

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
(New Draft of H.P. 295, L.D. 384)  
(New Title)  
FIRST REGULAR SESSION

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ONE HUNDRED AND TWELFTH LEGISLATURE

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Legislative Document No. 1453

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H.P. 1006 House of Representatives, May 3, 1985

Reported by Representative Nelson from the Committee on Human Resources and printed under Joint Rule 2. Original bill sponsored by Representative Manning of Portland. Cosponsored by Representative Nelson of Portland.

EDWIN H. PERT, Clerk

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STATE OF MAINE

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

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AN ACT to Exempt from Home Health Licensure  
Municipal Entities that Provide Only  
Nontherapeutic Preventive and  
Promotional Health Educational Services.

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

Whereas, legislation is urgently needed to exempt municipal agencies that are not acute home health care service providers or reimbursed as such, but will be so regulated; 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 preser-

1 vation of the public peace, health and safety; now,  
2 therefore,

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

5 Sec. 1. 22 MRSA §2142, sub-§3, as enacted by PL  
6 1983, c. 570, is amended to read:

7 3. Home health care provider. "Home health care  
8 provider" means any business entity or subdivision  
9 thereof, whether public or private, proprietary or  
10 not for profit, which is engaged in providing acute,  
11 restorative, rehabilitative, maintenance, preventive  
12 or health promotion services through professional  
13 nursing or another therapeutic service, such as phys-  
14 ical therapy, speech pathology, home health aides,  
15 nurse assistants, medical social work, nutritionist  
16 services or personal care services, either directly  
17 or through contractual agreement, in a client's place  
18 of residence. This term does not apply to any sole  
19 practitioner providing private duty nursing services  
20 or other restorative, rehabilitative, maintenance,  
21 preventive or health promotion services in a client's  
22 place of residence or to municipal entities providing  
23 health promotion services in a client's place of  
24 residence.

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

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

32 11. Licensed boarding-care facilities. Boarding-  
33 care facilities licensed pursuant to chapters 1663  
34 and 1665 when the services are provided to clients  
35 residing in those facilities; and

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

1           12. Municipal entities. Municipal departments or  
2           agencies or other municipal entities in their provi-  
3           sion of nontherapeutic preventive and promotional  
4           health educational services where persons providing  
5           those services are employed by the municipality.

6           **Emergency clause.** In view of the emergency cited  
7 in the preamble, this Act shall take effect when ap-  
8 proved.

9   FISCAL NOTE

10           This new draft will result in an insignificant  
11 loss of dedicated revenues to the Department of Human  
12 Services from the loss of license fees from 2 enti-  
13 ties.

14   STATEMENT OF FACT

15           As part of their authority and responsibility to  
16 promote and protect the general welfare, health and  
17 public safety, municipalities have traditionally em-  
18 ployed public health nurses to provide nontherapeutic  
19 health prevention and promotional health educational  
20 services in the home. These services are comparable  
21 to, and generally in lieu of, similar services pro-  
22 vided by the Division of Public Health Nursing.

23           The health needs of these clients are not in the  
24 injury or illness category and are not reimbursable  
25 by 3rd-party insurers. Most clients are low-income  
26 mothers and children and are at risk for child abuse  
27 and other health problems. Due to the critical need  
28 for continuation of these services by providers other  
29 than the State, it is the purpose of this new draft  
30 to exempt municipal agencies from the licensing re-  
31 quirements for home health care agencies, which do  
32 provide acute health services.

33           The new draft limits the exemption only to munic-  
34 ipal entities, such as a municipal department or  
35 agency, and clarifies the exempted services.

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