



A unified voice for affordable, accessible, quality home care and hospice services.

Testimony in Support of LD 1583 – An Act Regarding Home Health Care and Hospice Services Ordered by a Health Care Provider Outside of Maine

April 23, 2025

Senator Ingwersen, Representative Meyer, members of the Committee on Health and Human Services, I am Lisa Harvey-McPherson and I am here today speaking in support of this bill. I am honored to serve as chair of the Government Affairs Committee for the Home care and Hospice Alliance of Maine.

Across Maine, patients routinely receive care from licensed providers out of state due to geography, specialty access, or employment-based health care arrangements. These are not theoretical cases—they are real and frequent clinical scenarios, including:

- A border-residing patient who receives ongoing primary or specialty care from a New Hampshire licensed provider, and is then referred to a Maine home care or hospice agency
- A Maine resident receiving specialized care at a hospital in Boston, including the Children's Hospital, returning home with orders for home care or hospice services so that the patient can remain at home.
- A State of Maine employee who receives out of state hospital specialty care as part of a center-of-excellence relationship with Carrum Health, followed by a referral for home health or hospice services in Maine. The Carrum Health active center of excellence list of providers is attached to my testimony.

Maine law is clear that a health care provider (MD, DO, NP, PA) who is not licensed in Maine, may not practice medicine or nursing in Maine. The Board of Nursing does provide guidance to nurses regarding out of state physician orders. But the Board of Medicine does not provide this guidance to the out of state physician ordering care for a patient in Maine, orders that may include a variety of clinical services not limited to nursing care.

Maine State Board of Nursing: Guidance – April 1992 (Physician Licensed in Another State)

It is the opinion of the Board's legal counsel that "licensed physician" (32 M.S.R.A. section 2102(2)(A)) does not refer exclusively to physicians. Licensed in Maine. As long as the physician is duly licensed in the jurisdiction in which he or she is in practice and issues orders, then it is appropriate for nurses to carry out those orders. Should the nurse have reason to suspect licensure status of any physician (allegedly licensed in Maine, New Hampshire, New Brunswick, etc.), s/he should follow the agency's policy for ensuring valid credentials. This is NOT intended to mandate home health agencies maintain credentials on providers but rather follow the protocol they normally would if questioning licensure status. (April 1992)

Licensed home health and hospice clinicians are routinely placed in the precarious position of acting on orders provided by an out of state licensed provider, potentially putting the home care/hospice clinician at risk of violating state practice acts. This legal grey area creates unnecessary risk for both providers and patients. Clinicians may be unsure whether they are legally permitted to follow such orders, and liability insurers may be hesitant to cover services provided under questionable authority.

This bill provides a solution to this problem. It recognizes the realities of cross-border care and ensures that Maine residents can continue to access timely, appropriate home health and hospice services without placing providers in legal jeopardy. It maintains licensing integrity while establishing clear and workable parameters for the delivery of care ordered by out-of-state providers under bona fide, existing patient relationships.

Other state legislatures (Pennsylvania, Maryland, Delaware) addressed this challenge by passing laws to allow home care and hospice providers to accept orders for care from a qualified licensed provider in another state. The bill before you today is based on the law in Pennsylvania.

We respectfully urge the Committee to vote Ought to Pass on LD 1583. This bill will protect providers, support patient access to care, and modernize Maine's regulatory approach to reflect the realities of interstate health care.

Thank you for your time and consideration.



Please note: It is mandatory for health plan members to go through the Plan's Carrum Health benefit for total and partial hip and knee replacement surgery. Surgery expenses for these joint replacements will be fully covered for health plan members and dependents ages 18+ when going through Carrum Health. Information about limited exceptions and prior authorization may be obtained through Carrum Health.

Active Center of Excellence (COE) List

Carrum Health's network consists of the top 10% of surgical and cancer care providers in the U.S., **including but not limited to:**

- Allegheny General Hospital
- Anderson Orthopaedic Clinic
- AtlantiCare Surgery Center
- Atlantic Health*
- Boston Outpatient Surgical Suites
- Capital Health Medical Center
- Christiana Care Wilmington Hospital
- Cleveland Clinic*
- Connecticut Joint Replacement
- Gramercy Surgery Center
- Hospital for Special Surgery
- JIS Orthopedics
- Johns Hopkins*
- Mayo Clinic*
- Memorial Sloan Kettering Cancer Center
- New England Cancer Specialists
- Orthopaedic Neurosurgery Specialists
- Peninsula Orthopedic Associates
- Rothman Orthopaedic*
- Rush University Medical Center
- Spectrum Health Partners
- Sports Medicine North
- Saint Vincent Hospital
- Virtua Mount Holly Hospital
- West Penn Hospital
- Wexford Hospital

We are continually expanding our network of care providers. To browse the most current list of Centers of Excellence and board-certified surgeons and specialists near you, activate your benefit.

Visit: carrum.me/stateofmaine.

*We encourage health plan members to register online, as the availability of the COE can vary depending on the procedure and the member's location. While some COEs have multiple locations, it's important to note that not all are part of the COE network.

Questions or need care now?

Connect with your dedicated Carrum care specialist today.

Visit: carrum.me/stateofmaine or call **888-855-7806**.

Carrum Health is a special surgery benefit available to active employees, dependents, early retirees, and COBRA participants enrolled in a State of Maine Health Plan. Per IRS rules, a portion of any covered travel expenses will be reported as taxable income.