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Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1041, L.D. 1583, “An Act Regarding Home Health Care and Hospice Services Ordered by a Health Care Provider Outside of Maine”

Amend the bill by striking out the title and substituting the following:

'An Act Regarding Home Health Care Services Ordered by a Physician Licensed Outside of Maine'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 22 MRSA §2145-A is enacted to read:

§2145-A. Home health care services ordered by physician licensed in another state

1. Requirements; home health care provider. A home health care provider that is licensed pursuant to this chapter and certified by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services as a home health agency may provide home health care services for up to 90 days to a patient who resides in this State based on an order from a physician who is licensed in another state as long as the following requirements are met:

A. The physician holds a license in good standing conferred by the appropriate medical board in the physician’s jurisdiction of practice. The home health care provider must verify that the physician’s license is in good standing, and the verification must be maintained on file for review by the department;

B. The physician issued the order pursuant to an in-person physical examination of the patient performed in the state where the physician is licensed. Home health care services ordered by the physician are limited to the medical purpose and clinical scope from the results of the in-person physical examination; and

C. The physician and home health care provider comply with standards established in rules adopted by the department pursuant to subsection 5 and comply with regulations adopted by the United States Department of Health and Human Services, Centers for

COMMITTEE AMENDMENT

1 Medicare and Medicaid Services under conditions of participation for home health
2 agencies pursuant to 42 Code of Federal Regulations, Part 484.

3 **2. Exemption from medical license in this State.** A physician who is licensed in
4 another state and who issues an order for home health care services in accordance with this
5 section is exempt from the requirement of licensure by the Board of Licensure in Medicine
6 in Title 32, chapter 48 or the Board of Osteopathic Licensure in Title 32, chapter 36 solely
7 for the purpose of ordering home health care services for a patient, as long as the following
8 requirements are met:

9 A. The order for the provision of home health care services is for up to 90 days;

10 B. The physician provides telehealth services only to the patient for which the order
11 has been issued;

12 C. The physician orders home health care services from a home health care provider
13 that is certified by the United States Department of Health and Human Services,
14 Centers for Medicare and Medicaid Services as a home health agency; and

15 D. The physician only orders home health care services while the patient is receiving
16 home health care services.

17 **3. Violation.** If, during the department’s home health care services licensing process
18 or during the United States Department of Health and Human Services, Centers for
19 Medicare and Medicaid Services survey and certification process, a physician is found to
20 be acting in violation of this section, the department shall, in consultation with the Board
21 of Licensure in Medicine under Title 32, chapter 48 or the Board of Osteopathic Licensure
22 under Title 32, chapter 36, determine if the physician may no longer be exempt from
23 licensure in this State under subsection 2.

24 **4. Limitation on physician providing telehealth services or in-person medical**
25 **care.** A physician acting under subsection 2 is not authorized to provide telehealth services
26 or in-person medical care to any patient in this State except as expressly outlined in this
27 section.

28 **5. Rulemaking.** The department may adopt rules to implement this section. Rules
29 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter
30 375, subchapter 2-A.'

31 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
32 number to read consecutively.

SUMMARY

33 This amendment changes the title of and replaces the bill.

34
35 1. It removes hospice services from the bill. Physicians who are licensed out of state
36 issuing orders in this State are limited to home health care services.

37 2. It provides that home health care providers who provide services to patients that
38 have orders from a physician licensed in another state must be certified by the United States
39 Department of Health and Human Services, Centers for Medicare and Medicaid Services,
40 in addition to being licensed by the Department of Health and Human Services.

1 3. It removes the requirement from the bill that, for a patient in this State that has a
2 primary care provider, the physician licensed in another state must contact that primary
3 care provider.

4 4. It provides that an order for home health care services from a physician licensed in
5 another state is limited to 90 days.

6 5. It clarifies that the physician licensed in another state may provide telehealth
7 services only to the patient for which the order has been issued.

8 6. It clarifies that the physician licensed in another state may order services only from
9 a home health care provider that is certified by the Centers for Medicare and Medicaid
10 Services and may only order services while the patient is receiving those services from
11 such a provider.

12 7. It clarifies that a physician licensed in another state is exempt from licensure by the
13 Maine Board of Licensure in Medicine or the Maine Board of Osteopathic Licensure for
14 this limited purpose. A physician who violates this limited exemption may lose the
15 exemption.