

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2055

H.P. 1317

House of Representatives, December 13, 2023

**An Act to Prohibit the Department of Health and Human Services
from Implementing Electronic Visit Verification for Hospice
Providers Within the MaineCare Program Unless Mandated by the
Federal Government**

(EMERGENCY)

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

Received by the Clerk of the House on December 11, 2023. 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 CLOUTIER of Lewiston.
Cosponsored by Senator ROTUNDO of Androscoggin and
Representatives: CRAVEN of Lewiston, FAY of Raymond, GATTINE of Westbrook, GERE
of Kennebunkport, GOLEK of Harpswell, HASENFUS of Readfield, Senators: PIERCE of
Cumberland, VITELLI of Sagadahoc.

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,** the Department of Health and Human Services is currently implementing
4 electronic visit verification for hospice providers within the MaineCare program, which is
5 not required under the federal 21st Century Cures Act; and

6 **Whereas,** many hospice providers are unable to comply with electronic visit
7 verification; and

8 **Whereas,** expanding electronic visit verification to hospice providers increases the
9 administrative burden without consideration for the increased financial cost, with no
10 material impact on fraud prevention or improvement in care for MaineCare members; and

11 **Whereas,** it is important that the Department of Health and Human Services cease
12 implementing electronic visit verification as soon as possible because residents of the State
13 and their families depend on hospice services for end-of-life care; and

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

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

19 **Sec. 1. 22 MRSA §3174-NNN** is enacted to read:

20 **§3174-NNN. MaineCare hospice electronic visit verification prohibited**

21 The department may not implement electronic visit verification for providers offering
22 hospice services under the MaineCare program until electronic visit verification is
23 mandated for these services by the Federal Government.

24 For purposes of this section, "electronic visit verification" means a system under which
25 visits conducted as part of hospice services are electronically verified with respect to the
26 type of service performed, the individual receiving the service, the date of the service, the
27 location of service delivery, the individual providing the service and the time the service
28 begins and ends.

29 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
30 takes effect when approved.

31 **SUMMARY**

32 This bill prohibits the Department of Health and Human Services from implementing
33 electronic visit verification for providers offering hospice services within the MaineCare
34 program until electronic visit verification is mandated for those services by the Federal
35 Government.