

125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1692

H.P. 1244

House of Representatives, December 23, 2011

An Act To Clarify Case Management Supervision Authority and Ensure Access to Case Management Services

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2011. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Heath & Fuit

HEATHER J.R. PRIEST Clerk

Presented by Representative EVES of North Berwick. Cosponsored by Senator CRAVEN of Androscoggin and Representatives: FOSSEL of Alna, O'CONNOR of Berwick, PETERSON of Rumford, STRANG BURGESS of Cumberland.

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- 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and
- 3 **Whereas,** case management services critical to the well-being of many individuals 4 covered by the MaineCare program and other programs of health insurance are provided 5 in this State by capable professionals licensed in a variety of different health care 6 disciplines; and
- Whereas, these qualified professionals, pursuant to general authority under their
 licenses to practice their professions, have delegated certain case management functions
 to other capable and qualified persons; and
- 10 Whereas, the absence of explicit language in certain licensing statutes referring to 11 case management as one of the activities within the scope of licensed practice and one of 12 the activities that can be appropriately delegated has raised questions concerning whether 13 these services can be reimbursed under the MaineCare program when provided by these 14 licensed professionals; and
- Whereas, denial of reimbursement for case management provided by or under the supervision of various licensed professionals will result in an acute shortage of case management services, placing at risk the well-being of many persons with serious illness; and
- Whereas, clarifying the authority of these professionals through explicit language in
 the governing statutes may prevent or correct misunderstandings that have arisen
 concerning the preexisting scope of authority of these professionals; 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,
- 26 Be it enacted by the People of the State of Maine as follows:
- 27 Sec. 1. 22 MRSA §3174-SS is enacted to read:

28 §3174-SS. Reimbursement of qualified professionals for case management services

- 29The department shall provide that payment for case management services under the30MaineCare program includes reimbursement at reasonable rates for medically necessary31case management services provided by or under the supervision of the following licensed32professionals:
- 33 **<u>1. Physicians. Physicians;</u>**
- 34 **<u>2. Physician assistants. Physician assistants;</u>**
- 35 **<u>3. Psychologists. Psychologists:</u>**

1	4. Registered nurses. Registered nurses:
2	5. Advanced practice registered nurses. Advanced practice registered nurses;
3	6. Clinical professional counselors. Clinical professional counselors; and
4	7. Marriage and family therapists. Marriage and family therapists.
5	Sec. 2. 32 MRSA §2210 is enacted to read:
6	§2210. Scope of practice; case management services
7 8 9	It is within the scope of practice of a registered nurse or an advanced practice registered nurse licensed under this chapter to provide or supervise the provision of case management services under the MaineCare program.
10	Sec. 3. 32 MRSA §3300-C is enacted to read:
11	§3300-C. Scope of practice; case management services
12 13 14	It is within the scope of practice of a physician or a physician assistant licensed under this chapter to provide or supervise the provision of case management services under the MaineCare program.
15	Sec. 4. 32 MRSA §3811, sub-§4 is enacted to read:
16 17 18	<u>4. Scope of practice: case management services.</u> It is within the scope of practice of a psychologist licensed under this chapter to provide or supervise the provision of case management services under the MaineCare program.
19	Sec. 5. 32 MRSA §13851-A is enacted to read:
20	§13851-A. Scope of practice; case management services
21 22 23	It is within the scope of practice of a clinical professional counselor or a marriage and family therapist licensed under this chapter to provide or supervise the provision of case management services under the MaineCare program.
24 25	Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.
26	SUMMARY
27 28 29	This bill ensures continuation of federal financial participation under the MaineCare program by clarifying the authority of certain licensed professionals to provide and supervise the provision of case management services under the program.