

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 257

H.P. 203

House of Representatives, January 27, 2009

### An Act To Establish the Health Technology Clinical Committee

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Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PRIEST of Brunswick.  
Cosponsored by Senator BOWMAN of York and  
Representatives: BEAUDOIN of Biddeford, BECK of Waterville, FOSSEL of Alna, GOODE of Bangor, MILLER of Somerville, PERRY of Calais, TREAT of Hallowell.

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

2 **Sec. 1. 5 MRSA §12004-I, sub-§30-B** is enacted to read:

3 **30-B.**

4 Health Care                      Health Technology      Expenses Only                      24-A MRSA §6953  
5    Clinical Committee

6 **Sec. 2. 24-A MRSA §6951, sub-§6**, as enacted by PL 2003, c. 469, Pt. A, §8, is  
7 amended to read:

8 **6. Technology assessment; health technology and health care services.** The  
9 forum shall ~~conduct technology assessment reviews to guide the use and distribution of~~  
10 ~~new technologies in this State~~ establish a program to assess health technology and health  
11 care services that uses scientific evidence to make coverage determinations for  
12 participating state agencies that purchase health care with public funds, including, but not  
13 limited to, MaineCare, the state employee health insurance program and Dirigo Health.  
14 The program must include a process for selecting health technologies and health care  
15 services for assessment. The forum shall make recommendations to the certificate of  
16 need program under Title 22, chapter 103-A may contract with a 3rd party to conduct  
17 research and produce health technology assessments for use by the Health Technology  
18 Clinical Committee under section 6953.

19 **Sec. 3. 24-A MRSA §6953** is enacted to read:

20 **§6953. Health Technology Clinical Committee**

21 The Health Technology Clinical Committee, as established in Title 5, section  
22 12004-I, subsection 30-B, referred to in this section as "the committee," shall make  
23 coverage determinations for the health technology and health care services assessment  
24 program described under section 6951, subsection 6 based on an assessment of a  
25 particular health technology or health care service that includes a review of scientific  
26 evidence of the relative safety, efficacy and cost of that health technology or service.

27 **1. Members.** The executive director, in consultation with participating state  
28 agencies described under section 6951, subsection 6, shall appoint 5 members to the  
29 committee. Members serve 3-year terms and serve until a successor is appointed. The  
30 members must be licensed health care providers appointed from a pool of those who have  
31 submitted letters of interest. The executive director shall consider the following  
32 qualifications in making appointments:

33 A. Practitioner specialty type and use of health technologies;

34 B. Practice location and community knowledge;

35 C. Length of practice experience;

36 D. Knowledge of and experience with evidence-based medicine;

37 E. Medical quality assurance experience; and

1 F. Health technology assessment experience.

2 **2. Duties of committee.** The committee shall:

3 A. Select health technology or health care services for review by considering  
4 nominations from participating state agencies described under section 6951,  
5 subsection 6, committee members and interested parties;

6 B. Determine the conditions, if any, under which a health technology or health care  
7 service will be included as a covered benefit in health care programs of participating  
8 state agencies described under section 6951, subsection 6;

9 C. Identify whether the determination is consistent with identified Medicare  
10 decisions and expert guidelines and, if decisions are inconsistent with those decisions  
11 and guidelines, specify the reasons and evidentiary basis;

12 D. Specify criteria for participating state agencies described under section 6951,  
13 subsection 6 to use when deciding whether a covered health technology or service is  
14 medically necessary; and

15 E. Publish final committee determinations on coverage of health technologies and  
16 health care services on a publicly accessible website within 10 days of each  
17 determination.

18 **SUMMARY**

19 This bill requires the Maine Quality Forum to establish a health technology  
20 assessment program to make determinations as to which health technologies and health  
21 care services will be included as covered benefits in publicly funded health care plans.  
22 The bill establishes the Health Technology Clinical Committee, a 5-member committee  
23 of health care providers, to conduct the assessments and make the coverage  
24 determinations based on reviews of scientific evidence.