



# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

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Legislative Document

No. 1970

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S.P. 672

In Senate, January 8, 2020

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### **An Act To Establish Electronic Visit Verification for In-home and Community-based Health Care Workers**

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

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator CLAXTON of Androscoggin.  
Cosponsored by Representative McCREIGHT of Harpswell and  
Senators: MOORE of Washington, SANBORN, L. of Cumberland.

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

2 **Sec. 1. 22 MRSA §7310** is enacted to read:

3 **§7310. Electronic visit verification**

4 **1. Definitions.** For purposes of this section, the following terms have the following  
5 meanings.

6 A. "Electronic visit verification" means the electronic documentation of the  
7 performance of a service, including the type of service performed, the individual  
8 receiving the service, the date of the service, the location of the service delivery, the  
9 individual providing the service and the time that the service begins and ends.

10 B. "Electronic visit verification system" means a system that provides electronic visit  
11 verification that complies with subsection 3 and the federal 21st Century Cures Act,  
12 42 United States Code, Section 1396b(l).

13 C. "Provider" means an entity, agency, facility or individual who offers or plans to  
14 offer any services.

15 D. "Service" means personal care services and home health care services as defined  
16 in the federal 21st Century Cures Act, 42 United States Code, Section 1396b(l).

17 **2. Documentation; establishment.** The commissioner shall establish an electronic  
18 visit verification system with respect to services, including implementation requirements  
19 and standards for electronic visit verification that comply with the federal 21st Century  
20 Cures Act, 42 United States Code, Section 1396b(l).

21 **3. Department requirements.** The department has the following duties and  
22 responsibilities.

23 A. The department shall develop implementation requirements for electronic visit  
24 verification systems. In developing implementation requirements, the commissioner  
25 shall ensure that the requirements:

26 (1) Are minimally administratively and financially burdensome to the provider  
27 and the direct care workers employed by the provider to deliver the service;

28 (2) Are minimally burdensome to the service recipient and the least disruptive to  
29 the service recipients in receiving and maintaining allowed services;

30 (3) Consider existing best practices and existing use of electronic visit  
31 verification;

32 (4) Are no more restrictive than applicable federal laws;

33 (5) Are effective methods for preventing fraud when balanced against the  
34 requirements of subparagraphs (1) and (2);

35 (6) Are consistent with the department's policies related to MaineCare-covered  
36 services, flexibility of service use and quality assurance; and

