

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1692

H.P. 1244

House of Representatives, December 23, 2011

### **An Act To Clarify Case Management Supervision Authority and Ensure Access to Case Management Services**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2011. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative EVES of North Berwick.  
Cosponsored by Senator CRAVEN of Androscoggin and  
Representatives: FOSSEL of Alna, O'CONNOR of Berwick, PETERSON of Rumford,  
STRANG BURGESS of Cumberland.

1           **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** case management services critical to the well-being of many individuals  
4 covered by the MaineCare program and other programs of health insurance are provided  
5 in this State by capable professionals licensed in a variety of different health care  
6 disciplines; and

7           **Whereas,** these qualified professionals, pursuant to general authority under their  
8 licenses to practice their professions, have delegated certain case management functions  
9 to other capable and qualified persons; and

10          **Whereas,** the absence of explicit language in certain licensing statutes referring to  
11 case management as one of the activities within the scope of licensed practice and one of  
12 the activities that can be appropriately delegated has raised questions concerning whether  
13 these services can be reimbursed under the MaineCare program when provided by these  
14 licensed professionals; and

15          **Whereas,** denial of reimbursement for case management provided by or under the  
16 supervision of various licensed professionals will result in an acute shortage of case  
17 management services, placing at risk the well-being of many persons with serious illness;  
18 and

19          **Whereas,** clarifying the authority of these professionals through explicit language in  
20 the governing statutes may prevent or correct misunderstandings that have arisen  
21 concerning the preexisting scope of authority of these professionals; and

22          **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
23 the meaning of the Constitution of Maine and require the following legislation as  
24 immediately necessary for the preservation of the public peace, health and safety; now,  
25 therefore,

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

27               **Sec. 1. 22 MRSA §3174-SS** is enacted to read:

28               **§3174-SS. Reimbursement of qualified professionals for case management services**

29               The department shall provide that payment for case management services under the  
30 MaineCare program includes reimbursement at reasonable rates for medically necessary  
31 case management services provided by or under the supervision of the following licensed  
32 professionals:

33               **1. Physicians.** Physicians;

34               **2. Physician assistants.** Physician assistants;

35               **3. Psychologists.** Psychologists;

