

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1000

H.P. 736

House of Representatives, February 11, 1997

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**An Act to Ensure Choice of Physicians in Managed Care Programs.**

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Reference to the Committee on Banking and Insurance suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LEMAIRE of Lewiston.  
Cosponsored by Representatives: FARNSWORTH of Portland, JONES of Bar Harbor,  
PENDLETON of Scarborough, SAMSON of Jay, Senator: RAND of Cumberland.

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

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4       **Sec. 1. 24 MRSA §2301, first ¶**, as amended by PL 1993, c. 702, Pt. A, §1, is further amended to read:

6       Any corporation organized under special Act of the  
8       Legislature or under Title 13, chapter 81 for the following  
10       purposes or any medical service plan, health care plan or managed  
12       care plan in which such a corporation has an ownership interest  
14       may be authorized by the superintendent on the terms and  
conditions provided for in this chapter, except that when such a  
corporation was previously organized by special Act of the  
Legislature, this chapter does not apply when inconsistent with  
that Act as previously amended:

16       **Sec. 2. 24 MRSA §2301, sub-§8-A, ¶B**, as enacted by PL 1993, c.  
18       702, Pt. A, §1, is amended to read:

20       B. The managed care plan must provide a spectrum of  
22       providers and services that meets patient demand and may not  
24       deny a licensed health care provider that agrees to the  
26       terms and provisions of the managed care plan the right to  
28       become a participating provider in the plan. This paragraph  
may not be construed to require a hospital to grant any  
provider or class of providers staff membership. This  
paragraph applies to any policy of insurance under a managed  
care plan regardless of the date the policy was issued;

30       **Sec. 3. 24 MRSA §2332-H** is enacted to read:

32       §2332-H. Choice of service provider

34       On or after the effective date of this section, any  
36       nonprofit hospital or medical service organization and any  
38       nonprofit health care plan must provide for patient choice of  
40       service provider by permitting any licensed health care provider,  
42       including a hospital, that agrees to the terms and provisions of  
44       the managed care plan contract to become a participating provider  
46       in the plan. This section may not be construed to require a  
hospital to grant to a provider or a class of providers medical  
staff membership. This section applies to any policy of  
insurance under a managed care plan regulated by this section  
regardless of the date the policy of insurance was issued.

## SUMMARY

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4       This bill requires a nonprofit hospital or medical service  
6       organization and a nonprofit health care plan to permit any  
      licensed health care provider that agrees to the terms of a  
      managed care plan to become a participating provider in the plan.