

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

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Legislative Document

No. 1

S.P. 29

In Senate, January 13, 2021

An Act To Establish the COVID-19 Patient Bill of Rights

(EMERGENCY)

Received by the Secretary of the Senate on January 11, 2021. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed.

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

DAREK M. GRANT
Secretary of the Senate

Presented by President JACKSON of Aroostook.
Cosponsored by Speaker FECTEAU of Biddeford.

1 (3) Required by an employer, institution of higher education or public or private
2 school, notwithstanding any requirements of any written standing order issued by
3 the state epidemiologist.

4 B. A carrier may not impose any deductible, copayment, coinsurance or other cost-
5 sharing requirement.

6 C. A carrier may not make coverage without cost sharing as required by paragraph B
7 dependent on any prior authorization requirement.

8 D. A carrier may not make coverage without cost sharing as required by paragraph B
9 dependent on the use of a provider in a carrier’s network unless an enrollee is offered
10 screening and testing by a network provider without additional delay and the enrollee
11 chooses instead to obtain screening from an out-of-network provider or to be tested by
12 an out-of-network laboratory.

13 **2. Immunization; COVID-19 vaccines.** A carrier shall provide coverage for the costs
14 and all associated costs of administration of COVID-19 vaccines as follows.

15 A. A carrier shall provide coverage for any COVID-19 vaccine licensed by the United
16 States Food and Drug Administration that is recommended by the United States
17 Centers for Disease Control and Prevention Advisory Committee on Immunization
18 Practices, or successor organization, for administration to a person 16 years of age or
19 older according to a valid prescription or a written standing order from a practitioner
20 authorized under the laws of this State to issue an order, a prescription or a protocol to
21 a person 16 years of age or older for COVID-19 vaccines licensed by the United States
22 Food and Drug Administration.

23 B. A carrier may not impose any deductible, copayment, coinsurance or other cost-
24 sharing requirement.

25 C. A carrier may not make coverage without cost sharing as required by paragraph B
26 dependent on any prior authorization requirement.

27 D. A carrier may not make coverage without cost sharing as required by paragraph B
28 dependent on the use of a provider in a carrier’s network unless an enrollee is offered
29 immunization by a network provider without additional delay and the enrollee chooses
30 instead to obtain immunization from an out-of-network provider.

31 **3. Rules.** The superintendent may adopt rules to implement and administer this section
32 to align with any applicable federal requirements. Rules adopted pursuant to this subsection
33 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

34 **PART B**

35 **Sec. B-1. 32 MRSA §2213** is enacted to read:

36 **§2213. Prescriptions during a state of emergency**

37 An individual licensed under this chapter whose scope of practice includes prescribing
38 medication may prescribe to a patient a supply of a prescription drug for an extended period
39 of time, not to exceed a 180-day supply, during a state of emergency declared by the
40 Governor in accordance with Title 37-B, section 742, except for a drug prescribed in
41 accordance with section 2210.

42 **Sec. B-2. 32 MRSA §2600-G** is enacted to read:

1 **§2600-G. Prescriptions during a state of emergency**

2 An individual licensed under this chapter whose scope of practice includes prescribing
3 medication may prescribe to a patient a supply of a prescription drug for an extended period
4 of time, not to exceed a 180-day supply, during a state of emergency declared by the
5 Governor in accordance with Title 37-B, section 742, except for a drug prescribed in
6 accordance with section 2600-C.

7 **Sec. B-3. 32 MRSA §3300-J** is enacted to read:

8 **§3300-J. Prescriptions during a state of emergency**

9 An individual licensed under this chapter whose scope of practice includes prescribing
10 medication may prescribe to a patient a supply of a prescription drug for an extended period
11 of time, not to exceed a 180-day supply, during a state of emergency declared by the
12 Governor in accordance with Title 37-B, section 742, except for a drug prescribed in
13 accordance with section 3300-F.

14 **Sec. B-4. 32 MRSA §3658** is enacted to read:

15 **§3658. Prescriptions during a state of emergency**

16 An individual licensed under this chapter whose scope of practice includes prescribing
17 medication may prescribe to a patient a supply of a prescription drug for an extended period
18 of time, not to exceed a 180-day supply, during a state of emergency declared by the
19 Governor in accordance with Title 37-B, section 742, except for a drug prescribed in
20 accordance with section 3657.

21 **Sec. B-5. 32 MRSA §13786-E** is enacted to read:

22 **§13786-E. Prescriptions during a state of emergency**

23 A pharmacist may dispense to a patient a supply of a prescription drug for an extended
24 period of time, not to exceed a 180-day supply, during a state of emergency declared by
25 the Governor in accordance with Title 37-B, section 742, unless the prescription drug order
26 is prescribed in accordance with section 2210, 2600-C, 3300-F, 3657 or 18308.

27 **Sec. B-6. 32 MRSA §13831, sub-§2-A** is enacted to read:

28 **2-A. Administration of COVID-19 vaccines.** A pharmacist licensed in this State
29 who meets the qualifications and requirements of section 13832 and rules adopted by the
30 board, in addition to influenza vaccines under subsection 1 and other vaccines under
31 subsection 2, may administer coronavirus disease 2019, or COVID-19, vaccines licensed
32 by the United States Food and Drug Administration that are recommended by the United
33 States Centers for Disease Control and Prevention Advisory Committee on Immunization
34 Practices, or successor organization, for administration to a person 16 years of age or older
35 according to a valid prescription when the person has an existing primary care physician or
36 other existing relationship with a nurse practitioner or an authorized practitioner in this
37 State. A pharmacist may administer COVID-19 vaccines licensed by the United States
38 Food and Drug Administration that are outside the guidelines recommended by the United
39 States Centers for Disease Control and Prevention Advisory Committee on Immunization
40 Practices, or successor organization, to a person 16 years of age or older according to a
41 valid prescription when the person has an existing primary care physician or other existing
42 relationship with a nurse practitioner or an authorized practitioner in this State if the

1 prescription specifically states that the vaccine is medically necessary. When the person
2 does not have an existing relationship with a primary care physician, nurse practitioner or
3 other practitioner in this State, the pharmacist may proceed to administer according to a
4 treatment protocol established by an authorized practitioner or a written standing order
5 from a practitioner authorized under the laws of this State to issue an order, a prescription
6 or a protocol to a person 16 years of age or older for COVID-19 vaccines licensed by the
7 United States Food and Drug Administration that are recommended by the United States
8 Centers for Disease Control and Prevention Advisory Committee on Immunization
9 Practices, or successor organization, for administration.

10 **Sec. B-7. 32 MRSA §18309** is enacted to read:

11 **§18309. Prescriptions during a state of emergency**

12 An individual licensed under this chapter whose scope of practice includes prescribing
13 medication may prescribe to a patient a supply of a prescription drug for an extended period
14 of time, not to exceed a 180-day supply, during a state of emergency declared by the
15 Governor in accordance with Title 37-B, section 742, except for a drug prescribed in
16 accordance with section 18308.

17 **PART C**

18 **Sec. C-1. 24 MRSA §2904, sub-§1, ¶A**, as amended by PL 2019, c. 289, §1, is
19 further amended to read:

20 A. A licensed health care practitioner who voluntarily, without the expectation or
21 receipt of monetary or other compensation either directly or indirectly, provides
22 professional services, including services provided through telehealth as defined in Title
23 24-A, section 4316, subsection 1, paragraph E C, within the scope of that health care
24 practitioner's licensure:

- 25 (1) To a nonprofit organization;
- 26 (2) To an agency of the State or any political subdivision of the State;
- 27 (3) To members or recipients of services of a nonprofit organization or state or
28 local agency;
- 29 (4) To support the State's response to a public health threat as defined in Title 22,
30 section 801, subsection 10;
- 31 (5) To support the State's response to an extreme public health emergency as
32 defined in Title 22, section 801, subsection 4-A; or
- 33 (6) To support the State's response to a disaster as defined in Title 37-B, section
34 703, subsection 2;

35 **Sec. C-2. 24-A MRSA §4316, sub-§1, ¶C**, as enacted by PL 2019, c. 289, §2, is
36 amended to read:

37 C. "Telehealth," as it pertains to the delivery of health care services, means the use of
38 interactive real-time visual and audio or other electronic media for the purpose of
39 consultation and education concerning and diagnosis, treatment, care management and
40 self-management of an enrollee's physical and mental health and includes real-time
41 interaction between the enrollee and the telehealth provider, synchronous encounters,

1 asynchronous encounters, store and forward transfers and telemonitoring. "Telehealth"
2 does not include the use of ~~audio-only telephone~~, facsimile machine, e-mail or texting.

3 **Sec. C-3. 24-A MRSA §4316, sub-§1, ¶E**, as enacted by PL 2019, c. 289, §2, is
4 repealed.

5 **Sec. C-4. 24-A MRSA §4316, sub-§5**, as enacted by PL 2019, c. 289, §2, is
6 repealed.

7 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
8 takes effect when approved.

9 **SUMMARY**

10 This bill establishes certain requirements for the protection of health care consumers
11 with regard to testing, treatment and immunization for COVID-19. The bill also makes
12 changes to improve access to prescription drugs and to health care services through
13 telehealth.

14 Part A of the bill requires health insurance carriers to provide coverage for COVID-19
15 screening, testing and immunization services and prohibits a carrier from imposing any
16 cost-sharing requirements on consumers for those services.

17 Part B of the bill authorizes a pharmacist to administer COVID-19 vaccines licensed
18 by the United States Food and Drug Administration that are recommended by the United
19 States Centers for Disease Control and Prevention Advisory Committee on Immunization
20 Practices for administration to a person 16 years of age or older. Part B also provides that
21 registered nurses, providers of osteopathic medicine, providers of allopathic medicine,
22 podiatrists and dentists may prescribe to a patient a prescription drug for an extended period
23 of time, not to exceed a 180-day supply, during a state of emergency declared by the
24 Governor.

25 Part C of the bill authorizes the delivery of health care services through telehealth by
26 audio-only telephone.