

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1710

H. P. 1465

House of Representatives, April 25, 1977

On Motion of Ms. Clark of Freeport, referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Najarian of Portland.

Cosponsor: Mrs. Boudreau of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Require Home Health Services Insurance Coverage For Elderly
Persons to be Provided in All Health Care Policies and Contracts.**

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 24 MRSA § 2320 is enacted to read:

§ 2320. Home health care coverage

1. Coverage required. Every nonprofit hospital and medical service organization which issues group and individual health care contracts providing coverage for inpatient hospital care to residents of this State shall provide coverage for home health services for persons 60 years of age or older, provided by a certified home health agency.

2. Home health services defined. For the purpose of this section "home health services" shall mean that component of comprehensive health care, whereby services are provided to individuals 60 years of age or older in their places of residence for the purpose of promoting, maintaining or restoring health or of minimizing the effects of illness and disability.

For the purposes of this section, "home health services" shall consist of, but shall not be limited to, the following:

A. Visits by a registered nurse or licensed practical nurse to carry out treatments prescribed or supportive nursing care and observation as indicated;

B. Visits by a physician;

C. Visits by a registered physical or speech or occupational or inhalation or dietary therapist for services or for evaluation of, consultation with and instruction of nurses in carrying out such therapy prescribed by the attending physician, or both;

D. Visits by persons who have completed a home health aide training course under the supervision of a registered nurse for the purpose of giving personal care to the patient and performing light household tasks, as required in the plan of care, but not including services; and

E. Any prescribed laboratory tests and x-ray examination using hospital or community facilities, drugs, dressings or oxygen, as prescribed by a physician, but only to the extent that such charges would have been covered under the contract if the covered person had remained in the hospital.

3. Certified home health agency. For the purposes of this section, a "certified home health agency" means an agency or organization which:

A. Is primarily engaged in and licensed or certified to provide skilled nursing and other therapeutic services under the direction of a full-time administrator;

B. Has policies established by a professional group, associated with the agency or organization, which professional group shall include at least one physician and one registered nurse;

C. Has under contract the services of a physician-advisor licensed by the State or a physician;

D. Conducts periodic case conferences for the purpose of individualized patient care planning and utilization review;

E. Maintains a complete medical record on each patient; and

F. Has been certified by the Department of Human Services.

4. Contract. The contract or policy providing coverage for the home health services referred to in this section may provide coverage for only one home health service at a time. The contract may also contain reasonable limitation on the number of home care visits and other services provided; but the number of such visits shall not be less than 40 in any continuous period of 12 months for each person covered under the contract. Each visit by a member of a home health care team shall be considered as one home care visit.

5. Deductible; coinsurance. Home health services benefits may be subject to an annual deductible of not more than \$50 for each person covered under the policy and may be subject to a coinsurance provision which shall provide for coverage of not less than 75% of the reasonable charges for such services. The policy may also contain reasonable limitations and exclusions applicable to coverage for various home health services.

Sec. 2. 24-A MRSA § 2745 is enacted to read:

§ 2745. Home health care coverage

1. Coverage required. Every insurer which issues or issues for delivery in this State health insurance policies which provide coverage for inpatient hospital care to residents of this State shall provide coverage for home health services for persons 60 years of age or older, provided by a certified home health agency.

2. Definitions. For purposes of this section, unless the context otherwise indicates, the following words shall have the following meanings:

A. "Home health services" shall have the same meaning as in Title 24, section 2320, subsection 2; and

B. "Certified home health agency" shall have the same meaning as in Title 24, section 2320, subsection 3.

3. Policy. The policy providing coverage for the home health services referred to in this section may provide coverage for only one home health service at a time. The policy may also contain reasonable limitation on the number of home care visits and other services provided, but the number of such visits shall not be less than 40 in any continuous period of 12 months for each person covered under the policy. Each visit by a member of a home health care team shall be considered as one home care visit.

4. Deductible; coinsurance. Home health care benefits may be subject to an annual deductible of not more than \$50 for each person covered under the policy and may be subject to a coinsurance provision which provides for coverage of not less than 75% of the reasonable charges for such services. The policy may also contain reasonable limitations and exclusions applicable to coverage for various home health services.

Sec. 3. 24-A MRSA § 2837 is enacted to read:

§ 2837. Home health care coverage

Every insurer which issues or issues for delivery in this State group and blanket policies which provide coverage for inpatient hospital care to residents of this State shall provide coverage for home health care services for persons 60 years of age or older, provided by a certified home health agency.

Such coverage shall be governed by the definitions, terms and conditions set forth in section 2745.

Sec. 4. Effective date. The provisions of this Act shall apply with respect to contracts and policies in this State which are delivered, issued for delivery, renewed or amended to substantially alter or change benefits or coverage, on or after the 120th day after the effective date of this Act.

STATEMENT OF FACT

This bill would require coverage for home health services for persons 60 years of age or older to be provided in all health care policies and contracts that provide coverage for inpatient hospital care.