

**SENATE . . . . . No. 01864**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Michael R. Knapik*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to allow out-of-state physicians to order home care in the Commonwealth.

\_\_\_\_\_  
PETITION OF:

NAME:

DISTRICT/ADDRESS:

.....  
*Michael R. Knapik*

.....  
*Second Hampden and Hampshire*

.....  
*Bruce E. Tarr*

.....  
*First Essex and Middlesex*

# SENATE . . . . . No. 01864

By Mr. Knapik, petition (accompanied by bill, Senate, No. 1864) of Tarr and Knapik for legislation to allow out-of-state physicians to order home care in the Commonwealth [Joint Committee on Public Health].

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to allow out-of-state physicians to order home care in the Commonwealth.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. A physician from a state bordering the Commonwealth who is licensed  
2 by the appropriate medical licensing board in that state where the practice resides shall be  
3 authorized to order home care services to be delivered by a Massachusetts home care agency  
4 certified by the Centers for Medicare and Medicaid Services under Title XVIII of the Social  
5 Security Act, or a private pay agency accredited by the Home Care Alliance of Massachusetts,  
6 for a citizen permanently residing in the Commonwealth without being required to obtain a  
7 license from the Massachusetts Board of Registration in Medicine.

8           SECTION 2. Upon request by the Massachusetts Board of Registration in Medicine  
9 or Department of Public Health, the Massachusetts home health care agency responsible for  
10 delivering home care services ordered by an out-of-state physician will demonstrate:

11 a) The out-of-state physician must hold a license in good standing conferred by the  
12 licensing board or other medical licensing authority in another state, as shown by photocopy or  
13 facsimile of their valid license submitted to the Massachusetts home health agency.

14 b) Prescribed home health care services pursuant to an in-person physical examination  
15 of the patient.

16 SECTION 3. The referring physician from another state shall ask the patient if they  
17 have a primary care physician in this Commonwealth. If so, the referring out-of-state physician  
18 shall contact the patient's primary care physician in the Commonwealth and obtain the  
19 concurrence of that individual for ordering home health care services. The referring physician  
20 shall make notation of such contact in the patient's medical record.

21 The out-of-state referring physician shall also contact the patient's primary care  
22 physician in the Commonwealth if alterations are made to the plan of care.

23 SECTION 4. A licensed out-of-state physician relative to this Act shall not be subject  
24 to any penalties pursuant to chapter 112, section 6 of the General Laws.