



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

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S.P. 29

In Senate, January 13, 2021

### An Act To Establish the COVID-19 Patient Bill of Rights

(EMERGENCY)

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Received by the Secretary of the Senate on January 11, 2021. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by President JACKSON of Aroostook.  
Cosponsored by Speaker FECTEAU of Biddeford.





1           **§2600-G. Prescriptions during a state of emergency**

2           An individual licensed under this chapter whose scope of practice includes prescribing  
3 medication may prescribe to a patient a supply of a prescription drug for an extended period  
4 of time, not to exceed a 180-day supply, during a state of emergency declared by the  
5 Governor in accordance with Title 37-B, section 742, except for a drug prescribed in  
6 accordance with section 2600-C.

7           **Sec. B-3. 32 MRSA §3300-J** is enacted to read:

8           **§3300-J. Prescriptions during a state of emergency**

9           An individual licensed under this chapter whose scope of practice includes prescribing  
10 medication may prescribe to a patient a supply of a prescription drug for an extended period  
11 of time, not to exceed a 180-day supply, during a state of emergency declared by the  
12 Governor in accordance with Title 37-B, section 742, except for a drug prescribed in  
13 accordance with section 3300-F.

14           **Sec. B-4. 32 MRSA §3658** is enacted to read:

15           **§3658. Prescriptions during a state of emergency**

16           An individual licensed under this chapter whose scope of practice includes prescribing  
17 medication may prescribe to a patient a supply of a prescription drug for an extended period  
18 of time, not to exceed a 180-day supply, during a state of emergency declared by the  
19 Governor in accordance with Title 37-B, section 742, except for a drug prescribed in  
20 accordance with section 3657.

21           **Sec. B-5. 32 MRSA §13786-E** is enacted to read:

22           **§13786-E. Prescriptions during a state of emergency**

23           A pharmacist may dispense to a patient a supply of a prescription drug for an extended  
24 period of time, not to exceed a 180-day supply, during a state of emergency declared by  
25 the Governor in accordance with Title 37-B, section 742, unless the prescription drug order  
26 is prescribed in accordance with section 2210, 2600-C, 3300-F, 3657 or 18308.

27           **Sec. B-6. 32 MRSA §13831, sub-§2-A** is enacted to read:

28           **2-A. Administration of COVID-19 vaccines.** A pharmacist licensed in this State  
29 who meets the qualifications and requirements of section 13832 and rules adopted by the  
30 board, in addition to influenza vaccines under subsection 1 and other vaccines under  
31 subsection 2, may administer coronavirus disease 2019, or COVID-19, vaccines licensed  
32 by the United States Food and Drug Administration that are recommended by the United  
33 States Centers for Disease Control and Prevention Advisory Committee on Immunization  
34 Practices, or successor organization, for administration to a person 16 years of age or older  
35 according to a valid prescription when the person has an existing primary care physician or  
36 other existing relationship with a nurse practitioner or an authorized practitioner in this  
37 State. A pharmacist may administer COVID-19 vaccines licensed by the United States  
38 Food and Drug Administration that are outside the guidelines recommended by the United  
39 States Centers for Disease Control and Prevention Advisory Committee on Immunization  
40 Practices, or successor organization, to a person 16 years of age or older according to a  
41 valid prescription when the person has an existing primary care physician or other existing  
42 relationship with a nurse practitioner or an authorized practitioner in this State if the

1 prescription specifically states that the vaccine is medically necessary. When the person  
2 does not have an existing relationship with a primary care physician, nurse practitioner or  
3 other practitioner in this State, the pharmacist may proceed to administer according to a  
4 treatment protocol established by an authorized practitioner or a written standing order  
5 from a practitioner authorized under the laws of this State to issue an order, a prescription  
6 or a protocol to a person 16 years of age or older for COVID-19 vaccines licensed by the  
7 United States Food and Drug Administration that are recommended by the United States  
8 Centers for Disease Control and Prevention Advisory Committee on Immunization  
9 Practices, or successor organization, for administration.

10 **Sec. B-7. 32 MRSA §18309** is enacted to read:

11 **§18309. Prescriptions during a state of emergency**

12 An individual licensed under this chapter whose scope of practice includes prescribing  
13 medication may prescribe to a patient a supply of a prescription drug for an extended period  
14 of time, not to exceed a 180-day supply, during a state of emergency declared by the  
15 Governor in accordance with Title 37-B, section 742, except for a drug prescribed in  
16 accordance with section 18308.

17 **PART C**

18 **Sec. C-1. 24 MRSA §2904, sub-§1, ¶A**, as amended by PL 2019, c. 289, §1, is  
19 further amended to read:

20 A. A licensed health care practitioner who voluntarily, without the expectation or  
21 receipt of monetary or other compensation either directly or indirectly, provides  
22 professional services, including services provided through telehealth as defined in Title  
23 24-A, section 4316, subsection 1, paragraph E C, within the scope of that health care  
24 practitioner's licensure:

- 25 (1) To a nonprofit organization;
- 26 (2) To an agency of the State or any political subdivision of the State;
- 27 (3) To members or recipients of services of a nonprofit organization or state or  
28 local agency;
- 29 (4) To support the State's response to a public health threat as defined in Title 22,  
30 section 801, subsection 10;
- 31 (5) To support the State's response to an extreme public health emergency as  
32 defined in Title 22, section 801, subsection 4-A; or
- 33 (6) To support the State's response to a disaster as defined in Title 37-B, section  
34 703, subsection 2;

35 **Sec. C-2. 24-A MRSA §4316, sub-§1, ¶C**, as enacted by PL 2019, c. 289, §2, is  
36 amended to read:

37 C. "Telehealth," as it pertains to the delivery of health care services, means the use of  
38 interactive real-time visual and audio or other electronic media for the purpose of  
39 consultation and education concerning and diagnosis, treatment, care management and  
40 self-management of an enrollee's physical and mental health and includes real-time  
41 interaction between the enrollee and the telehealth provider, synchronous encounters,

1 asynchronous encounters, store and forward transfers and telemonitoring. "Telehealth"  
2 does not include the use of ~~audio-only telephone~~, facsimile machine, e-mail or texting.

3 **Sec. C-3. 24-A MRSA §4316, sub-§1, ¶E**, as enacted by PL 2019, c. 289, §2, is  
4 repealed.

5 **Sec. C-4. 24-A MRSA §4316, sub-§5**, as enacted by PL 2019, c. 289, §2, is  
6 repealed.

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

9 **SUMMARY**

10 This bill establishes certain requirements for the protection of health care consumers  
11 with regard to testing, treatment and immunization for COVID-19. The bill also makes  
12 changes to improve access to prescription drugs and to health care services through  
13 telehealth.

14 Part A of the bill requires health insurance carriers to provide coverage for COVID-19  
15 screening, testing and immunization services and prohibits a carrier from imposing any  
16 cost-sharing requirements on consumers for those services.

17 Part B of the bill authorizes a pharmacist to administer COVID-19 vaccines licensed  
18 by the United States Food and Drug Administration that are recommended by the United  
19 States Centers for Disease Control and Prevention Advisory Committee on Immunization  
20 Practices for administration to a person 16 years of age or older. Part B also provides that  
21 registered nurses, providers of osteopathic medicine, providers of allopathic medicine,  
22 podiatrists and dentists may prescribe to a patient a prescription drug for an extended period  
23 of time, not to exceed a 180-day supply, during a state of emergency declared by the  
24 Governor.

25 Part C of the bill authorizes the delivery of health care services through telehealth by  
26 audio-only telephone.