

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 711

S.P. 260

In Senate, February 26, 2013

An Act To Facilitate Patient Education

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LACHOWICZ of Kennebec.
Cosponsored by Representative GATTINE of Westbrook and
Senators: CUSHING of Penobscot, HAMPER of Oxford, Representatives: BECK of
Waterville, CHIPMAN of Portland.

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

2 **Sec. 1. 22 MRSA §2142, sub-§3**, as amended by PL 1993, c. 331, §1, is further
3 amended to read:

4 **3. Home health care provider.** "Home health care provider" means any business
5 entity or subdivision thereof, whether public or private, proprietary or not for profit, that
6 is engaged in providing acute, restorative, rehabilitative, maintenance, preventive or
7 health promotion services through professional nursing or another therapeutic service,
8 such as physical therapy, home health aides, nurse assistants, medical social work,
9 nutritionist services or personal care services, either directly or through contractual
10 agreement, in a client's place of residence. This term does not apply to any sole
11 practitioner providing private duty nursing services or other restorative, rehabilitative,
12 maintenance, preventive or health promotion services in a client's place of residence or to
13 municipal entities providing health promotion services in a client's place of residence.
14 This term does not apply to a federally qualified health center or a rural health clinic as
15 defined in 42 United States Code, Section 1395x, subsection (aa) (1993) that is delivering
16 case management services or health education in a client's place of residence. This term
17 does not apply to a registered nurse educator. For purposes of this subsection, "registered
18 nurse educator" means a registered nurse licensed under Title 32, chapter 31 who
19 provides postprescription training to a patient or caregiver in a patient's place of residence
20 when the registered nurse educator does not provide health care services, does not deliver
21 the prescription drug, does not touch the patient, does not administer the prescription drug
22 to the patient and does not seek payment from the patient, caregiver or any health care
23 payor. Beginning October 1, 1991, "home health care provider" includes any business
24 entity or subdivision thereof, whether public or private, proprietary or nonprofit, that is
25 engaged in providing speech pathology services.

26 **SUMMARY**

27 This bill exempts a registered nurse educator who provides postprescription training
28 to a patient or caregiver in a patient's place of residence from the laws governing the
29 licensure of home health care providers.