

Maine Counseling Association – Public Policy Update
128th Legislature **April 8, 2017**
Ben Milster

The 128th Legislature is now very active, and the list of submitted bills grows every day.

One Legislative Request (#1756), An Act to Enhance Workforce Development for Behavioral Health and Substance Abuse Workers, may be of significant interest to us as the session develops.

Bills of interest so far:

LD 43 - Resolve, To Establish the Task Force To Study Higher Education Attainment and Completion Goals.

SUMMARY

This resolve establishes the Task Force To Study Higher Education Attainment and Completion Goals. The task force membership consists of Legislators, representatives of quasi-governmental and business entities, state agency commissioners and one member of the public. The task force's duties include examination and review in the areas of college completion, statewide postsecondary education attainment goals and metrics, college affordability and completion initiatives and college and university support of state policies and strategies to enable college completion and support workforce development. The task force is required to submit a report containing its findings and recommendations, including any necessary implementing legislation, to the Joint Standing Committee on Education and Cultural Affairs by December 15, 2017.

Public hearing was January 27. Work sessions were scheduled for February 2 and 27, but were tabled.

LD 94 - An Act To Provide a Source of Funding for Drug Abuse Resistance Education

SUMMARY

This bill requires that the funds generated by forfeited firearms that are auctioned to federally licensed firearms dealers or the public be used to fund educational programs taught by law enforcement officers that target prevention of substance abuse, violence or high-risk behavior and teach students good decision-making skills to help them lead safe and healthy lives. These educational programs are known as the Drug Abuse Resistance Education program.

Public hearing was held February 6.

Work session was March 6. Divided report (Committee on Criminal Justice and Public Safety)

LD 95 - An Act To Provide a Method for a Student To Be Excused from Standardized Testing

SUMMARY

This bill requires a school administrative unit to excuse a student from a standardized assessment at the written request of the student's parent or guardian and establishes requirements for school administrative units and the Department of Education related to excusing a student.

Public hearing was February 6.

Work session was held March 16. March 17 voted as Ought Not To Pass (Committee on Education and Cultural Affairs)

LD 105 - An Act To Create a Centralized Authority To Combat Opiate Addiction in Maine
SUMMARY

This bill establishes an office within the Department of Health and Human Services to coordinate efforts in the State to combat addiction to opiates.

LD 107 - An Act To Increase the Effectiveness of Opioid Addiction Therapy
SUMMARY

This bill repeals the 24-month limit on MaineCare coverage or reimbursement for buprenorphine and naloxone combination drugs, also known as Suboxone, for the treatment of addiction to opioids.

Referred to Committee on State and Local Government on Apr 6, 2017.

LD 169 - An Act To Support Sexual Assault Survivors

SUMMARY

This bill enacts protections for alleged victims of gross sexual assault that mirror protections provided in federal law. The bill contains the following provisions. 1. The bill requires a prosecutor or law enforcement agency to provide written information to an alleged victim concerning the right to undergo a forensic examination and the right to receive the results and any report resulting from a forensic examination unless disclosure to the alleged victim could impede or compromise an ongoing investigation or an ongoing prosecution. 2. The bill requires the prosecutor or law enforcement agency that has custody of the results and any report to retain the results and any report without charge until the expiration of the period of the statute of limitations. The bill requires the prosecutor or law enforcement agency, at least 60 days prior to destroying or disposing of the results and report, to provide notice of the intended destruction or disposal to the victim and allows for further retention upon the objection of the victim. The bill provides for routine technical rulemaking by the Chief of the State Police regarding retention and destruction or disposal of the results and any report.

Public hearing was held March 1.

Work session held on March 8. Voted Ought Not To Pass March 8, reported out ONTP March 10. (Committee on Criminal Justice and Public Safety)

LD 180 - An Act To Enhance Higher Education in Maine through the Creation of a Unified Board of Higher Education

SUMMARY

This bill replaces the Board of Trustees of the University of Maine System, the Board of Trustees of the Maine Community College System and the Board of Trustees of the Maine Maritime Academy with the Board of Trustees of Higher Education to provide a unified body for the governance of those institutions. Part A makes changes to the law to replace some select references to the individual boards of trustees with references to the unified board and enacts a new chapter in the Maine Revised Statutes, Title 20-A with provisions that establish the new unified board. Part B establishes a transition team to recommend further changes to the law to fully accomplish the transition to the unified board. The transition team will recommend specific changes to determine the qualifications of trustees and the powers and duties of the unified board in a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The report of the transition team must also recommend changes to the administration or organization of and the existing law governing the University of Maine System, the Maine Maritime Academy and the Maine Community College System to ensure the efficient operation under the unified board and to avoid any potential conflicts with

the law establishing the unified board. The joint standing committee is authorized to submit a bill to the Second Regular Session of the 128th Legislature based upon the report.

Public hearing was held March 8 at 9:00 am. Work session held March 29. Voted ONTP on March 29 (Committee on Education and Cultural Affairs)

LD 186 - An Act To Improve Peer Support Services

CONCEPT DRAFT

SUMMARY

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to improve peer support services provided to consumers of mental health services who are clients of the Department of Health and Human Services.

Public hearing scheduled for April 20 at 1:00 pm

LD 228 - An Act To Amend the Mathematics Requirements for High School Graduation

SUMMARY

This bill prohibits requiring the secondary course of study in schools from including an advanced algebra course and prohibits requiring students to achieve proficiency in advanced algebra. The bill requires the Commissioner of Education to amend the rules by the beginning of the 2018-2019 school year requiring students to complete an advanced algebra course.

Public hearing scheduled for April 20 at 1:00 pm

LD 322 - An Act To Reinroduce Civics to High School Graduation Requirements

SUMMARY

This bill requires secondary schools to provide instruction in civics as part of the requirements for graduation.

Public hearing was February 16.

Work session was held March 7. Voted Ought Not To Pass March 7. Reported out as ONTP March 10. (Committee on Education and Cultural Affairs)

LD 356 - An Act To Repeal Certain Requirements for Graduation from Secondary School
SUMMARY

Under current law, in order to award to a student a diploma indicating graduation from secondary school, a school must certify that the student has demonstrated proficiency in each of the guiding principles set forth in rules adopted by the Department of Education. In accordance with rules adopted by the department, the guiding principles are measured using rubrics that assess and grade a student's proficiencies in being a clear and effective communicator, a self-directed and lifelong learner, a creative and practical problem solver, a responsible and involved citizen and an integrative and informed thinker. This bill repeals this requirement.

Public hearing was held February 27.

Work session was held for March 21 at 1:00 pm.

Voted on March 21 - Divided report (Committee on Education and Cultural Affairs)

LD 384 - An Act To Strengthen Maine Children's Mental Health

CONCEPT DRAFT

SUMMARY

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to require MaineCare to cover mental health treatment for a child that uses evidence-based practices, to include meetings with the parent of the child without the child present as long as the meetings are focused on the goals of the treatment.

Public hearing was held April 7 at 1:00 pm

LD 412 - An Act To Require the Completion of Courses of Study in Home Economics and Industrial Arts Education Prior to Graduation from High School

SUMMARY

This bill adds home economics and industrial arts to the list of courses required for a high school diploma and adds home economics and industrial arts to the areas of essential instruction in the system of learning results.

Public hearing was February 27.

Work session was held March 21 at 1:00 pm.

Voted on March 21 - Divided report (Committee on Education and Cultural Affairs)

LD 462 - An Act To Require a Capstone Project as a Condition of High School Graduation
SUMMARY

This bill requires all high school students to complete a capstone project in which the student must identify a problem, develop a solution to that problem and share that solution with the community.

Public hearing was held February 27.

Work session was held March 21 at 1:00 pm.

Voted on March 21 as ONTP (Committee on Education and Cultural Affairs)

LD 525 - An Act To Enhance Maine's Response to Domestic Violence
SUMMARY

This bill provides funding for the Maine Coalition to End Domestic Violence to support certified batterers' intervention programs for indigent participant fees, training programs, transportation costs and administrative expenses for the coalition.

Public hearing was held March 31 at 1:00 pm.

Work session was held April 7

Voted on April 7 as Divided report (Committee on Criminal Justice and Public Safety)

LD 565 - An Act To Address Maine's Opiate Addiction Crisis
CONCEPT DRAFT

SUMMARY

This bill is a concept draft pursuant to Joint Rule 208. 5 This bill proposes to address issues related to the opiate addiction crisis in the State.

LD 573 - Resolve, To Audit Standardized Testing in Maine's Schools
SUMMARY

This bill directs the Maine Education Policy Research Institute to conduct an audit of standardized testing in a random sample of school administrative units statewide for the purpose of understanding the amount, cost and usefulness of standardized testing. This bill requires the Maine Education Policy Research Institute no later than January 1, 2018 to issue a report with its findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs, which may report out a bill based upon the report to the Second Regular Session of the 128th Legislature.

Public hearing was March 15 at 1:00 pm. Work session was held March 28 and bill was tabled. (Committee on Education and Cultural Affairs)

LD 607 - An Act To Enhance Maine's Coordinated Response to Mental Health Crises

SUMMARY

This bill requires the Department of Health and Human Services to provide assistance to crisis intervention teams and agencies that provide mental health crisis services and to law enforcement agencies to enable them to coordinate mental health crisis services. The bill sets July 1, 2018 as the date by which a crisis intervention team or agency must enter into and sign a memorandum of understanding with each law enforcement agency that provides law enforcement services in the area of the State served by the crisis intervention team or agency. The bill requires the memorandum of understanding to be effective for 3 years and to be renewed every 3 years. The memorandum of understanding must include descriptions of the following: the internal processes the law enforcement agency uses to identify a person in need of mental health crisis services; the protocol the law enforcement agency uses to share a contact report with a crisis intervention team or agency; the process the crisis intervention team or agency uses to receive the report; the protocol the crisis intervention team or agency uses to communicate with a person in need of mental health services or the guardian or family members of that person; and the procedures to be used to convene on a quarterly basis multidisciplinary team meetings to review experiences and discuss opportunities for improvement.

LD 679 - An Act To Reform School Testing Procedures

SUMMARY

This bill limits statewide assessment program testing requirements to grades 3, 5, 7, 9 and 11 and limits any use of alternative measures of student achievement to grades 9 and 11. It also limits the statewide system of learning results testing requirements to students in grades 3, 5, 7, 9 and 11. The bill authorizes the Commissioner of Education to adopt rules to implement the provisions of the bill.

Public hearing is scheduled for March 27 at 9:30.

Work session was held April 6.

Voted on April 6 as ONTP (Committee on Education and Cultural Affairs)

LD 681 - An Act Regarding Sexual Activity and Sexual Assault at Secondary and Postsecondary Educational Institutions

SUMMARY

This bill requires that instruction involving affirmative consent, communication and decision making regarding sexual activity be a mandatory part of secondary school instruction.

"Affirmative consent" is defined as consent to sexual activity that can be revoked at any time and does not include silence, lack of resistance or consent given while intoxicated. This bill also requires a postsecondary educational institution to make a notation on a student's transcript if the student has been convicted of sexual assault committed on the campus of the postsecondary educational institution.

Public hearing is April 10 at 1:00 pm

LD 688 - An Act To Provide MaineCare Coverage for Music Therapy

SUMMARY

This bill requires music therapy services to be reimbursed under the MaineCare program upon approval of coverage by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. The Department of Health and Human Services is directed to adopt routine technical rules to implement this requirement.

Public hearing is March 20 at 9:30 am.

Work session was held March 28.

Voted on March 28 - Divided report (Committee on Health and Human Services)

LD 808 - An Act To Restore Community Support Services for Adults with Mental Illness

SUMMARY

This bill restores access to services for persons with mental illness under Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17 to those persons who were eligible for those services before the Department of Health and Human Services adopted new eligibility rules in 2016.

LD 839 - Resolve, To Address Substance Use and Addiction in County Jails

SUMMARY

This resolve provides funding to the Department of Corrections to establish a 4- month pilot project to assist in the rehabilitation of individuals incarcerated at county jails who are experiencing substance use issues or addiction, especially issues or addiction related to opioid use.

Public hearing was held April 5. Work session scheduled for April 12 at 1:00 pm

LD 902 - Resolve, To Increase Access to Evidence-based Psychosocial Treatment for Children in the MaineCare Program

SUMMARY

This resolve requires the Department of Health and Human Services to increase the MaineCare reimbursement rates for evidence-based outpatient psychosocial treatments for children to a rate that covers all costs involved with providing the service, including additional training, clears waiting lists and attracts providers to all areas of the State, including underserved rural areas. The resolve also requires the department to cover 2 additional evidence-based services known as trauma-focused cognitive behavioral therapy and parent management training programs through a request for proposals, using General Fund funds for training and hiring staff. The department and the contracted providers are required to develop a reimbursement rate for providing the service that is sufficient to allow the continued financial health of the service providers providing these therapies.

Public hearing was March 29 at 3:00 pm.

LD 912 - An Act To Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy

CONCEPT DRAFT

SUMMARY

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the current law to establish that practices or treatments that seek to change an individual's sexual orientation or gender identity are prohibited for certain professionals licensed under the Maine Revised Statutes, Title 32 and to establish penalties for that conduct.

LD 940 - An Act To Increase Student Learning Time

CONCEPT DRAFT

SUMMARY

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to limit the total amount of time during each school year that a student spends taking tests.

Public hearing was held April 3.

LD 952 - An Act To Ensure Access to Opiate Addiction Treatment in Maine

SUMMARY

This bill directs the Department of Health and Human Services to amend its rules to increase the MaineCare reimbursement rate for outpatient opioid treatment to \$80 per week and to permit outpatient opioid treatment providers to be open 6 days per week as provided under federal law. It directs the department to contract with a 3rd-party consultant to conduct a rate study regarding reimbursement to outpatient opioid treatment providers. It authorizes opioid treatment programs under the Maine Pharmacy Act to operate without maintaining a pharmacist in charge but requires opioid treatment programs to enter into a written agreement with a licensed pharmacist to serve as a consultant to the opioid treatment program. It authorizes registered professional nurses, certified nurse practitioners and licensed practical nurses to dispense opioid medication for substance abuse treatment purposes to patients in an opioid treatment program.

LD 966 - An Act To Create Mental Health Liaison Positions in Each County Jail

SUMMARY

This bill provides for a mental health liaison in each county or regional jail to oversee inmates with serious mental illness and connect them to the services for which they qualify, to work with the court system to ensure that they receive due process and speedy trials and to assist inmates who qualify for MaineCare to apply for and receive MaineCare benefits and services. This bill directs the Department of Health and Human Services to issue a request for proposals to private providers of behavioral health services and advocacy to replace intensive case manager positions within the department to staff the 15 mental health liaison positions in the county and regional jails.

Public hearing is March 31 at 9:30 am. Work session schedules for April 12 at 10:00 am

LD 1015 - An Act To Improve the Student Transfer Process

SUMMARY

This bill provides that a parent of a student requesting a transfer from one school administrative unit to another school administrative unit may not request the Commissioner of Education to review a decision to not approve a transfer if both superintendents find a transfer is not in the student's best interest. The bill also establishes the Commission To Study the Student Transfer Process to conduct a review of the appeal process under the laws governing the transfer of a student from one school administrative unit to another school administrative unit, including, but not limited to, a review of the criteria used by the Commissioner of Education and the State Board of Education to make a decision regarding a parent's request to review a decision to not approve a transfer.

Public hearing is March 27 at 1:00 pm. Work session scheduled for April 14 at 9:00 am

LD 1129 - An Act Regarding College Affordability

CONCEPT DRAFT

SUMMARY

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to increase the affordability of college.

Public hearing is April 10 at 9:30 am

LD 1133 - An Act Regarding Access to Appropriate Residential Services for Individuals Being Discharged from Psychiatric Hospitalization

SUMMARY

This bill provides that, if a patient in a hospital who received treatment for a psychiatric condition and who the hospital has determined is clinically ready for discharge requests admission or readmission from the hospital to a facility operated by a residential service provider and that request is denied, the residential service provider must provide the patient the reasons for the denial in writing no later than 3 business days after the request is denied. The bill directs the Department of Health and Human Services to develop a standardized form for use by residential service providers to state the specific reasons for denial. A residential service provider must provide the standardized form to the patient or the patient's parent or guardian or designated representative. A residential service provider must annually send to the department's division of licensing and regulatory services a report of all patients who are denied admission or readmission and the reasons given the patients that were contained in the standardized forms. The bill allows a patient or a patient's parent or guardian or designated representative to recover \$500 from a residential service provider that violates these provisions. It also provides for the revocation of the license of a residential service provider that violates these provisions 3 times or more in a calendar year.

LD 1189 - An Act To Define the Age of Consent for Alcohol or Drug Treatment and Mental Health Services

SUMMARY

Current law provides that a minor under 18 years of age may consent to treatment for abuse of alcohol or drugs or for emotional or psychological problems. This bill provides that a minor who is 14 years of age or older may consent to treatment for abuse of alcohol or drugs or for emotional or psychological problems and does not need the consent of a parent or guardian for such treatment. It also provides that if the parent or guardian consents to such treatment of a minor 14 years of age or older, the minor may not abrogate that consent and that if a minor 14 years of age or older consents to such treatment, a parent or guardian may not abrogate that consent.

LD 1197 - An Act to Support Substance Use Disorder Prevention, Treatment and Recovery
SUMMARY

This bill establishes the Fund for Substance Use Disorder Prevention, Treatment and Recovery and funds it by requiring 10% of the tax revenue from the retail sale of marijuana and marijuana products to be deposited in the fund. The fund is used for substance use disorder prevention, recovery and treatment programs administered by the Department of Health and Human Services and the Maine Center for Disease Control and Prevention. This bill specifies that the additional funding for existing programs for substance use disorder, treatment and recovery is intended to supplement, not supplant, funding appropriated for those purposes.

LD 1231 - An Act Regarding Mental Health Care for Maine Veterans
SUMMARY

This bill directs the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to station at each of the bureau's field offices a social worker to provide direct mental health care to veterans, to coordinate mental health care for veterans and to work with the Federal Government and state and local mental health service providers to provide mental health care to veterans. It also requires the director to administer a program to provide grants to providers of mental health services to veterans and appropriates ongoing funds of \$1,000,000 annually for the program.

Public hearing is April 19 at 1:00 pm

LD 1305 - An Act To Protect Victims of Sexual Assault
SUMMARY

Current law allows a person who is a victim of a sexual assault described in the Maine Revised Statutes, Title 17-A, chapter 11 to file a petition for a protection order, whether or not the person who committed the assault is a family or household member or dating partner; the duration of the protection order may be for a fixed period not to exceed 2 years. This bill expands the possible duration of a protection order for victims of sexual assault. The bill provides a victim of a sexual assault described in Title 17-A, chapter 11 the opportunity to petition for an order that is a fixed period of time that may be longer than 2 years, including an order that may be permanent. The bill also adds to the kinds of relief that a court may order for a sexual assault victim the requirement that the defendant refrain from knowingly coming within or knowingly remaining within a specified distance of a specified location.

LD 1335 - An Act To Provide Youth Mental Health First Aid Training to Secondary School Health Educators

SUMMARY

This bill requires the Department of Education to establish a program to ensure health educators in secondary schools receive training from properly credentialed trainers in youth mental health first aid.

LD 1376 - An Act To Remove Barriers to Workforce Development in Alcohol and Drug Counseling and To Increase the MaineCare Reimbursement Rates for Certain Counselors

SUMMARY

This bill directs the Department of Health and Human Services to increase the rates of reimbursement under the MaineCare Benefits Manual, rule Chapter 101: Chapters II and III, Sections 13, 17, 23, 28, 65 and 97 by 20% over the rates in June 2016 by October 27 1, 2017. The bill also makes the following changes to the laws and rules regulating alcohol and drug counselors.

1. It requires reimbursement under the MaineCare program for the services of a licensed clinical professional counselor at the same rate as a licensed clinical social worker.
2. It allows a person to qualify as a licensed alcohol and drug counselor if that person holds a certified alcohol and drug counseling certificate and completes 2,000 hours of practice in alcohol and drug counseling.
3. It reduces the number of hours of documented supervised practice in counseling required to qualify as a licensed alcohol and drug counselor.
4. It requires the Department of Professional and Financial Regulation, State Board of Alcohol and Drug Counselors to offer qualifying examinations at least once every month and conduct the examination if there is an applicant and to issue a license or certificate within 10 days of a passing examination score. It also allows an applicant to submit an application for the examination and the license at the same time.
5. It makes the home addresses of certified and licensed alcohol and drug counselors, certified clinical supervisors and alcohol and drug counseling aides confidential.
6. It reduces the required number of contact hours in continuing professional education for certified and licensed alcohol and drug counselors.