

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

### Testimony in Support

April 27, 2021

Senator Claxton, Representative Myer and members of the Health and Human Services Committee my name is Lisa Harvey-McPherson RN and I am here today speaking in support of this bill. Today I have a dual role in presenting support, I am speaking on behalf of Northern Light Home Care and the Home Care and Hospice Alliance of Maine. I am honored to serve as chairperson for the Alliance Government Affairs Committee.

I want to begin by thanking Representative Meyer for sponsoring this important legislation, twice! As noted in her introduction of the bill the original version submitted in the 129<sup>th</sup> legislature died at the conclusion of the session. We deeply appreciate her support to bring this bill back to the committee again this session.

The concepts in this bill were developed after the citizen-initiated referendum on home care as voted down by Maine voters. The funding policy in the referendum was problematic but public support for home care was clearly expressed during the campaign by both sides. The Alliance hosted a series of discussions with our members on important advancements to improve home care services in Maine and determined that legislation is needed to achieve improvement. Reimbursement was certainly a component of our discussion and that is addressed in a separate piece of legislation.

My goal today is to introduce you to the various proposals in the bill.

Section 3 of the bill requires the department to provide reimbursement for telehealth and telemonitoring services for MaineCare members receiving private duty nursing home health and personal care services. Chapter 1, Section 4 of the MaineCare manual defines the MaineCare telehealth benefit. Section 4 further defines what type of home health agency is eligible to provide home telemonitoring services. The definition applies only to one type of home care agency, the rule states:

#### **Home Health Agency (HHA)**

A voluntary, public or private organization or a part of such organization, that is certified under Title XVIII of the *Social Security Act* for reimbursement for the delivery of home health services, pursuant to Ch. II Section 40 of the *MaineCare Benefits Manual* (“Home Health Services”).

This bill requires that the department amend the definition to allow all types of home care providers to participate in providing home telehealth and telemonitoring services. We believe that the definition of Health Care Provider in the rule should also be amended to allow registered home care providers to participate in telehealth services. The current language states that the entity must be licensed or certified.

## **Health Care Provider**

Individual or entity licensed or certified under the laws of the state of Maine to provide medical, behavioral health, and related services to MaineCare Members. Health Care Providers must be enrolled as MaineCare Providers in order to be reimbursed for services.

We understand that the department has approved telehealth reimbursement for various section of home care policy during the emergency declaration period, we are not clear if the change reflects permanent policy or not. This bill makes coverage clear and updates various sections of policy accordingly.

Section 3 also states that the department must provide reimbursement for the services of a pharmacist to provide medication evaluation or consultation. The Alliance members discussed the benefit of having pharmacist consultation for patients with complex polypharmacy evaluation. Nurses routinely evaluate patient medications as do the providers. But some cases are very complex and pharmacist consultation would provide great benefit to the MaineCare beneficiary. This section states that pharmacist consultation can be done via telehealth or an in-home visit when telehealth is not the most effective mode of consultation.

Section 4 of the bill 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. Technology is changing rapidly and our intent with this section is to have the advisory group review technology over time making recommendations on advancements.

Sections 5 and 6 of the bill directs the department to amend various rules to include home pharmacist consultation across all home care programs.

Section 7 of the bill directs the department to review current regulatory requirements for in home supervision of home care staff and consider the use of technology to meet supervision requirements. In home supervision is provided by a professional nurse and given our significant nursing shortage we want to maximize the use of technology as appropriate to support efficient use of nursing time and skill. Our thinking is a mix of in-home supervision supported by technology-based supervision is a reasonable balance.

Section 8 of the bill represents a change from the previous legislation. Last year we met with department leaders on the previous bill that required the department to establish a reimbursement rate for nursing services performed outside of the home that are directly related to the patient's plan of care. The department expressed concern regarding duplication of services as MaineCare already pays for care coordination/care management in various ways. With this feedback we changed the bill to the language before you today. The bill directs the department to review its rules to determine if it is providing adequate reimbursement for activities performed outside of the home by a registered nurse and to report its recommendations to the Joint Standing Committee on Health and Human Services. This change also significantly reduces the fiscal note impact from the previous version.

Thank you for the opportunity to speak in support of this important legislation, I welcome any questions that you have.