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Commissioner



Maine Department of Health and Human Services
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4/23/2025

Senator Ingwersen, Chair
Representative Meyer, Chair
Members, Joint Standing Committee on Health and Human Services
100 State House Station
Augusta, ME 04333-0100

Re: LD 1583 – *An Act Regarding Home Health Care and Hospice Services Ordered by a Health Care Provider Outside of Maine*

Senator Ingwersen, Representative Meyer and members of the Joint Standing Committee on Health and Human Services, thank you for the opportunity to provide information in opposition to LD 1583, *An Act Regarding Home Health Care and Hospice Services Ordered by a Health Care Provider Outside of Maine*.

This bill allows a home health care or hospice provider to deliver home health care or hospice services to a patient who resides in this State based upon an order from a health care provider from another state or jurisdiction in the United States who is licensed and prescribes services pursuant to an in-person physical examination in the jurisdiction of licensure.

Under CMS regulations at 42 CFR §418.102, only a hospice medical director is authorized to admit a patient into hospice care. As such, the proposed bill could potentially lead to a violation of these federal requirements. Additionally, according to the Maine Board of Licensure in Medicine, any out-of-state physician must hold a valid Maine medical license for their orders to be recognized within the state.

While State Hospice Licensure Regulations do not directly address this specific issue, both CMS and state guidelines clearly require that any provider delivering direct care to hospice patients in Maine must be licensed in the state.

At this time, the Department of Licensing and Certification (DLC) has not received reports of any issues related to the ordering of hospice care.

Please feel free to contact me if you have any questions during your deliberation of this bill.

Sincerely,

A handwritten signature in black ink that reads "Bill Montejo".

Bill Montejo
Director
Division of Licensing and Certification
Maine Department of Health and Human Services