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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.

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.

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

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

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

Sec. 2. 24-A MRSA §4316, sub-§1, ¶E, as enacted by PL 2019, c. 289, §2, is repealed.

Sec. 3. 24-A MRSA §4316, sub-§5, as enacted by PL 2019, c. 289, §2, is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SUMMARY

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