

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1445

H.P. 1062

House of Representatives, May 6, 1987

Submitted by the Department of Human Services pursuant to Joint Rule 24.

Reference to the Committee on Human Resources suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative HARPER of Lincoln.

Cosponsored by Senators COLLINS of Aroostook, KERRY of York, and Representative KIMBALL of Buxton.

STATE OF MAINE

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

AN ACT to Facilitate Access to In-home
Services.

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

6 Sec. 1. 22 MRSA §303, sub-§11-A, as amended by
7 PL 1985, c. 418, §2, is further amended to read:

8 11-A. Home health care provider. "Home health
9 care provider" means any business entity or subdivi-
10 sion thereof, whether public or private, proprietary
11 or not for profit, which is engaged in providing
12 acute, restorative, rehabilitative, maintenance, pre-
13 ventive or health promotion services through profes-
14 sional nursing and at least one other therapeutic
15 service, such as physical therapy, occupational ther-
16 apy, speech pathology, home health aides, nurse as-

1 sistant, medical social work and nutritionist ser-
2 vices, either directly or through contractual agree-
3 ment, in a client's place of residence. This term
4 does not apply to any sole practitioner providing
5 private duty nursing services or other restorative,
6 rehabilitative, maintenance, preventive of health
7 promotion services in a client's place or residence
8 or to hospitals, skilled nursing facilities or inter-
9 mediate care facilities providing in-home services to
10 6 or fewer clients at any one time under a plan of
11 care approved by the department or its designee.

12 **Sec. 2. 22 MRSA §2147, sub-§10, as amended by PL**
13 **1985, c. 189, §2, is further amended to read:**

14 10. Facilities licensed pursuant to chapter 405.
15 Hospitals, intermediate care facilities, skilled
16 nursing facilities or other facilities licensed pur-
17 suant to chapter 405 when the services are provided
18 to clients residing in those facilities, or to 6 or
19 fewer clients at any one time in their homes under a
20 plan of care approved by the department or its
21 designee;

22 STATEMENT OF FACT

23 There are some areas of the State where clients
24 in need of in-home services have been provided those
25 services by the staff of existing hospitals and nurs-
26 ing homes through a demonstration program funded by
27 the Legislature. In some situations, the staff pro-
28 viding the services might be the same persons who
29 cared for the person as a patient in the institution-
30 al setting to aid in the transition to home care; in
31 other situations, the institution is the most readily
32 accessible source of the service. This bill is
33 needed to permit the continued delivery of these ser-
34 vices without requiring a full certificate of need
35 application and review and additional licensing pro-
36 cedures to serve this very limited number of people.
37 Since these institutions are already subject to a va-
38 riety of regulations and the plan of care must have
39 prior approval by the department or its designee, the
40 necessary safeguards exist to protect the welfare of
41 the clients to be served.

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