

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1139

S.P. 416

In Senate, April 4, 1995

**An Act to Ensure Efficiency in Delivery of Home Health Care Services
in Congregate Settings by Eliminating Unnecessary Regulation.**

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

A handwritten signature in cursive script, reading "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator HARRIMAN of Cumberland.
Cosponsored by Senator: LAWRENCE of York, Representatives: CLOUTIER of South
Portland, JACQUES of Waterville, KERR of Old Orchard Beach, POULIOT of Lewiston.

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

Sec. 1. 22 MRSA §2145, sub-§5 is enacted to read:

5. Home health care rules. Home health care rules developed by the commissioner pursuant to this Title must provide for the special circumstances and efficiencies arising when home health care services are provided in a congregate setting. The rules must provide that the home health care licensee, when providing services in a congregate setting, shall at its request have the right to apply specific applicable nursing facilities rules in place of the specific home health care rules when the result would be less restrictive and less costly.

STATEMENT OF FACT

Recently the legislature has taken steps to promote congregate care and assisted living. Long-term care services are provided to residents of these congregate housing units by home health care providers. Initially home health care rules were written in contemplation of services being provided in individual dwellings. The home health care rules that apply to such activities as dispensing medication do not account for the possibility of closer supervision in a congregate setting as do the corresponding rules for nursing homes. This bill allows the licensee to apply the nursing facility rules when it would save unnecessary expense.