

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: May 6, 2021
To: Joint Standing Committee on Health & Human Services
From: Anna Broome, Legislative Analyst

LD 1543 An Act To Improve and Modernize Home-based Care

SUMMARY: This bill:

1. Provides for reimbursement for telehealth and telemonitoring for MaineCare members receiving private duty nursing, home health services and personal care services and services provided to MaineCare members under a waiver granted by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services for home-based and community-based services or state-funded home-based and community-based support services. The services must include:
 - A. Services that support a person's ability to remain in the person's home, including, but not limited to, telehealth and telemonitoring services that support a person's safety, mobility or medication compliance, or that support virtual home visits and clinical consultation; and
 - B. Services of a pharmacist licensed under the Maine Revised Statutes, Title 32, chapter 117 to provide medication evaluation or consultation, including telehealth services or by a home visit when telehealth is not the most effective mode of consultation.
2. Expands the duties of the Maine Telehealth and Telemonitoring Advisory Group to include making recommendations about home technology to the Department of Health and Human Services.
3. Directs the Department of Health and Human Services to amend its rules for services provided under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Sections 19 and 96 and rule Chapter 5: Office of Aging and Disability Services Policy Manual, Section 63 so that reimbursement is provided for a pharmacist licensed under Title 32, chapter 117 to provide medication evaluation or consultation to a member in a home visit when technology is not the most effective mode of consultation.

4. Directs the Department of Health and Human Services to amend its rules for services provided under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 40 so that reimbursement is provided for a pharmacist licensed under Title 32, chapter 117 to provide medication evaluation or consultation to a member in a home visit when technology is not the most effective mode of consultation.
5. Directs the Department of Health and Human Services to review its in-person supervision requirement for home-based and community-based care providers to determine whether the use of technology that provides interactive, real-time communication is feasible and practical and to report its recommendations to the Joint Standing Committee on Health and Human Services.
6. Directs the Department of Health and Human Services to review its rules for services provided under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Sections 19, 40 and 96 and rule Chapter 5: Office of Aging and Disability Services Policy Manual, Section 63 to determine whether it is providing adequate reimbursement for activities performed outside of the home by a registered nurse licensed under Title 32, chapter 31 and to report its recommendations to the Joint Standing Committee on Health and Human Services.

ISSUES FROM TESTIMONY:

- Sponsor: similar to LD 1655 in the 129th. Changes to Sec. 8 (reimbursement outside the home) in response to DHHS concerns in the 129th.
- Appreciate the extension of use of telehealth during the pandemic; need to ensure that it is maintained post-pandemic. Sec. 4 of MaineCare (telehealth) only applies to Sec. 40 but should apply to all types of home care providers – include registered as well as licensed or certified.
- Staff can bill for care coordination if it is done in the home but not anywhere else even though it is the same work – report to HHS Committee.
- DHHS NFNA: As written, not clear which services could be delivered via telehealth. Currently, secs. 19, 40 and 96 can be delivered by telehealth when medically necessary and the service is of comparable quality as if it was in person with certain exceptions. Telemonitoring and telehealth are not the same. Unclear what Sec. 8 refers to.

DRAFTING ISSUES:

- Secs. 5 and 6 are the same in terms of pharmacy reimbursement for different sections of MaineCare and OADS (different in LD 1655 because that bill included language about NPs and PAs amending plans of care – Lisa Harvey-McPherson says this was taken care of by Congress).

ADDITIONAL INFORMATION REQUESTED BY COMMITTEE:

- None.

FISCAL IMPACT:

Not yet received from OFPR.