

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1713

S.P. 666

In Senate, April 17, 2025

An Act to Prohibit Certain Provisions in Health Care Provider Contracts with Insurance Carriers

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

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BAILEY of York.
Cosponsored by Senator: BALDACCI of Penobscot, Representatives: BOYER of Cape
Elizabeth, MASTRACCIO of Sanford.

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

2 **Sec. 1. 22 MRSA §1730-A** is enacted to read:

3 **§1730-A. Health care provider contract requirements**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "All-or-nothing clause" means a provision in a contract that:

7 (1) Requires a carrier to include all members of a provider in a network plan;

8 (2) Requires a carrier to enter into any additional contract with any or all affiliates
9 of a provider as a condition of entering into a contract with that provider; or

10 (3) Requires a carrier to agree to payment rates or other terms for an affiliate or
11 individual facility that is not party to the contract.

12 B. "Anti-steering clause" means a provision in a contract that restricts the ability of a
13 carrier to direct or steer an enrollee to obtain a health care service from another
14 provider, including offering incentives to encourage enrollees to use specific providers.

15 C. "Anti-tiering clause" means a provision in a contract that:

16 (1) Restricts the ability of a carrier to introduce or modify a tiered network plan or
17 assign providers into tiers;

18 (2) Requires a carrier or health plan administrator to place all members of a
19 provider in the same tier of a tiered network plan; or

20 (3) Restricts the ability of a carrier to introduce or assign providers to a particular
21 network.

22 D. "Carrier" has the same meaning as in Title 24-A, section 4301-A, subsection 3.

23 E. "Enrollee" has the same meaning as in Title 24-A, section 4301-A, subsection 5.

24 F. "Health plan" has the same meaning as in Title 24-A, section 4301-A, subsection 7.

25 G. "Provider" has the same meaning as in Title 24-A, section 4301-A, subsection 16.

26 **2. Contract requirements.** Beginning January 1, 2026, a provider, or a person acting
27 on the provider's behalf, may not offer, solicit, request, amend, renew or enter into a
28 contract with a carrier that would directly or indirectly include any of the following
29 provisions:

30 A. An anti-steering clause;

31 B. An anti-tiering clause; or

32 C. An all-or-nothing clause.

33 **3. Unenforceable.** A person may not enforce any contract provision, written policy,
34 written procedure or agreement contrary to the provisions set forth in this section.

35 **4. Enforcement.** The following provisions apply to enforcement of this section.

36 A. A carrier may institute a civil action against a provider to enforce the provisions of
37 subsection 2, including specific performance, injunctive or declaratory relief, and any
38 other relief the court considers appropriate.

1 B. The Attorney General may:

2 (1) Subpoena any records necessary to enforce this section or to investigate
3 suspected violations of this section; and

4 (2) Institute proceedings on behalf of the State or as parens patriae of the persons
5 residing in this State for:

6 (a) Injunctive relief to prevent and restrain a violation of this section,
7 including, but not limited to, a temporary restraining order, preliminary
8 injunction or permanent injunction;

9 (b) Civil penalties for violations of this section not to exceed \$100,000 per
10 violation; or

11 (c) Other equitable relief for violations of this section.

12 **Sec. 2. 24-A MRSA §4308-A** is enacted to read:

13 **§4308-A. Health care provider contract requirements**

14 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
15 following terms have the following meanings.

16 A. "All-or-nothing clause" means a provision in a contract that:

17 (1) Requires a carrier to include all members of a provider in a network plan;

18 (2) Requires a carrier to enter into any additional contract with any or all affiliates
19 of a provider as a condition of entering into a contract with that provider; or

20 (3) Requires a carrier to agree to payment rates or other terms for an affiliate or
21 individual facility that is not party to the contract.

22 B. "Anti-steering clause" means a provision in a contract that restricts the ability of a
23 carrier to direct or steer an enrollee to obtain a health care service from another
24 provider, including offering incentives to encourage enrollees to use specific providers.

25 C. "Anti-tiering clause" means a provision in a contract that:

26 (1) Restricts the ability of a carrier to introduce or modify a tiered network plan or
27 assign providers into tiers;

28 (2) Requires a carrier to place all members of a provider in the same tier of a tiered
29 network plan; or

30 (3) Restricts the ability of a carrier to introduce or assign providers to a particular
31 network.

32 **2. Contract requirements.** Beginning January 1, 2026, a carrier, or a person acting
33 on the carrier's behalf, may not offer, solicit, request, amend, renew or enter into a contract
34 with a provider that would directly or indirectly include any of the following provisions:

35 A. An anti-steering clause;

36 B. An anti-tiering clause; or

37 C. An all-or-nothing clause.

38 **3. Unenforceable.** A person may not enforce any contract provision, written policy,
39 written procedure or agreement contrary to the provisions set forth in this section.

4. Enforcement. A carrier may institute a civil action to enforce the provisions of this section, including specific performance, injunctive or declaratory relief, and any other relief the court considers appropriate.

SUMMARY

Beginning January 1, 2026, this bill prohibits contractual agreements between health insurance carriers and health care providers that include:

1. Provisions restricting the ability of a health insurance carrier to encourage enrollees to use specific health care providers or to use tiering as part of a carrier's provider network;
or

2. Provisions requiring a health insurance carrier to include all members or affiliates of a health care provider in a carrier's network.