

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2129

H.P. 1517

House of Representatives, January 9, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Banking and Insurance suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

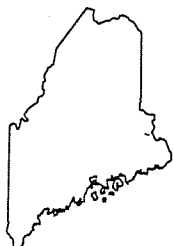
Presented by Representative RYDELL of Brunswick.

Cosponsored by Senator CLARK of Cumberland, Representative FOSS of Yarmouth and
Senator CAHILL of Sagadahoc.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

An Act to Amend the Maine Insurance Code.



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

2
4 **Sec. 1. 24-A MRSA §4202, sub-§8-A** is enacted to read:

6 **8-A. Point-of-service option.** "Point-of-service option"
8 means a health plan that allows employees to select either the
10 comprehensive health care benefits of a health maintenance
 organization or care from a provider of choice outside the health
 maintenance organization network with traditional indemnity
 benefits.

12 **Sec. 2. 24-A MRSA §4224**, as enacted by PL 1975, c. 503, is
14 repealed and the following enacted in its place:

16 **§4224. Confidentiality of medical information and limitation of**
 liability

18 **1. Data; confidential.** Any data or information pertaining
20 to the diagnosis, treatment or health of any enrollee or
22 applicant obtained from that person or from any provider by any
24 health maintenance organization must be held in confidence and
26 may not be disclosed to any person except to the extent that it
28 may be necessary to carry out the purposes of this chapter; or
30 upon the express consent of the enrollee or applicant; or
32 pursuant to statute or court order for the production of evidence
 or the discovery of evidence; or in the event of claim or
 litigation between the person and the health maintenance
 organization when the data or information is pertinent. A health
 maintenance organization is entitled to claim any statutory
 privileges against disclosure that the provider who furnished the
 information to the health maintenance organization is entitled to
 claim.

34 **2. Limited liability.** A person who, in good faith and
36 without malice, takes any action or makes any decision or
38 recommendation as a member, agent or employee of a health care
40 review committee or who furnishes any records, information or
42 assistance to such a committee is not subject to liability for
44 civil damages or any legal action in consequence of such action,
 nor is the health maintenance organization that established that
 committee or the officers, directors, employees or agents of that
 health maintenance organization liable for the activities of that
 person. This section is not construed to relieve any person of
 liability arising from treatment of a patient.

46 **A.** The information considered by a health care review
48 committee and the records of its actions and proceedings are
50 confidential and not subject to subpoena or order to produce
 except in proceedings before the appropriate state licensing
 or certifying agency or in an appeal, if permitted, from the

2 findings or recommendations of the committee. A member of a
3 health care review committee, an officer, director or other
4 member of a health maintenance organization or its staff
5 engaged in assisting the committee or any person assisting
6 or furnishing information to the committee may not be
7 subpoenaed to testify in any judicial or quasi-judicial
8 proceeding if the subpoena is based solely on the activities.

9
10 B. Information considered by a health care review committee
11 and the records and proceedings of that committee used
12 pursuant to paragraph A by a state licensing or certifying
13 agency or in an appeal must be kept confidential and are
14 subject to the same provision concerning discovery and use
15 in legal actions as are the original information and records
16 in the possession and control of the health care review
17 committee.

18 3. Access to records. To fulfill the obligations of the
19 health maintenance organizations under section 4204, subsection
20 2-A, paragraph B, subparagraphs (4) to (9), the health
21 maintenance organization must have access to treatment records
22 and other information pertaining to the diagnosis, treatment and
23 health status of any enrollee.

24
25 **Sec. 3. 24-A MRSA §4227, as enacted by PL 1985, c. 704, §8,**
26 **is amended to read:**

27 **§4227. Choice of alternative coverage**

28
29 Any employer of more than 25 90 employees who offers a
30 health maintenance organization, as defined in section 4202,
31 shall also offer its employees, at the time of offering and
32 renewal of the health maintenance organization, the option of
33 selecting alternative health benefits coverage which that does
34 not restrict the ability of the covered person to obtain health
35 care services from the provider of their choice.

36
37 Any employer subject to this section shall contribute to the
38 alternative health benefits coverage to the same extent as it
39 contributes to the health maintenance organization.

40
41 No An employer may not be required to pay more for health
42 benefits as a result of the application of this section than
43 would otherwise be paid.

44
45 An employer may satisfy the requirements of this section by
46 offering a point-of-service option.
47
48

