review Panel sections are the same as proposed and voted on in the biennial budget. Only difference is the amended the definition of “adults receiving services” in the budget language. MRP related to the OIG investigation (<https://oig.hhs.gov/oas/reports/region1/11600001.pdf>).
- LD 1377 in the 129th also included the sections related to the Maine Developmental Oversight and Advisory Board (secs. 9-12). Proponents: OAB and its predecessor part of the oversight system when winding up the Pineland Consent Decree in 2007. OAB now receiving some of the information that it is supposed to receive under the law after receiving none for several years. OAB still necessary for maintaining an effective adult protective system for adult with intellectual disabilities or autism.

DRAFTING ISSUES:

- Requires a public record exception review by JUD – letter already submitted for the budget and mentioning LD 716.
- Amendment to last year’s unanimous LD 1377 made in the budget to reflect the department’s intent to request a community waiver (1915k):
"Adults receiving services" means adults receiving home-based and community-based services under 42 Code of Federal Regulations, Part 441.

ADDITIONAL INFORMATION REQUESTED BY COMMITTEE:

- Veto question for LD 1676 in the 128th. The enacted version sent to the Governor was entirely different to LD 1377 or this bill. The minority report was adopted, changing the make-up of Maine Elder Death Analysis Review Team in Title 5, §200-H (housed in the OAG) and adding positions in the Office of the Attorney General.

FISCAL IMPACT:

Not yet received from OFPR.