

MAINE STATE LEGISLATURE

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3
D. OF R.

1

L.D. 1550

2

(Filing No. S-180)

3

STATE OF MAINE

4

SENATE

5

111TH LEGISLATURE

6

FIRST REGULAR SESSION

7

COMMITTEE AMENDMENT " A " to

S.P. 527,

8

L.D. 1550, Bill, "AN ACT to License Home Health Care

9

Services."

10

Amend the bill by striking out all of the first 3
11 lines after the enacting clause (page 1, lines 21 to
12 23 in L.D.) and inserting in their place the follow-
13 ing:

14

'22 MRS A c. 419 is enacted to read:

15

CHAPTER 419

16

HOME HEALTH SERVICES'

17

Further amend the bill in that part designated
18 "§801." in the first paragraph in the 3rd line (page
19 1, line 27 in L.D.) by striking out the underlined
20 word "necessary" and inserting in its place the
21 underlined word 'desirable'

22

Further amend the bill in that part designated
23 "§802." by striking out all of subsections 3 to 6 and
24 inserting in their place the following:

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'3. Home health care provider. "Home health
care provider" means any business entity or subdivi-
sion thereof, whether public or private, proprietary
or not for profit, which is engaged in providing
acute, restorative, rehabilitative, maintenance, pre-
ventive or health promotion services through profes-
sional nursing or another therapeutic service, such
as physical therapy, speech pathology, home health
aides, nurse assistants, medical social work,
nutritionist services or personal care services,
either directly or through contractual agreement, in
a client's place of residence. This term does not

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1 apply to any sole practitioner providing private duty
2 nursing services or other restorative, rehabilita-
3 tive, maintenance, preventive or health promotion
4 services in a client's place of residence.'

5 Further amend the bill in that part designated
6 "§803." in the first paragraph in the 2nd line (page
7 2, line 33 in L.D.) by striking out the underlined
8 word "entity" and inserting in its place the under-
9 lined word 'provider'

10 Further amend the bill in that part designated
11 "§804" in subsection 1, paragraph A, by striking out
12 all of subparagraphs (1) to (4) and inserting in
13 their place the following:

14 '(1) Has not previously operated as a home
15 health care provider or is licensed but has
16 not operated during the term of that li-
17 cence;

18 (2) Complies with all applicable laws and
19 rules, except those which can only be com-
20 plied with once clients are served by the
21 applicant; and

22 (3) Demonstrates the ability to comply with
23 all applicable laws and rules by the end of
24 the provisional license term.'

25 Further amend the bill in that part designated
26 "§805." in subsection 1 in the 3rd line (page 6, line
27 3 in L.D.) by striking out the underlined words and
28 figure "within 6 months" and inserting in their place
29 the underlined words 'no later than one year'

30 Further amend the bill in that part designated
31 "§805." in subsection 3, paragraph C (page 6, line 16
32 in L.D.) by striking out the underlined word
33 "nonprofessional" and inserting in its place the
34 underlined word 'paraprofessional'

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1 Further amend the bill in that part designated
2 "§807." in subsection 2 in the 2nd line (page 7, line
3 19 in L.D.) by striking out the underlined words
4 "acting as individuals"

5 Further amend the bill in that part designated
6 "§807" by inserting after subsection 4 the follow-
7 ing:

8 '5. Elderly nutrition programs. Elderly nutri-
9 tion programs;'

10 Further amend the bill in that part designated
11 "§807." by striking out all of subsections 7 and 8
12 (page 7, lines 29 to 34 in L.D.) and inserting in
13 their place the following:

14 '7. Persons or agencies contracting or arranging
15 home health services. Anyone contracting or arrang-
16 ing for home health services provided by home health
17 care providers licensed or excluded under this chap-
18 ter;

19 8. Departments. Departments of State Govern-
20 ment'

21 Further amend the bill in that part designated
22 "§807." by renumbering the subsections consecutively.

23 Further amend the bill by striking out all of
24 that part designated "§809."

25 Further amend the bill by renumbering those parts
26 designated "§801." to "§808." to be '§2141.' to
27 '§2148.'

28 STATEMENT OF FACT

29 This amendment makes a major change in the bill
30 by deleting various definitions and inserting a new
31 definition of "home health care provider." The new

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1 definition encompasses the various services provided.

2 An extra 6 months has been added for the develop-
3 ment of licensing standards in section 2145.

4 In section 2147, which specifies exclusions from
5 licensing, a new category of "elderly nutrition pro-
6 grams" has been added, the exclusion for one state
7 division has been broadened to include all state
8 departments and there is no restriction on families,
9 friends and neighbors.

10 In section 2147, subsection 8, the term now used
11 is persons "or agencies," and those persons or agen-
12 cies must be licensed if the provider of services is
13 not licensed or is excluded under this chapter.

14 Minor changes include technical language adjust-
15 ments in the licensure section, a language change
16 from "nonprofessional" to "paraprofessional," the
17 deletion of 2 categories of persons excluded from
18 licensure, because they are now excluded as a result
19 of the new definition and a different chapter number.

20 The section on the advisory Home Care Council,
21 section 2142 is deleted, because the Department of
22 Human Services has agreed to create a Home and Long-
23 term Care Committee.

24 4242060383

Reported by the Majority of the Committee on Health and
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