

§2147. Exclusions

The following are exempt from the provisions of this chapter: [PL 1983, c. 570 (NEW).]

1. Hospice organizations; volunteer services. Hospice organizations in which services are provided substantially by volunteers;
[PL 1983, c. 570 (NEW).]

2. Families, friends and neighbors. Families, friends and neighbors;
[PL 1983, c. 570 (NEW).]

3. Sole practitioners. Sole practitioners otherwise licensed by the State;
[PL 1983, c. 570 (NEW).]

4. Physicians. Services provided directly by physicians;
[PL 1983, c. 570 (NEW).]

5. Elderly nutrition programs. Elderly nutrition programs;
[PL 1983, c. 570 (NEW).]

6. Chore services. Chore services;
[PL 1983, c. 570 (NEW).]

7. Pharmacy or medical supply company. Any pharmacy or medical supply company which furnishes no home health services to persons in their homes except supplies;
[PL 1983, c. 570 (NEW).]

8. Persons or agencies contracting or arranging home health services. Anyone contracting or arranging for home health services provided by home health care providers licensed or excluded under this chapter;
[PL 1983, c. 570 (NEW).]

9. Departments. Departments of State Government;
[PL 1983, c. 570 (NEW).]

10. Facilities licensed pursuant to chapter 405. Hospitals, intermediate care facilities, skilled nursing facilities or other facilities licensed pursuant to chapter 405 when the services are provided to clients residing in those facilities, or to 6 or fewer clients at any one time in their homes under a plan of care approved by the department or its designee when it is documented in the patient's record that the licensed home health care agency or agencies serving the patient's area:

A. Have indicated that they are unable to provide those services; or [PL 1987, c. 486, §2 (NEW).]

B. Agree that the plan of care is an acceptable plan. [PL 1987, c. 486, §2 (NEW).]

The plan of care must meet standards for staff qualifications and supervision consistent with the standards required of licensed home health care providers;
[PL 1987, c. 486, §2 (AMD).]

11. Licensed residential care facilities. Residential care facilities licensed pursuant to chapters 1663 and 1664 when the services are provided to clients residing in those facilities;
[PL 2001, c. 596, Pt. B, §8 (AMD); PL 2001, c. 596, Pt. B, §25 (AFF).]

12. Municipal entities. Municipal departments or agencies or other municipal entities in their provision of nontherapeutic preventive and promotional health educational services when persons providing those services are employed by the municipality;
[PL 2023, c. 195, §1 (AMD); PL 2023, c. 267, §2 (AMD).]

13. Speech and hearing centers.
[PL 2013, c. 336, §2 (RP).]

14. Registered nurse educators. Registered nurse educators;
[RR 2023, c. 1, Pt. A, §9 (COR).]

15. Emergency medical services community paramedicine services. Ambulance services and nontransporting emergency medical services as defined and licensed under Title 32, chapter 2-B, that are authorized by the Emergency Medical Services' Board to provide community paramedicine services pursuant to Title 32, section 84, subsection 4. This exemption applies for the express and exclusive purpose of delivering community paramedicine services, as long as:

A. The care is episodic. For the purposes of this paragraph, "episodic" means an encounter with a patient focused on presenting concerns and an identified medical condition in which neither the community paramedic nor the patient has the expectation of an ongoing general home care relationship; and [PL 2023, c. 195, §3 (NEW).]

B. The Emergency Medical Services' Board adopts rules requiring authorized community paramedicine services to:

(1) Comply with the Maine Background Check Center Act requirements as described in chapter 1691;

(2) Conduct initial and ongoing training of all staff regarding their obligations as mandatory reporters;

(3) Meet licensing standards consistent with those required by section 2145, subsections 3 and 4; and

(4) Coordinate with home health agencies; and [RR 2023, c. 2, Pt. A, §30 (COR).]

[RR 2023, c. 2, Pt. A, §30 (COR).]

REVISOR'S NOTE: (Subsection 15 as enacted by PL 2023, c. 267, §4 is REALLOCATED TO TITLE 22, SECTION 2147, SUBSECTION 16)

16. (REALLOCATED FROM T. 22, §2147, §15) Certified nurse practitioners. Services provided directly by certified nurse practitioners.

[PL 2023, c. 267, §4 (NEW); RR 2023, c. 1, Pt. A, §11 (RAL).]

SECTION HISTORY

PL 1983, c. 570 (NEW). PL 1985, c. 189, §§2,3 (AMD). PL 1987, c. 486, §2 (AMD). PL 1989, c. 119, §§2-4 (AMD). PL 2001, c. 596, §B8 (AMD). PL 2001, c. 596, §B25 (AFF). PL 2013, c. 336, §§2, 3 (AMD). PL 2023, c. 195, §§1-3 (AMD). PL 2023, c. 267, §§2-4 (AMD). RR 2023, c. 1, Pt. A, §§9, 10 (COR). RR 2023, c. 1, Pt. A, §11 (COR). RR 2023, c. 2, Pt. A, §30 (COR).

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