

**SENATE . . . . . No. 1042**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michael R. Knapik***

*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 adoption of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michael R. Knapik</i>	<i>Second Hampden and Hampshire</i>
<i>Benjamin B. Downing</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>

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By Mr. Knapik, a petition (accompanied by bill, Senate, No. 1042) of Michael R. Knapik, Benjamin B. Downing, Richard J. Ross, James M. Murphy and other members of the General Court for legislation to allow out-of-state physicians to order home care in the Commonwealth. Public Health.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1864 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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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  
2 licensed by the appropriate medical licensing board in that state where the practice resides shall  
3 be 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  
9 Medicine or Department of Public Health, the Massachusetts home health care agency  
10 responsible for delivering home care services ordered by an out-of-state physician will  
11 demonstrate:

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

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

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

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

24                           SECTION 4. A licensed out-of-state physician relative to this Act shall not be  
25 subject to any penalties pursuant to section 6 of chapter 112 of the General Laws, as appearing in  
26 the 2010 Official Edition.