

MAINE STATE LEGISLATURE

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(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1974

H. P. 1913

Office of the Clerk of the House

The Committee on Health and Institutional Services suggested. Approved for introduction by the Legislative Council pursuant to Joint Rule 24.

EDWIN H. PERT, Clerk

Presented by Mr. Kerry of Old Orchard Beach

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Allow Nursing Homes to Provide Physical and Occupational Therapy to Residents in Need of that Care.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, attaining adequate health care has been determined to be the major problem for Maine's older citizens; and

Whereas, many nursing home residents could be returned to their homes with appropriate rehabilitative care; and

Whereas, the Department of Human Services will not reimburse nursing homes for physical therapy and occupational therapy services provided in those facilities; and

Whereas, physical therapists and occupational therapists are refusing to provide essential services in nursing homes due to this reimbursement problem; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

22 MRSA § 3173, as last amended by PL 1977, c. 582, § 2, is further amended by adding after the 4th paragraph the following new paragraph:

The Department of Human Services shall include, under allowable costs of operation for an intermediate care facility or skilled nursing facility, the costs of physical and occupational therapy and all related therapeutic services to insure that the therapists are adequately reimbursed in a timely manner by the facility in which they work.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The Maine Health Care Association has reported that physical therapists and occupational therapists are refusing to provide necessary services to residents of nursing homes due to ineffective reimbursement mechanisms by the department. At present, the department requires individual physical and occupational therapists to obtain vendor numbers and, through them, to bill directly to the State for services provided. This mechanism demands additional paper work from physical and occupational therapists. Further, it often takes months for physical and occupational therapists to receive payment under this system due to bureaucratic delays. The therapists complain that this erratic receipt of pay makes it difficult to maintain personal budgets. The Maine Committee on Aging has investigated the situation and found that a serious problem does exist which jeopardizes delivery of essential services to nursing home residents. This bill results from the 1977 Interim Conference on Aging. The passage of this bill would allow nursing homes to pay directly their physical and occupational therapists and bill the Department of Human Services. This could result in a cost saving to the State and would expedite the delivery of physical and occupational therapy to patients in need.