



*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
Sponsored By: Representative Cloutier; Senator Rotundo*

Senator Ingwersen, Representative Meyer, and members of the Joint Standing Committee on Health and Human Services, my name is Kenneth Albert, and I am a resident of Lewiston. Professionally, I am licensed in Maine as both a Registered Nurse and an Attorney. I serve as the President and Chief Executive Officer of Andwell Health Partners, formerly Androscoggin Home Healthcare & Hospice, Maine's largest home-based healthcare provider. We navigate health care at home and in the community for roughly 4000 patients per day across Maine.

I offer my written testimony in support of LD 1583, and I wish to thank Representative Cloutier and Senator Rotundo for sponsoring this important bill.

Andwell has been acutely aware of the issues underlying the need for this legislative remedy for many years. Maine residents routinely receive health care from medical providers in other states. Whether orthopedic surgery at a designated center of excellence in Boston; trauma surgery when tragedy strikes while visiting another state; or a border resident whose primary care provider is in New Hampshire – the scenarios are endless. Upon discharge home to Maine, these patients require home health, and many times border residents need home health or hospice by a licensed and certified Maine provider like Andwell. The current laws and regulations, however, create risk for Andwell's medical staff, nurses and therapists who are simply trying to facilitate necessary health care. It is an undisputed element of law that a physician, physician assistant, and advanced practice registered nurses may not practice medicine or nursing in Maine without an active Maine license issued by the relevant licensing authority. It is also important to know that we cannot provide home health or hospice without the involvement of a medical provider.

Andwell has worked over the last two years with legal counsel, the Maine Medical Association and the Home Care & Hospice Alliance of Maine to determine if a remedy to this conundrum exists in statute or regulation. The issue has been thoroughly researched and briefed, and it is the conclusion of all involved that a statutory remedy is necessary to eliminate risk for patients, licensed Maine providers, and certainly out-of-state providers who are not licensed to practice in Maine, but who are the most appropriate medical providers to continue managing their patients' clinical conditions.

This is not a solution looking for a problem. Some may suggest that the patient's primary care provider in Maine can write the orders. Sometimes this works, but reliance on Maine primary care providers is not a practical solution at all.

- In 2024 Andwell Health Partners rejected 430 referrals for home health alone because a primary care provider did not exist to write orders and coordinate a plan

of care. Included in these rejections are patients referred from the following out-of-state hospitals:

○ Lahey Clinic	12
○ Beth Israel Deaconess	1
○ Brigham & Women's	11
○ Mass General	11
○ Mineral Springs	2
○ NYU Langone Orthopedic Hospital	1
○ West Roxbury VA Medical Center	2
○ Portsmouth Regional	1
○ Tufts Medical Center	18

- Many primary care providers will not write orders and manage a plan of care for a clinical condition that is being managed by an out-of-state surgeon, oncologist, etc. Moreover, very often the out-of-state surgeon doesn't want another provider, including primary care, writing orders for their surgical patients. Liability is a significant factor.
- Maine has a primary care problem. The federal government (HRSA) in collaboration with states identify Health Provider Shortage Areas (HPSAs). The designation process considers factors like population-to-provider ratios, poverty levels, and travel time to access care. HPSAs help identify areas where there is a shortage of health professionals, which can impact access to care. For primary care access, Maine has 77 geographic regions designated for provider shortages, which is up from 69 in 2023.
- Over the last three years, Andwell has received 946 referrals from hospitals and medical providers outside of Maine for Home Health and/or Hospice Services. The following chart represents this data, including the states from which referrals derive.

Column		2022		2023		2024		2025		Total Patients	Total %
Row Labels		Patients	%	Patients	%	Patients	%	Patients	%		
AK		1	0.02%							1	0.00%
AZ								1	0.05%	1	0.00%
CA		1	0.02%							1	0.00%
CT		1	0.02%							1	0.00%
FL		3	0.05%	2	0.02%	5	0.06%	1	0.05%	11	0.04%
MA		125	2.04%	130	1.40%	132	1.49%	32	1.56%	419	1.60%
MD				1	0.01%	1	0.01%			2	0.01%
ME		5,876	95.94%	8,900	96.63%	8,493	96.44%	1,977	96.44%	25,246	96.39%
NC						1	0.01%			1	0.00%
NH		109	1.78%	166	1.80%	155	1.76%	38	1.85%	468	1.79%
NY		4	0.07%	4	0.04%	3	0.03%			11	0.04%
PA		1	0.02%							1	0.00%
RI		2	0.04%			2	0.02%			4	0.02%
SC		1	0.02%			1	0.01%			2	0.01%
VT						1	0.01%	1	0.05%	2	0.01%
Unknown		1	0.02%	7	0.08%	13	0.15%			21	0.08%
Grand Total		6,125	100.04%	9,210	99.98%	8,807	99.99%	2,050	100.00%	26,192	100.00%

In addition to other testimony that will be offered, you will hear testimony from the Home Care & Hospice Alliance of Maine regarding the regulatory prohibitions associated with accepting patients from out-of-state providers not licensed in Maine. You will also hear testimony from Andwell's Associate Medical Director, who will describe her first-hand experience with these challenges, and her patients' experiences as a result. With your support, Maine will join other states including Pennsylvania, Maryland, and Delaware who have passed similar language.

I respectfully ask that this Committee vote Ought to Pass on LD 1583. This bill will preserve laws and regulations around the interstate practice of medicine; will definitively protect nurses from claims of aiding and abetting the practice of medicine without a license; and (most importantly) will ensure that Maine residents receive the right care at the right time and place.

Thank you for your time and consideration.

A handwritten signature in black ink, reading "Ken Albert". The signature is fluid and cursive, with the first name "Ken" and last name "Albert" clearly distinguishable.

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