

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 384

7
8 H.P. 295

House of Representatives, January 31, 1985

9 Referred to the Committee on Human Resources and ordered printed.
10 Sent up for concurrence.

11 EDWIN H. PERT, Clerk

Presented by Representative Manning of Portland.
Cosponsored by Representative Nelson of Portland.

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT to Exempt from Home Health Licensure
19 Certain Entities that Provide Home
20 Based Nonacute Public Health Nursing
21 and Education Services in Lieu of
22 Similar State Services.
23

24 Emergency preamble. Whereas, Acts of the Legis-
25 lature do not become effective until 90 days after
26 adjournment unless enacted as emergencies; and

27 Whereas, legislation is urgently needed to exempt
28 certain agencies that are not home health providers
29 or reimbursed as such, but will be so regulated; and

30 Whereas, in the judgment of the Legislature,
31 these facts create an emergency within the meaning of
32 the Constitution of Maine and require the following
33 legislation as immediately necessary for the preser-
34 vation of the public peace, health and safety; now,
35 therefore,

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

3 Sec. 1. 22 MRSA §2142, sub-§3, as enacted by PL
4 1983, c. 570, is amended to read:

5 3. Home health care provider. "Home health care
6 provider" means any business entity or subdivision
7 thereof, whether public or private, proprietary or
8 not for profit, which is engaged in providing acute,
9 restorative, rehabilitative, or maintenance, ~~preven-~~
10 ~~tive or health promotion~~ services through profession-
11 al nursing or another therapeutic service, such as
12 physical therapy, speech pathology, home health
13 aides, nurse assistants, medical social work,
14 nutritionist services or personal care services, ei-
15 ther directly or through contractual agreement, in a
16 client's place of residence. This term does not ap-
17 ply to any sole practitioner providing private duty
18 nursing services or other restorative, rehabilita-
19 tive, or maintenance, ~~preventive or health promotion~~
20 services in a client's place of residence.

21 Sec. 2. 22 MRSA §2147, sub-§§10 and 11, as en-
22 acted by PL 1983, c. 570, are amended to read:

23 10. Facilities licensed pursuant to chapter 405.
24 Hospitals, intermediate care facilities, skilled
25 nursing facilities or other facilities licensed pur-
26 suant to chapter 405 when the services are provided
27 to clients residing in those facilities; ~~and~~

28 11. Licensed boarding-care facilities. Boarding-
29 care facilities licensed pursuant to chapters 1663
30 and 1665 when the services are provided to clients
31 residing in those facilities; ~~and~~

32 Sec. 3. 22 MRSA §2147, sub-§12 is enacted to
33 read:

34 12. Municipal and private nonprofit agencies.
35 Municipal and private nonprofit agencies providing
36 nonacute home based public health nursing services
37 comparable to or in lieu of similar services provided
38 by the State Division of Public Health Nursing and
39 which provide no acute home health care services.

1 Emergency clause. In view of the emergency cited
2 in the preamble, this Act shall take effect when ap-
3 proved.

4 STATEMENT OF FACT

5 Municipal and private nonprofit agencies have
6 traditionally employed public health nurses to pro-
7 vide nonacute preventive health care and health edu-
8 cation to clients in the home. These services are
9 comparable to, and generally in lieu of, Division of
10 Public Health Nursing services. The health needs of
11 these clients are not in the injury or illness cate-
12 gory and are not reimbursable by 3rd-party insurers.
13 Most clients are low-income mothers and children and
14 are at risk for child abuse and other health prob-
15 lems. Due to the critical need for continuation of
16 such services by providers other than the State, it
17 is the purpose of this bill to exempt municipal agen-
18 cies and nonprofit agencies from the licensing re-
19 quirements of home health care agencies, which do
20 provide acute health services.

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