

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1371

H.P. 991

House of Representatives, March 4, 1997

An Act Regarding Compensation for Restricting Medical Care.

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

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

JOSEPH W. MAYO, Clerk

Presented by Representative BRENNAN of Portland.

Cosponsored by Representatives: FARNSWORTH of Portland, McELROY of Unity, QUINT of Portland, TOWNSEND of Portland, VOLENIK of Brooklin, Senators: DAGGETT of Kennebec, RAND of Cumberland.

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

Sec. 1. 24 MRSA §2316-A is enacted to read:

§2316-A. Prohibition on certain incentive plans

1. Definition. As used in this section, unless the context indicates otherwise, "health care practitioner" has the meaning set forth in section 2502, subsection 1-A.

2. Prohibition. A contract between a nonprofit hospital or medical service organization and a health care practitioner or health care practitioner group may not contain any incentive plan that includes specific payment made directly, in any type or form, to a health care practitioner or health care practitioner group as an inducement to deny, reduce, limit or delay specific, necessary and appropriate services or treatment provided with respect to a specific subscriber or group of subscribers with similar health conditions.

3. Construction. This section may not be construed to prohibit contracts that contain incentive plans that involve general payments, such as capitation payments, or shared-risk arrangements that are not tied to specific health care decisions involving specific subscribers or groups of subscribers with similar health conditions.

Sec. 2. 24 MRSA §2986 is enacted to read:

§2986. Prohibition on certain incentive plans

1. Prohibition. A subcontract between a health care practitioner or health care practitioner group that contracts with an entity governed by chapter 19 or Title 24-A, chapter 33, 35, 55 or 56 and another health care practitioner or health care practitioner group may not contain any incentive plan that includes a specific payment made, in any type or form, to a health care practitioner or health care practitioner group as an inducement to deny, reduce, limit or delay specific, necessary and appropriate services or treatment covered under the contract with an entity described in this subsection and provided with respect to a specific patient or groups of patients with similar health conditions.

2. Construction. This section may not be construed to prohibit contracts that contain incentive plans that involve general payments, such as capitation payments, or shared-risk arrangements that are not tied to specific health care decisions involving specific patients or groups of patients with similar health conditions.

2 Sec. 3. 24-A MRSA §2753-A is enacted to read:

4 §2753-A. Prohibition on certain incentive plans

6 1. Definition. As used in this section, unless the context
8 indicates otherwise, "health care practitioner" has the meaning
 set forth in Title 24, section 2502, subsection 1-A.

10 2. Prohibition. A contract between an individual or family
12 health insurer and a health care practitioner or health care
14 practitioner group may not contain any incentive plan that
16 includes specific payment made directly, in any type or form, to
18 a health care practitioner or health care practitioner group as
 an inducement to deny, reduce, limit or delay specific, necessary
 and appropriate services or treatment provided with respect to a
 specific insured or group of insureds with similar health
 conditions.

20 3. Construction. This section may not be construed to
22 prohibit contracts that contain incentive plans that involve
24 general payments, such as capitation payments, or shared-risk
 arrangements that are not tied to specific health care decisions
 involving specific insureds or groups of insureds with similar
 health conditions.

26 Sec. 4. 24-A MRSA §2823-C is enacted to read:

28 §2823-C. Prohibition on certain incentive plans

30 1. Definition. As used in this section, unless the context
32 indicates otherwise, "health care practitioner" has the meaning
34 set forth in Title 24, section 2502, subsection 1-A.

36 2. Prohibition. A contract between a group health insurer
38 and a health care practitioner or health care practitioner group
40 may not contain any incentive plan that includes specific payment
42 made directly, in any type or form, to a health care practitioner
 or health care practitioner group as an inducement to deny,
 reduce, limit or delay specific, necessary and appropriate
 services or treatment provided with respect to a specific insured
 or group of insureds with similar health conditions.

44 3. Construction. This section may not be construed to
46 prohibit contracts that contain incentive plans that involve
48 general payments, such as capitation payments, or shared-risk
 arrangements that are not tied to specific health care decisions
 involving specific insureds or groups of insureds with similar
 health conditions.

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2 Sec. 5. 24-A MRSA §4121-B is enacted to read:

4 §4121-B. Prohibition on certain incentive plans

6 1. Definition. As used in this section, unless the context
indicates otherwise, "health care practitioner" has the meaning
set forth in Title 24, section 2502, subsection 1-A.

8 2. Prohibition. A contract between a society and a health
10 care practitioner or health care practitioner group may not
contain any incentive plan that includes specific payment made
12 directly, in any type or form, to a health care practitioner or
health care practitioner group as an inducement to deny, reduce,
14 limit or delay specific, necessary and appropriate services or
treatment provided with respect to a specific benefits member or
16 group of benefits members with similar health conditions.

18 3. Construction. This section may not be construed to
prohibit contracts that contain incentive plans that involve
20 general payments, such as capitation payments, or shared-risk
arrangements that are not tied to specific health care decisions
22 involving specific benefits members or groups of benefits members
with similar health conditions.

24 Sec. 6. 24-A MRSA §4235-A is enacted to read:

26 §4235-B. Prohibition on certain incentive plans

28 1. Definition. As used in this section, unless the context
30 indicates otherwise, "health care practitioner" has the meaning
set forth in Title 24, section 2502, subsection 1-A.

32 2. Prohibition. A contract between a health maintenance
34 organization and a health care practitioner or health care
practitioner group may not contain any incentive plan that
36 includes specific payment made directly, in any type or form, to
a health care practitioner or health care practitioner group as
38 an inducement to deny, reduce, limit or delay specific, necessary
and appropriate services or treatment provided with respect to a
40 specific enrollee or group of enrollees with similar health
conditions.

42 3. Construction. This section may not be construed to
44 prohibit contracts that contain incentive plans that involve
general payments, such as capitation payments, or shared-risk
46 arrangements that are not tied to specific health care decisions
involving specific enrollees or groups of enrollees with similar
48 health conditions.

SUMMARY

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4 This bill prohibits health care practitioners from
contracting with health care service organizations or insurers or
6 subcontracting with each other under such contracts to receive
any inducement to deny or limit necessary and appropriate health
care services or treatment for covered patients.