

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 44

H.P. 50

House of Representatives, January 12, 1995

An Act to Ensure That a Party Ordered to Obtain Health Insurance for a Former Spouse or Child Is Liable for Payment of Medical Expenses When No Health Insurance Is Obtained.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative VIGUE of Winslow.
Cosponsored by Representatives: DiPIETRO of South Portland, FISHER of Brewer,
LEMONT of Kittery, LUTHER of Mexico, REED of Dexter, TUFTS of Stockton Springs,
Senator: PENDEXTER of Cumberland.

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

4 **Sec. 1. 22 MRSA §1716 is enacted to read:**

5 **§1716. Coverage for former spouse and child**

6 **1. Definitions.** As used in this section, unless the
7 context otherwise indicates, the following terms have the
8 following meanings.

9 A. "Court" means a court having jurisdiction over actions
10 for divorce, annulment, dissolution of marriage, legal
11 separation, child support or spousal support.

12 B. "Health insurance coverage" means hospital, surgical or
13 medical expense coverage provided under a health insurance
14 or health care policy, contract or plan or any other health
15 benefits arrangement.

16 C. "Provider" means an individual or entity duly licensed
17 or legally authorized to provide health care services.

18 **2. Health insurance coverage.** If, pursuant to an action
19 for divorce, annulment, dissolution of marriage or legal
20 separation, the court determines that a person is responsible for
21 obtaining health insurance coverage for that person's former
22 spouse or child or if, pursuant to a child support order issued
23 under Title 19, section 316, the court requires a person to
24 obtain health insurance coverage for the child who is the subject
25 of the child support order and the person fails to obtain
26 coverage for the former spouse or child, a provider or collection
27 agency may not collect or attempt to collect from the former
28 spouse or child any reimbursement of hospital, surgical or
29 medical expenses incurred by the provider for services rendered
30 to the former spouse or child that would have been covered had
31 the person obtained the coverage. The provider shall collect the
32 reimbursement from the person who failed to obtain the coverage.

33 **3. Liability.** A person who is required to obtain health
34 insurance coverage for a former spouse or child and who fails to
35 obtain the coverage is liable to a provider for any hospital,
36 surgical or medical expenses that would have been covered had the
37 person obtained the coverage.

38 **4. Provider refusal prohibited.** A provider may not refuse
39 to render health care services to a person's former spouse or
40 child on the basis that the person who has been ordered to obtain
41 health insurance coverage for the former spouse or child, and not
42 the former spouse, is responsible for providing reimbursement for
43 the services.

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STATEMENT OF FACT

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This bill ensures that a person who has been ordered by the court to obtain health insurance coverage for a former spouse or child is liable for the payment for those medical services that would have been covered had the insurance been obtained.

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