

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 189

S.P. 123

In Senate, February 15, 1989

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

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

Joy J. O'Brien

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator WHITMORE of Androscoggin.

Cosponsored by Senator HOBBS of York, Representative STEVENS of Sabattus and Representative NADEAU of Saco.

STATE OF MAINE

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

An Act to Exempt Speech and Hearing Centers from Home Health Care
Licensure.



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

3 **Sec. 1. 22 MRSA §2142, sub-§3,** as amended by PL 1985, c. 189,
5 §1, is further amended to read:

7 **3. Home health care provider.** "Home health care provider"
9 means any business entity or subdivision thereof, whether public
11 or private, proprietary or not for profit, which is engaged in
13 providing acute, restorative, rehabilitative, maintenance,
15 preventive or health promotion services through professional
17 nursing or another therapeutic service, such as physical therapy,
19 ~~speech-pathology,~~ home health aides, nurse assistants, medical
21 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 apply to any sole
practitioner providing private duty nursing services or other
restorative, rehabilitative, maintenance, preventive or health
promotion services in a client's place of residence or to
municipal entities providing health promotion services in a
client's place of residence.

23 **Sec. 2. 22 MRSA §2147, sub-§11,** as amended by PL 1985, c. 189,
25 §2, is further amended to read:

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

35 **Sec. 3. 22 MRSA §2147, sub-§12,** as enacted by PL 1985, c. 189,
37 §3, is amended to read:

39 **12. Municipal entities.** Municipal departments or agencies
41 or other municipal entities in their provision of nontherapeutic
43 preventive and promotional health educational services ~~where~~ when
45 persons providing those services are employed by the
47 municipality; and

49 **Sec. 4. 22 MRSA §2147, sub-§13** is enacted to read:

51 **13. Speech and hearing centers.** Agencies or organizations
engaged in the provision of only speech pathology and audiology
services.

STATEMENT OF FACT

Regulations governing the licensing and functioning of home
health care services currently require licensure of those which
provide only speech pathology and audiology services. There are
currently four such providers in Maine. These providers are

1 accredited by the American Speech-Language and Hearing
2 Association, whose clinical standards exceed those of state
3 regulations. They are additionally certified under Medicare
4 regulations, which are more rigorous than state licensure
5 regulations. This has been confirmed by state licensure surveys,
6 which have identified no deficiencies of consequence in those
7 services. Therefore, due to the fact that the purpose of
8 protecting the public is achieved in this instance by the
9 professional accrediting body, with no identifiable additional
10 purpose to be served by state licensure surveys, it is proposed
11 that providers of only speech pathology and audiology services be
12 exempted from state licensure requirements.

13