

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1194

H.P. 872

House of Representatives, March 22, 2021

An Act To Reduce Health Care Worker Shortages

Received by the Clerk of the House on March 18, 2021. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative LIBBY of Auburn.

Cosponsored by Representatives: EVANS of Dover-Foxcroft, GEIGER of Rockland, PERRY of Calais, WHITE of Waterville, Senator: CLAXTON of Androscoggin.

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

2 **Sec. 1. 24-A MRSA §4316, sub-§1, ¶C**, as enacted by PL 2019, c. 289, §2, is
3 amended to read:

4 C. "Telehealth," as it pertains to the delivery of health care services, means the use of
5 interactive real-time visual and audio or other electronic media for the purpose of
6 consultation and education concerning and diagnosis, treatment, care management and
7 self-management of an enrollee's physical and mental health and includes real-time
8 interaction between the enrollee and the telehealth provider, synchronous encounters,
9 asynchronous encounters, store and forward transfers, the use of audio-only telephone
10 and telemonitoring. "Telehealth" does not include the use of ~~audio-only telephone~~,
11 facsimile machine, e-mail or texting.

12 **Sec. 2. 24-A MRSA §4316, sub-§1, ¶E**, as enacted by PL 2019, c. 289, §2, is
13 repealed.

14 **Sec. 3. 24-A MRSA §4316, sub-§5**, as enacted by PL 2019, c. 289, §2, is repealed.

15 **Sec. 4. 32 MRSA §2213** is enacted to read:

16 **§2213. Licensing of nurse licensed in another state; authorized actions**

17 Notwithstanding any provision of this chapter to the contrary, the following provisions
18 apply.

19 **1. Issuance of license; provision of health care services in person or through**
20 **telehealth.** The board shall issue a license to any nurse who seeks immediate licensure
21 who is licensed in good standing in another state and has not been subject to a disciplinary
22 or adverse action in the past 10 years involving loss of license, probation or practice
23 restriction or limitation. A nurse licensed under this subsection may provide health care
24 services within the scope of practice of the nurse's license through an in-person encounter
25 in this State or across state lines into this State using telehealth, as defined in Title 24-A,
26 section 4316, subsection 1, paragraph C. License application fees and renewal fees for
27 licenses issued pursuant to this subsection must be established by the board.

28 **2. Issuance of license for retired nurse.** Upon request, the board shall immediately
29 issue a license to a nurse who retired in good standing in this State within 2 years of the
30 effective date of this section and who has not been subject to a disciplinary or adverse
31 action in the past 10 years involving loss of license, probation or practice restriction or
32 limitation and has no outstanding complaints or open investigations. The board may
33 impose a fee for a license issued or renewed pursuant to this subsection.

34 **3. Permitted activity without license.** A nurse who is licensed in good standing in
35 another state and who has patients residing in this State who travel to another state to
36 receive ongoing health care from that nurse may provide those health care services to those
37 patients through telehealth, as defined in Title 24-A, section 4316, subsection 1, paragraph
38 C, without obtaining a license under this section or another provision of this chapter.

39 **4. Supervision or collaborative practice agreements suspended.** Any requirement
40 related to mandatory supervision or collaborative practice agreements for an otherwise
41 qualified advanced practice registered nurse licensed in good standing in another state and
42 granted a license under this section is suspended.

1 **5. Telehealth services.** A nurse licensed in this State or authorized to perform services
2 pursuant to this section may perform health care services through the use of all modes of
3 telehealth, as defined in Title 24-A, section 4316, subsection 1, paragraph C, including
4 video and audio, audio-only or other electronic media, to treat the residents of this State for
5 all medically necessary services.

6 **Sec. 5. 32 MRSA §2571-B** is enacted to read:

7 **§2571-B. Licensing of osteopathic physician or physician assistant licensed in another**
8 **state; authorized actions**

9 Notwithstanding any provision of this chapter to the contrary, the following provisions
10 apply.

11 **1. Issuance of license; provision of health care services in person or through**
12 **telehealth.** The board shall issue a license to any osteopathic physician or physician
13 assistant who seeks immediate licensure who is licensed in good standing in another state
14 and has not been subject to a disciplinary or adverse action in the past 10 years involving
15 loss of license, probation or practice restriction or limitation. A physician or physician
16 assistant licensed under this subsection may provide health care services within the scope
17 of practice of the physician's or physician assistant's license through an in-person encounter
18 in this State or across state lines into this State using telehealth, as defined in Title 24-A,
19 section 4316, subsection 1, paragraph C. License application fees and renewal fees for
20 licenses issued pursuant to this subsection must be established by the board.

21 **2. Issuance of license for retired physician or physician assistant.** Upon request,
22 the board shall immediately issue a license to an osteopathic physician or physician
23 assistant who retired in good standing in this State within 2 years of the effective date of
24 this section and who has not been subject to a disciplinary or adverse action in the past 10
25 years involving loss of license, probation or practice restriction or limitation and has no
26 outstanding complaints or open investigations. The board may impose a fee for a license
27 issued or renewed pursuant to this subsection.

28 **3. Permitted activity without license.** An osteopathic physician or physician
29 assistant who is licensed in good standing in another state and who has patients residing in
30 this State who travel to another state to receive ongoing health care from that physician or
31 physician assistant may provide those health care services to those patients through
32 telehealth, as defined in Title 24-A, section 4316, subsection 1, paragraph C, without
33 obtaining a license under this section or another provision of this chapter.

34 **4. Supervision or collaborative practice agreements suspended.** Any requirement
35 related to mandatory supervision or collaborative practice agreements for an otherwise
36 qualified physician assistant licensed in good standing in another state and granted a license
37 under this section is suspended.

38 **5. Telehealth services.** An osteopathic physician or physician assistant licensed in
39 this State or authorized to perform services pursuant to this section may perform health
40 care services through the use of all modes of telehealth, as defined in Title 24-A, section
41 4316, subsection 1, paragraph C, including video and audio, audio-only or other electronic
42 media, to treat the residents of this State for all medically necessary services.

43 **Sec. 6. 32 MRSA §3278-A** is enacted to read:

1 **§3278-A. Licensing of physician or physician assistant licensed in another state;**
2 **authorized actions**

3 Notwithstanding any provision of this chapter to the contrary, the following provisions
4 apply.

5 **1. Issuance of license; provision of health care services in person or through**
6 **telehealth.** The board shall issue a license to any physician or physician assistant who
7 seeks immediate licensure who is licensed in good standing in another state and has not
8 been subject to a disciplinary or adverse action in the past 10 years involving loss of license,
9 probation or practice restriction or limitation. A physician or physician assistant licensed
10 under this subsection may provide health care services within the scope of practice of the
11 physician's or physician assistant's license through an in-person encounter in this State or
12 across state lines into this State using telehealth, as defined in Title 24-A, section 4316,
13 subsection 1, paragraph C. License application fees or renewal fees for licenses issued
14 pursuant to this subsection are waived must be established by the board.

15 **2. Issuance of license for retired physician or physician assistant.** Upon request,
16 the board shall immediately issue a license to a physician or physician assistant who retired
17 in good standing in this State within 2 years of the effective date of this section and who
18 has not been subject to a disciplinary or adverse action in the past 10 years involving loss
19 of license, probation or practice restriction or limitation and has no outstanding complaints
20 or open investigations. The board may impose a fee for a license issued or renewed
21 pursuant to this subsection.

22 **3. Permitted activity without license.** A physician or physician assistant who is
23 licensed in good standing in another state and who has patients residing in this State that
24 travel to another state to receive ongoing health care from that physician or physician
25 assistant may provide those health care services to those patients through telehealth, as
26 defined in Title 24-A, section 4316, subsection 1, paragraph C, without obtaining a license
27 under this section or another provision of this chapter.

28 **4. Supervision or collaborative practice agreements suspended.** Any requirement
29 related to mandatory supervision or collaborative practice agreements for an otherwise
30 qualified physician assistant licensed in good standing in another state and granted a license
31 under this section is suspended.

32 **5. Telehealth services.** A physician or physician assistant licensed in this State or
33 authorized to perform services pursuant to this section may perform health care services
34 through the use of all modes of telehealth, as defined in Title 24-A, section 4316, subsection
35 1, paragraph C, including video and audio, audio-only or other electronic media, to treat
36 the residents of this State for all medically necessary services.

37 **SUMMARY**

38 This bill makes permanent the authorization for licensing out-of-state and recently
39 retired doctors, physician assistants and nurses that was provided through executive order
40 during the declared state of civil emergency related to COVID-19. The bill also expands
41 the scope of health care services that can be provided though telehealth to include the use
42 of audio-only telephone.