

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

—
H.P. 1041 - L.D. 1583

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

Be it enacted by the People of the State of Maine as follows:

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

2. Exemption from medical license in this State. A physician who is licensed in another state and who issues an order for home health care services in accordance with this section is exempt from the requirement of licensure by the Board of Licensure in Medicine in Title 32, chapter 48 or the Board of Osteopathic Licensure in Title 32, chapter 36 solely

for the purpose of ordering home health care services for a patient, as long as the following requirements are met:

- A. The order for the provision of home health care services is for up to 90 days;
- B. The physician provides telehealth services only to the patient for which the order has been issued;
- C. The physician orders home health care services from a home health care provider that is certified by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services as a home health agency; and
- D. The physician only orders home health care services while the patient is receiving home health care services.

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

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

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