

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. 1097

8 H.P. 776

House of Representatives, March 21, 1985

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

11 EDWIN H. PERT, Clerk

Presented by Representative Stevens of Bangor.

12 Cosponsored by Representative Murray of Bangor and Representative
Manning of Portland.

13 STATE OF MAINE
14

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

18 AN ACT to Exempt Home-based Early
19 Intervention and Prevention Services
20 from Regulations Governing the
21 Licensing and Functioning of Home
22 Health Care 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. Early intervention and prevention. Private
35 nonprofit agencies and programs providing home-based
36 physical, occupational or speech therapy for children
37 ages birth to 5 years having developmental disabili-
38 ties or delays and qualifying for enrollment and ser-
39 vice in an early intervention program.

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 Agencies which provide home-based early interven-
6 tion and prevention services are educational rather
7 than medical in their programming. These agencies
8 provide developmental skills training to preschool
9 children with special needs and their families. Oc-
10 cupational, physical and speech therapy are provided
11 by these agencies to prevent and limit developmental
12 delays which can affect a child's formal education
13 and learning.

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