

1. Agenda

Documents: [AGENDA 10.08.13.PDF](#)

2. Memo To Committee, October 2013

Documents: [MEMOTOCOMMITTEEOCT2013.PDF](#)

3. Memo To Committee, 10/28/13

Documents: [MEMOTOCOMMITTEERECH28OCT2013.PDF](#)

4. 28-84 Violations

Documents: [2884VIOLATIONS.PDF](#)

5. Memo And Policies

Documents: [100813MEMOANDPOLICIES.PDF](#)

6. Buffer Zone Draft Ordinance, 09/17/13

Documents: [BUFFERZONEDRAFTORDINANCE091713.PDF](#)

7. 39-Foot Buffer Zone Planned Parenthood Aerial, 09/16/13

Documents: [39FOOTBUFFERZONEPLANNEDPARENTHOODAERIAL9162013.PDF](#)

8. Planned Parenthood Aerial 25-Foot Radius East Entrance, 09/18/13

Documents: [PLANNEDPARENTHOODAERIALRADIUS918201.PDF](#)

9. Public Safety, Health & Human Services Committee Quarterly Update

Documents: [PSHHSCMTEQUARTERLYUPDATE.PDF](#)

CITY OF PORTLAND, MAINE
Public Safety, Health & Human Services Committee

Public Safety, Health and Human Services

DATE: 10/8/2013

TIME: 6:00 PM

LOCATION: City Council Chambers - City Hall
389 Congress Street

AGENDA

1. Meeting Called to Order and Minutes from September Meeting Reviewed.
2. Public Health Division Quarterly Update. (Please note; Public Comment will be taken on this item)
3. Health Care for the Homeless Polices. (Please note; Public Comment will be taken on this item)
4. Chapter 28; Traffic and Motor Vehicles, Section 84; Violations. (Please note; Public Comment will be taken on this item)
5. Proposed Amendment to City Code Chapter 17; Buffer Zone Establishment. (Please note; Public Comment will be taken on this item)

MEMORANDUM

To: Public Safety, Health and Human Services Committee
From: Trish McAllister, Neighborhood Prosecutor
Re: Reproductive Health Facility Buffer Zone
Date: September 23, 2013

Please reference the previous staff memo for background on this issue.

Last month this committee discussed various options to address the complaints of clients and staff of Planned Parenthood relative to the anti-abortion protests occurring outside that facility each week. The option of a buffer zone ordinance was introduced and discussion included its legal foundation and practical application. The committee asked staff to make one minor change to the proposed ordinance (change "Portland METRO" to all public transit for the purpose of buffer zone exemption), and to verify the measurements around the various entrances.

The committee asked to see an ordinance that would exclude protesters or loiterers of almost any kind in a buffer zone around the entire area from the Elm Street entrance up and around the corner all the way to the eastern most entrance on Congress Street.

A follow-up measurement session with a DPS engineer showed that the proposed 39-foot zone would, in fact, protect this entire area without encroaching onto sidewalks across the street. Please see the enclosed map of a 39-foot buffer zone produced by DPS engineering technician William Clark.

In addition, Councilor Suslovic requested a graphic representation of what a much more limited buffer zone (25 feet around the most-used entrance) would look like, for comparison purposes. You will see that depiction in your back-up materials as well.

Attachments:

Proposed Ordinance
Map of 39-foot buffer zone around all entrances
Map of 25-foot buffer zone around only eastern entrance

MEMORANDUM

To: Public Safety, Health and Human Services Committee
From: Trish McAllister, Neighborhood Prosecutor
Re: Chapter 28 Amendment
Date: September 23, 2013

According to the Parking Division, a fairly common problem they observe is the abuse of disabled hanging parking placards. Basically what people are doing is tampering with the placards by changing the expiration date to make it look like an expired tag is still good. They even report cases where people take a dead relative's hang tag and use it for years. The fact that there is no ordinance violation to enforce is a source of frustration to the parking officers who can clearly see the deception, and also to the public at large, especially those who rightfully utilize disabled tags.

Currently under state law a police officer could issue a summons for such a violation under 29-A sec 512 (9-A). However, that doesn't give our parking enforcement officials a tool to use. Also an officer would have to wait for a driver to come back to the car to issue the summons in person. A parking official can just leave a ticket on the windshield.

Staff recommends a severe enough penalty (\$200) to deter this behavior. This would also align with the current penalty for improper use of a disabled parking zone by someone without authorization.

Attachments:

Proposed Ordinance Amendment

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
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JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 28. TRAFFIC AND MOTOR VEHICLES
SECTION 84 (VIOLATIONS)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND<
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

1. *That Chapter 28, Section 84 (Violations) of the Portland City Code is hereby adopted to read as follows:*

Sec, 28-84. Violations.

It shall be unlawful for any person to:

...

- (j) Cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked in any parking space utilizing a disability registration plate or removable windshield placard which has been tampered with or improperly altered in any way. The minimum fine for a violation of this section shall be two hundred dollars (\$200).



PORTLAND MAINE

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Health and Human Services Department
Douglas S. Gardner, Director

Public Health Division
Julianne A. Sullivan, MPH, MBA, Director

TO: Ed Suslovick, Chair and Members of the Public Safety, Health and Human
Services Committee
FROM: Kathi Fortin, Program Manager *KF*
Portland Health Care for the Homeless Program
DATE: October 4, 2013
SUBJECT: Request for Policy Approval

I am submitting a request for approval of the following policies:

Continuity of Care Policy

We are required to have a board approved continuity of care policy in accordance with Health Center Program Requirement number 6 (continuity of care). This policy was reviewed and approved at the 10/3/2013 HCH Quality Assurance and Improvement Committee.

Financial Access Policy

We are required to have a board approved Financial Access Policy in accordance with Health Center Program Requirement number 7 (sliding fee discount). This policy was reviewed and approved at the 10/3/2013 HCH Quality Assurance Committee.

Thank you.

Portland Health Care for the Homeless Program
20 Portland Street, Portland, Maine 04102

  Public Health Prevent. Promote. Protect. Portland Public Health Division City of Portland, Health and Human Services Department	Title	Continuity of Care Policy
	Responsibility	Medical Director
	City Council Approval	
	Internal QA/I Approval	10/3/2013
	Review/Revision Dates	9/2013
	Original Effective Date	
	File Location	

It is the policy of the Portland Health Care for the Homeless Program (HCH) to promote continuity of care for comprehensive health services.

Service Delivery Model

HCH shall implement patient-centered strategies to create a supportive, therapeutic environment in order to address the multiple and complex needs of people experiencing homelessness.

Hours of Operation

HCH shall provide access to services Monday through Friday with an after-hours call system to support access when HCH is closed. (Section 330(k)(3)(A) of the PHS Act and 42 CFR Part 51c,102(h)(4))

Continuum of Care

HCH shall maintain contractual arrangements for specialty and diagnostic services, hospitalization, discharge planning and patient tracking to round out the high-quality care provided to HCH clients. Appropriate clinical and diagnostic information shall be exchanged and tracked so that HCH may provide appropriate follow-up services and care coordination. (Section 330(k)(3)(L) of the PHS Act)

Portland Health Care for the Homeless Program

20 Portland Street, Portland, Maine 04102

  Public Health Prevent. Promote. Protect. Portland Public Health Division City of Portland, Health and Human Services Department	Title	Financial Access Policy
	Responsibility	Program Manager
	City Council Approval	
	Internal QA/I Approval	10/3/2013
	Review/Revision Dates	9/2013
	Original Effective Date	4/2009
	File Location	

It is the policy of the Portland Health Care for the Homeless Program (HCH) to assure access to health care services by individuals who qualify for services at HCH, regardless of a person's ability to pay. Ability to pay is determined by annual income and family size according to the most recent U.S. Department of Health & Human Services Federal Poverty Guidelines.

Fee Schedule

HCH shall prepare a schedule of fees or payments for the provision of services that is consistent with locally prevailing rates or charges and designed to cover the reasonable costs of operation. HCH shall make reasonable effort to obtain reimbursement from third-party payers as appropriate. These third-party payers shall be billed on the basis of the full amount of fees and payments for such services without application of any discount.

Sliding Fee Discount Schedule

HCH shall have a system in place to determine eligibility for patient discounts adjusted on the basis of the patient's ability to pay. This system shall provide a full discount to individuals and families with annual incomes at or below 100% of the Federal poverty guidelines. For those with incomes between 101% and 200% of poverty, fees must be charged in accordance with the approved sliding fee discount schedule (Attachment 1).

No discounts may be provided to patients with incomes over 200% of the Federal poverty guidelines.

Eligibility and Enrollment

HCH shall maintain procedures to determine eligibility for services and to assist with enrollment in federal, state, local and HCH financial assistance programs as appropriate.

Attachments: 2013 Sliding Fee Discount Scale

Reference: Section 330(k)(3)(G) of the PHS Act, 42 CFR Part 51c.303(f) and 42 CFR Part 51c.303(u)

PORTLAND HEALTHCARE FOR THE HOMELESS
Attachment 1: 2013 Financial Access Program - PRIMARY CARE, BEHAVIORAL HEALTH & DENTAL

<u>Family Size</u>	<u>YOU PAY \$0 IF YOUR INCOME IS <100%</u>	<u>YOU PAY \$5.00 IF YOUR INCOME IS 101% - 124%</u>	<u>YOU PAY \$15.00 IF YOUR INCOME IS 125% - 149%</u>	<u>YOU PAY \$25.00 IF YOUR INCOME IS 150% - 199%</u>	<u>YOU PAY 100% OF CHARGES IF YOUR INCOME IS > OR EQUAL TO 200%</u>
1 - Monthly Yearly	\$958 \$0 - \$11,490	\$1,197 \$11,491 - \$14,363	\$1,436 \$14,364 - \$17,235	\$1,676 \$17,236 - \$22,980	\$1,915 \$22,981
2 - Monthly Yearly	\$1,293 \$0 - \$15,510	\$1,616 \$15,511 - \$19,388	\$1,939 \$19,389 - \$23,265	\$2,262 \$23,266 - \$31,020	\$2,585 \$31,021
3 - Monthly Yearly	\$1,628 \$0 - \$19,530	\$2,034 \$19,531 - \$24,413	\$2,441 \$24,414 - \$29,295	\$2,848 \$29,296 - \$39,060	\$3,255 \$39,061
4 - Monthly Yearly	\$1,963 \$0 - \$23,550	\$2,034 \$23,551 - \$29,438	\$2,944 \$29,438 - \$35,325	\$3,434 \$35,326 - \$47,100	\$3,925 \$47,101
5 - Monthly Yearly	\$2,298 \$0 - \$27,570	\$2,872 \$27,571 - \$34,463	\$3,446 \$34,464 - \$41,355	\$4,021 \$41,356 - \$55,140	\$4,595 \$55,141
6 - Monthly Yearly	\$2,633 \$0 - \$31,590	\$3,291 \$31,591 - \$39,488	\$3,949 \$39,489 - \$47,385	\$4,607 \$47,386 - \$63,180	\$14,693 \$63,181
7 - Monthly Yearly	\$2,968 \$0 - \$35,610	\$3,709 \$35,611 - \$44,513	\$4,451 \$44,514 - \$53,415	\$5,193 \$53,416 - \$71,220	\$5,935 \$71,221
8 - Monthly Yearly	\$3,303 \$0 - \$39,630	\$4,128 \$39,631 - \$49,538	\$4,954 \$49,539 - \$59,445	\$5,779 \$59,446 - \$79,260	\$6,605 \$79,261

* NO ONE IS DENIED SERVICES BECAUSE OF THE INABILITY TO PAY.

* I HAVE READ AND UNDERSTAND THE HEALTHCARE FOR THE HOMELESS SLIDING FEE PROGRAM FOR HEALTH SERVICES.

PATIENT: _____ DATE: _____

WITNESS: _____ DATE: _____

MICHAEL F. BRENNAN (MAYOR)
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 DAVID A. MARSHALL (2)
 EDWARD J. SUSLOVIC (3)
 CHERYL A. LEEMAN (4)

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**AMENDMENT TO PORTLAND CITY CODE
 CHAPTER 17. OFFENSES
 ARTICLE VII – ACCESS TO REPRODUCTIVE HEALTH CARE FACILITIES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
 MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Chapter 17, Article VII (Access to Reproductive Health Care Facilities) of the Portland City Code is hereby adopted to read as follows:*

Article VII: Access to Reproductive Health Care Facilities

Sec. 17-108. Findings; purposes.

- (a) The City Council hereby finds as follows:
 - (1) Access to Reproductive Health Care Facilities is important for residents and visitors to the City of Portland and is a right that must be protected;
 - (2) The exercise of a person's right to protest or counsel against certain medical procedures is a First Amendment activity that must be protected;
 - (3) Public sidewalks adjacent to Reproductive Health Care Facilities located in the City of Portland are narrow, measuring between six and eight feet wide. These sidewalks abut busy city streets;
 - (4) Under Federal law (18 U.S.C. § 248 (2010)) and Maine state law (5 M.R.S. § 4684-B (2002)) it is unlawful for any person to obstruct or interfere with another person's access to reproductive health care services;
 - (5) Recent demonstrations outside of reproductive health care facilities have caused patients and employees of

these facilities to believe that their safety and right to privacy are threatened; and

- (6) Recent demonstrations outside of reproductive health care facilities have resulted in the fear and intimidation of patrons seeking to enter or leave other private businesses adjacent the reproductive health care facilities.

(b) The City Council further finds that it is in the interest of public health, safety and welfare to regulate the use of public sidewalks and streets adjacent to reproductive health care facilities in order to promote the free flow of traffic on streets and sidewalks, reduce disputes and potentially violent confrontations requiring significant law enforcement services, protect property rights, protect First Amendment freedoms of speech and expression and secure a citizen's right to seek reproductive health care services.

(c) The Council finds that the size of the limited buffer zone outside of reproductive health care facilities located in the City of Portland established by this Article is necessary to ensure that patients and employees of reproductive health care facilities have unimpeded access to reproductive health care services while also ensuring that the First Amendment rights of people to communicate their message to their intended audience is not unduly restricted or overburdened.

(d) The City Council seeks to provide unobstructed access to reproductive health care facilities by setting clear guidelines for activity in the immediate vicinity of the reproductive health care facilities.

(e) In adopting this ordinance, the Council recognizes and seeks to balance both the fundamental right to assemble peacefully and to demonstrate on matters of public concern, with the right to seek and obtain reproductive health care services. This ordinance is intended to promote the full exercise of these rights and to strike an appropriate accommodation between them.

Sec. 17-109. Definitions.

For the purposes of this Article:

"Reproductive health care facility" means a place, other than within or upon the grounds of a hospital, where health care

services related to the human reproductive system, including abortions, are offered or performed.

"Patient escort services" means the act of physically escorting patients through the buffer zone to the reproductive health care facility and does not include counseling or protesting of any sort during such escort service.

Sec. 17-110. Prohibited acts.

(1) No person shall knowingly enter or remain on a public way or sidewalk adjacent to a reproductive health care facility within a radius of 39 feet of any portion of an entrance, exit or driveway of a reproductive health care facility. This subsection shall not apply to the following:

- (a) Persons entering or leaving such facility;
- (b) Employees or agents of such facility acting within the scope of their employment for the purpose of providing patient escort services only;
- (c) Law enforcement, ambulance, firefighting, construction, utilities, public works and other municipal agents acting within the scope of their employment;
- (d) Persons using the public sidewalk or street right-of-way adjacent to such facility solely for the purpose of reaching a destination other than such facility; and
- (e) Persons using the public sidewalk or street right-of-way adjacent to such facility solely for the purpose of de-boarding or waiting to board public transit.

(2) The provisions of subsection (1) shall only take effect during a facility's business hours and if the area contained within the radius described in subsection (1) is clearly marked and posted.

Sec. 17-111. Enforcement.

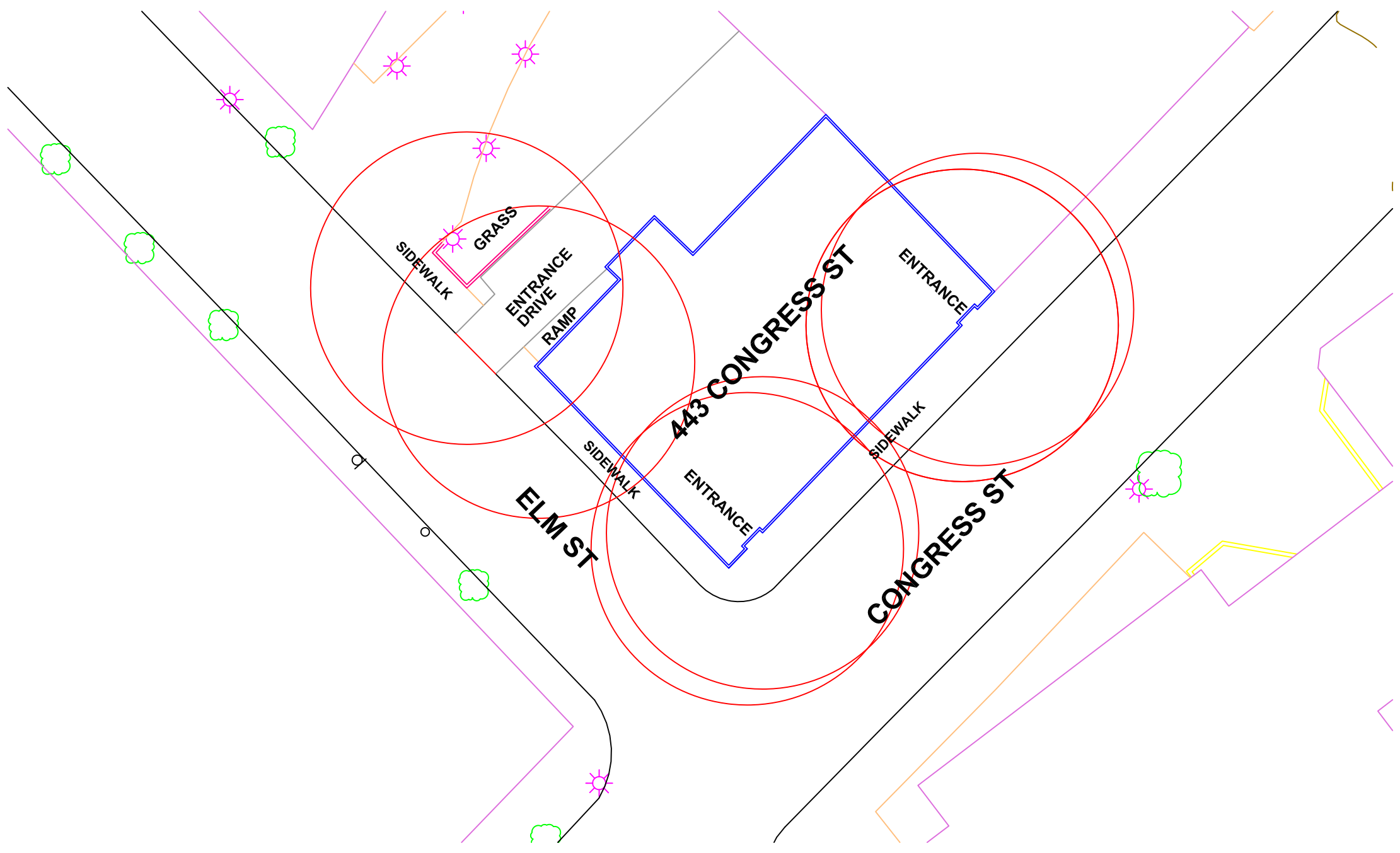
(1) Prior to issuing a citation for a violation of this section, a police officer or any law enforcement or code enforcement officer shall issue one verbal warning to an individual. If the individual fails to comply after one warning,

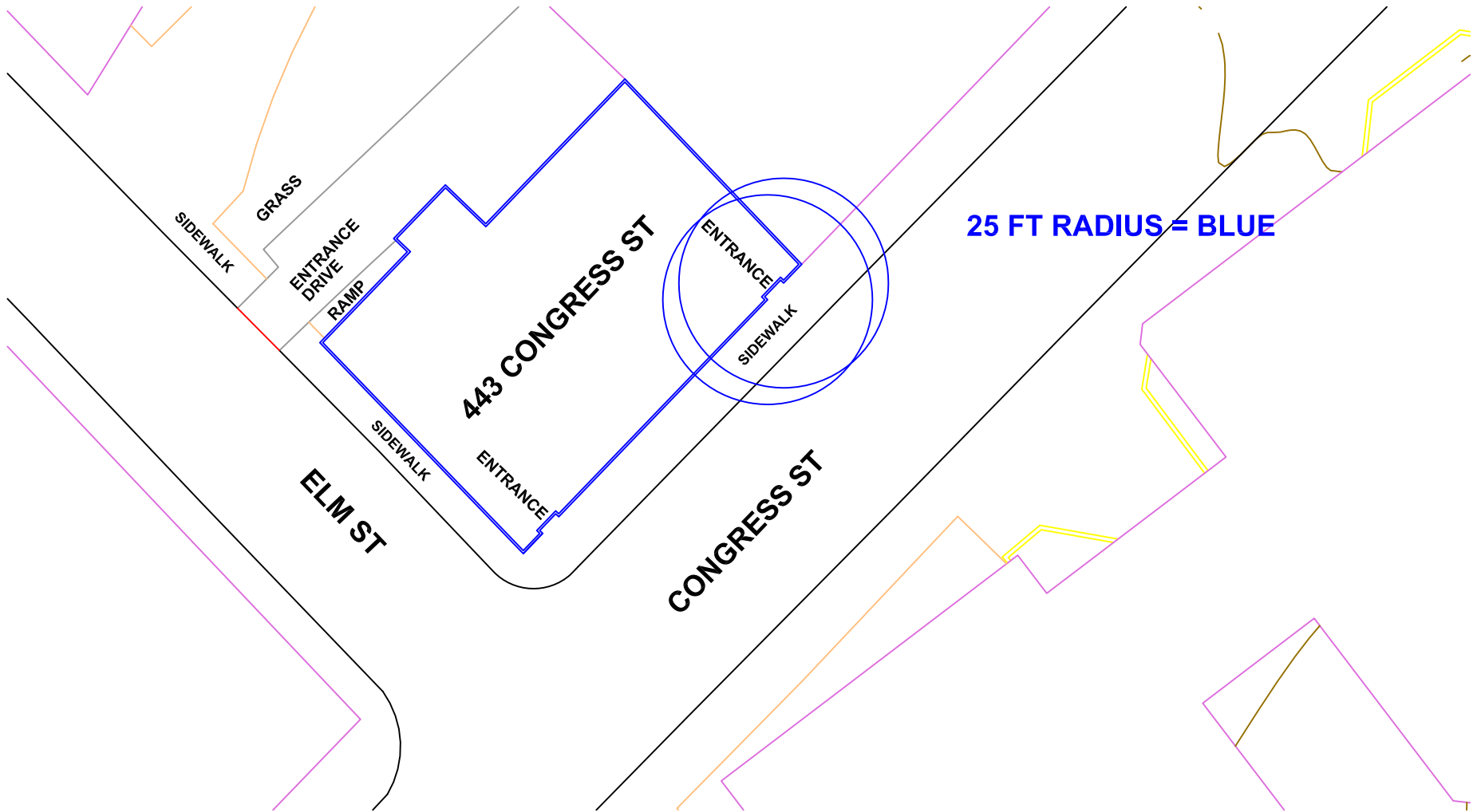
said individual shall be given a citation. Failure to comply after one warning is cause for citation whether or not the failure or subsequent failures are contemporaneous in time with the initial warning.

(2) Any violation of the provisions of this law constitutes a civil offense punishable by a minimum fine of \$100. The City may also seek and the court may order injunctive relief designed to prevent further violations of this Article.

Sec. 17-112. Severability.

If any section, sentence, clause or phrase of this Article is held invalid or unconstitutional by any court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this law.







Quarterly Update to the Public Safety, Health & Human Services Committee City Council October 8, 2013

Affordable Care Act

- Staffing the Mayor's Health Care Committee – data benchmarking
- Without Medicaid expansion, safety net health care will be significantly reduced
- Hired our first **French Community Health Outreach Worker**, Jocelyne Ininahazwe, who will work at Homeless Health, India Street, and the Portland Community Health Center, via funding to us from Mercy Hospital.
- Minority Health Program is heavily involved with ensuring **ACA Marketplace information** reaches refugee and immigrant communities. Two-minute videos on ACA made in French, Spanish, Somali and Arabic in partnership with CAHC.

Public Health Systems

- Finished 4 regional focus groups, moving on to feasibility analyses
- On October 15-16, hosting visitors from Carson City Health Department, Worcester Health Department, and the Kansas Health Institute as part of the **Cross-Jurisdictional Sharing** Project funded by RWJF.

Substance Abuse Prevention/Environmental Health

- Funded new **prescription medication collection box** and partnering with the Police Department to provide a safe and easy way to dispose of prescription drugs. This will reduce the risks associated with leaving expired medications in the home as well as the environmental impact of disposing of medications improperly by flushing them or throwing them in the trash.
- The box is behind the counter of the front desk at the P.D., accessible 24/7 by leaving meds with the officer at the desk. Any prescription medications, except liquids, are accepted; they will not accept any durable medical equipment or needles. Disposal is through the DEA drug collection program.

Flu Shots

- We are providing flu shots for \$10, or free with a Medicare Part B card and supplemental insurance ID card. Free to City employees and dependents.
- Seven clinics, three remaining: Sagamore Community Center 10/9, City Hall 10/16, First Lutheran Church 10/26.
- Will offer by appointment at 103 India St after 10/26. (874-8446)

Environmental Health

- Over 500 **restaurant inspections** posted to the website
- 90% of establishments are current with their inspection
- 100% of new businesses are inspected within 1 week of contact
- This summer, about 25 Wellesley Estates residents and staff, along with staff from Portland Public Health, Portland Police Department, Opportunity Alliance and Go Green Landscaping worked together as a team to teach the importance of our environment and the connection to individual and community health, by collecting and responsibly disposing of illegally dumped trash found in the water and woodlands and other unwanted household items. We collected **4,480 pounds** of illegally dumped trash and unwanted household items in less than 3 hours.

Family Health

- US DOJ-funded **Defending Childhood** was awarded another \$610,000.
- **School-based health center** renovation at King completed last year; currently working on Portland High School renovation.