

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1997

Legislative Document


No. 1754

H.P. 1237

House of Representatives, April 8, 1997

An Act Regarding Hospital Charges for Physicians Not Participating in Health Maintenance Organizations.

Reference to the Committee on Health and Human Services suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative GERRY of Auburn.

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

4 **Sec. 1. 22 MRSA §1717** is enacted to read:

6 **§1717. Hospital privileges**

8 A hospital may not require a person who is not a participant
10 in a health maintenance organization plan to pay more for
12 services than that hospital requires a person who is a
14 participant in a health maintenance organization plan to pay for
16 services.

18 **Sec. 2. 22 MRSA §1829-A** is enacted to read:

20 **§1829-A. Hospital privileges for physicians not participating in**
22 **health maintenance organizations**

24 **1. Definitions.** As used in this section, unless the
26 context otherwise indicates, the following terms have the
28 following meanings.

30 **A.** "Health care services" has the meaning set forth in
32 Title 24-A, section 4202-A, subsection 9.

34 **B.** "Health maintenance organization" has the meaning set
36 forth in Title 24-A, section 4202-A, subsection 10.

38 **C.** "Nonparticipating physician" means a physician licensed
40 or otherwise authorized in this State to furnish health care
42 services, and who is not a participating physician in a
44 health maintenance organization.

46 **D.** "Participating physician" means a physician licensed or
48 otherwise authorized in this State to furnish health care
50 services who, under an express or implied contract with a
52 health maintenance organization, has agreed to provide
health care services to individuals enrolled in a health
maintenance organization with an expectation of receiving
payment other than copayment directly or indirectly from the
health maintenance organization.

2. Hospital privileges. A hospital may not require payment
for the use of hospital facilities from a nonparticipating
physician that is greater than the payment that the hospital
requires for the use of hospital facilities by a participating
physician.

Sec. 3. 24-A MRSA §4212, sub-§4 is enacted to read:

4. A health maintenance organization may not prohibit an
enrollee from obtaining services from a nonparticipating hospital.

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SUMMARY

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This bill requires hospitals to charge the same fees for hospital privileges to physicians participating in health maintenance organizations and those physicians that do not participate. The bill also requires hospitals to charge the same fees for hospital services to a person participating in a health maintenance organization plan and a person that is not participating. The bill also prohibits a health maintenance organization plan from prohibiting an enrollee to obtain services from nonparticipating hospitals.