

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 510

H.P. 379

House of Representatives, March 1, 1989

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

*Ed Pert*

EDWIN H. PERT, Clerk

Presented by Representative BREWER of Boothbay Harbor.  
Cosponsored by Representative KILKELLY of Wiscasset.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

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**An Act to Require Physicians Providing Medicare Services to Bill  
Secondary Payors Directly for Balances Due.**

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

3 **32 MRSA §3297**, as amended by PL 1987, c. 719, is further  
5 amended to read:

7 **§3297. Posting of policy regarding acceptance of Medicare  
assignment**

9 Each allopathic physician licensed pursuant to chapter 48,  
11 each osteopathic physician licensed pursuant to chapter 36, each  
13 chiropractor licensed pursuant to chapter 9 and each podiatrist  
15 licensed pursuant to chapter 51 who treats Medicare-eligible  
17 individuals shall, after January 1, 1984, post in a conspicuous  
place his that physician, chiropractor or podiatrist's policy  
regarding the acceptance of Medicare assignment. The policy  
shall include provisions for the following.

19 1. Direct billing. Each physician, chiropractor and  
podiatrist shall bill Medicare directly for services provided by  
the physician, chiropractor or podiatrist to the patient.

21 2. Secondary payor. For those amounts not covered by  
23 Medicare, the physician, chiropractor or podiatrist shall bill  
the patient's secondary payor directly.

25 3. Patient billing. If the patient does not have a  
27 secondary payor, the physician, chiropractor or podiatrist shall  
bill the patient directly.

29 This posting shall state the policy on accepting assignment  
31 and shall name the person with whom the patient should  
communicate regarding the policy.

33 The Board of Registration in Medicine, the Board of  
35 Osteopathic Examination and Registration, the Board of Examiners  
37 of Podiatrists and the Board of Chiropractic Examination and  
Registration shall enforce the provisions of this section and  
shall inform each licensee of their obligation under this law.  
39 Each board shall have the authority to discipline a licensee  
under its jurisdiction for failing to comply with this section  
41 and shall have the authority to impose a monetary penalty of not  
less than \$100 and not more than \$1,000 for each violation.

43  
45 **STATEMENT OF FACT**

47 This bill would require treating physicians, chiropractors  
49 and podiatrists who accept Medicare patients to bill Medicare  
paying offices directly for services to the patient. For those  
51 amounts not covered by Medicare, the balance due would be  
submitted directly to the patient's secondary payor, such as Blue  
Cross and Blue Shield. In this way, the patient will only

1 receive a bill in an amount for which the patient is ultimately responsible.