

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

**'An Act To Provide Reimbursement for MaineCare  
Services Provided by Qualified, Unlicensed Professionals  
Who Are Supervised by Licensed Health Professionals'**

Amend the bill by striking out everything after the title and before the summary and inserting the following:

**'Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** services critical to the well-being of many individuals covered by the MaineCare program and other programs of health insurance are provided in this State by capable professionals licensed in a variety of health care disciplines; and

**Whereas,** these qualified professionals, pursuant to general authority under their licenses to practice their professions, have delegated certain functions to other capable and qualified persons; and

**Whereas,** the absence of language in certain licensing statutes referring to supervision of unlicensed professionals as to which services are within the scope of licensed practice and which services may be appropriately delegated has raised questions concerning whether the cost of these services can be reimbursed under the MaineCare program; and

**Whereas,** because denial of reimbursement for services provided by or under the supervision of licensed professionals will result in an acute shortage of these services, placing at risk the well-being of many persons with serious illnesses, it is necessary that the issue be resolved as soon as possible; 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,

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

**Sec. 1. 22 MRSA §3174-UU** is enacted to read:

**§ 3174-UU. Health services provided by appropriately supervised, qualified, unlicensed professionals**

**1. Definitions.** As used in this section, "licensed health professional" means a person who is licensed pursuant to Title 32 to diagnose and treat or to assess and treat or to administer treatment for a health condition.

**2. Supervision.** Except as otherwise expressly provided by law, the supervision of a qualified, unlicensed professional who is providing services according to a treatment plan approved by a licensed health professional is within the scope of practice of the licensed health professional who has approved or agreed to the treatment plan.

**3. Reimbursement; rules.** The department is authorized to reimburse for services provided by qualified, unlicensed professionals who are supervised by licensed health professionals at rates and under conditions set by rule adopted by the department. In adopting rules, the department shall take into consideration the need and cost for supervision provided by licensed health professionals. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

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

## SUMMARY

This amendment is the minority report of the committee and replaces the bill.

The amendment provides for qualified, unlicensed professionals to provide MaineCare services when supervised by licensed health professionals and authorizes the Department of Health and Human Services to cover those services. The amendment also directs the department to adopt routine technical rules to implement the provisions.