

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1543

H.P. 1148

House of Representatives, April 22, 2021

An Act To Improve and Modernize Home-based Care

Received by the Clerk of the House on April 20, 2021. 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 "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MEYER of Eliot.
Cosponsored by Representatives: EVANS of Dover-Foxcroft, FAY of Raymond,
HYMANSON of York, STOVER of Boothbay.

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

2 **Sec. 1. 22 MRSA §3173-H, sub-§5, ¶D**, as amended by PL 2019, c. 649, §1, is
3 further amended to read:

4 D. Must include requirements for providers providing telehealth and telemonitoring
5 services; ~~and~~

6 **Sec. 2. 22 MRSA §3173-H, sub-§5, ¶E**, as enacted by PL 2019, c. 649, §1, is
7 amended to read:

8 E. Must allow at least some portion of case management services covered by the
9 MaineCare program to be delivered through telehealth, without requiring qualifying
10 criteria regarding a patient's risk of hospitalization or admission to an emergency
11 room; ~~and~~

12 **Sec. 3. 22 MRSA §3173-H, sub-§5, ¶F** is enacted to read:

13 F. Must require that the department provide reimbursement for telehealth and
14 telemonitoring for MaineCare members receiving private duty nursing, home health
15 services and personal care services and services provided to MaineCare members under
16 a waiver granted by the federal Department of Health and Human Services, Centers for
17 Medicare and Medicaid Services for home-based and community-based services or
18 state-funded home-based and community-based support services. The services to be
19 reimbursed pursuant to this paragraph must include the following:

20 (1) Services that support a person's ability to remain in the person's home,
21 including, but not limited to, telehealth and telemonitoring services that support a
22 person's safety, mobility or medication compliance, or that support virtual home
23 visits and clinical consultation; and

24 (2) Services of a pharmacist licensed under Title 32, chapter 117 to provide
25 medication evaluation or consultation, including using telehealth services or by a
26 home visit when telehealth is not the most effective mode of consultation.

27 **Sec. 4. 22 MRSA §3173-I, sub-§3**, as enacted by PL 2017, c. 307, §3, is amended
28 to read:

29 **3. Duties.** The advisory group shall:

30 A. Evaluate technical difficulties related to telehealth and telemonitoring services; ~~and~~

31 B. Make recommendations to the department to improve telehealth and telemonitoring
32 services statewide; ~~and~~

33 C. Make recommendations to the department on best practices and the use of
34 technologies that can be used in a home.

35 **Sec. 5. Department of Health and Human Services to amend rules.** The
36 Department of Health and Human Services shall amend its rules for services provided
37 under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Sections 19 and
38 96 and rule Chapter 5: Office of Aging and Disability Services Policy Manual, Section 63
39 so that reimbursement is provided for a pharmacist licensed under the Maine Revised
40 Statutes, Title 32, chapter 117 to provide medication evaluation or consultation to a
41 member in a home visit when technology is not the most effective mode of consultation.

1 Department of Health and Human Services, Centers for Medicare and Medicaid Services
2 for home-based and community-based services or state-funded home-based and
3 community-based support services. The services must include:

4 A. Services that support a person's ability to remain in the person's home, including,
5 but not limited to, telehealth and telemonitoring services that support a person's safety,
6 mobility or medication compliance, or that support virtual home visits and clinical
7 consultation; and

8 B. Services of a pharmacist licensed under the Maine Revised Statutes, Title 32,
9 chapter 117 to provide medication evaluation or consultation, including telehealth
10 services or by a home visit when telehealth is not the most effective mode of
11 consultation;

12 2. Expands the duties of the Maine Telehealth and Telemonitoring Advisory Group to
13 include making recommendations about home technology to the Department of Health and
14 Human Services;

15 3. Directs the Department of Health and Human Services to amend its rules for services
16 provided under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Sections
17 19 and 96 and rule Chapter 5: Office of Aging and Disability Services Policy Manual,
18 Section 63 so that reimbursement is provided for a pharmacist licensed under Title 32,
19 chapter 117 to provide medication evaluation or consultation to a member in a home visit
20 when technology is not the most effective mode of consultation;

21 4. Directs the Department of Health and Human Services to amend its rules for services
22 provided under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section
23 40 so that reimbursement is provided for a pharmacist licensed under Title 32, chapter 117
24 to provide medication evaluation or consultation to a member in a home visit when
25 technology is not the most effective mode of consultation;

26 5. Directs the Department of Health and Human Services to review its in-person
27 supervision requirement for home-based and community-based care providers to determine
28 whether the use of technology that provides interactive, real-time communication is
29 feasible and practical and to report its recommendations to the Joint Standing Committee
30 on Health and Human Services; and

31 6. Directs the Department of Health and Human Services to review its rules for
32 services provided under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III,
33 Sections 19, 40 and 96 and rule Chapter 5: Office of Aging and Disability Services Policy
34 Manual, Section 63 to determine whether it is providing adequate reimbursement for
35 activities performed outside of the home by a registered nurse licensed under Title 32,
36 chapter 31 and to report its recommendations to the Joint Standing Committee on Health
37 and Human Services.