

MAINE STATE LEGISLATURE

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MAJORITY
BANKING AND INSURANCE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1305, L.D. 1848, Bill, "An Act to Create the Managed Care Ombudsman Program"

Amend the bill by striking out the title and substituting the following:

'An Act to Create the Consumer Health Care Division within the Bureau of Insurance'

Further amend the bill by striking out everything after the title and before the enacting clause.

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 5 MRSA §12004-I, sub-§50-A is enacted to read:

<u>50-A.</u>	<u>Consumer</u>	<u>Expenses</u>	<u>24-A MRSA</u>
<u>Insurance</u>	<u>Health Care</u>	<u>Only</u>	<u>@4322</u>
<u>Health Care</u>	<u>Division</u>		
	<u>Advisory</u>		
	<u>Council</u>		

Sec. 2. 24-A MRSA c. 56-A, as amended, is further amended by repealing the chapter headnote and enacting the following in its place:

COMMITTEE AMENDMENT

R & S.

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CHAPTER 56-A

HEALTH PLAN IMPROVEMENT ACT

SUBCHAPTER I

HEALTH PLAN REQUIREMENTS

Sec. 3. 24-A MRSA c. 56-A, sub-c. II is enacted to read:

SUBCHAPTER II

CONSUMER HEALTH CARE DIVISION

§4321. Consumer Health Care Division

1. Division established. The Consumer Health Care Division, referred to in this section as the "division," is established within the Bureau of Insurance. The division shall work in coordination with other bureau sections and staff to accomplish the duties set forth in subsection 4.

2. Director. The Director of the Consumer Health Care Division, referred to in this section as the "director," is the head of the Consumer Health Care Division. The director is appointed by the superintendent in consultation with the Consumer Health Care Division Advisory Council and is subject to the approval of the Commissioner of Professional and Financial Regulation. The director is subject to the Civil Service Law.

3. Staff. The superintendent may hire or assign personnel as determined necessary to perform the duties of the division subject to the approval of the Commissioner of Professional and Financial Regulation and subject to the Civil Service Law. The personnel are supervised by the director in consultation with the superintendent. The qualifications of those personnel must reflect the needs and responsibilities relating to the division's duties under this subchapter.

4. Duties. The duties of the division include:

A. Providing access to the division through a toll-free number;

B. Providing information to consumers regarding health care plan options and obtaining health care coverage and services. The division may not make any specific recommendations regarding commercially offered products;

2 C. Assisting enrollees to understand their rights and
responsibilities under health care plans;

4 D. Providing information to consumers on health care plan
performance by distributing materials and utilizing existing
6 resources relating to health care plan performance;

8 E. Providing assistance to enrollees with complaints
relating to health care plans, when appropriate. The
10 division may assist enrollees with quality-of-care
12 complaints by coordinating with the appropriate state health
14 professional licensing boards and other appropriate state
16 and federal oversight bodies with authority over
quality-of-care complaints. The division shall defer any
issues of professional competence to the appropriate state
health professional licensing boards;

18 F. Collecting and disseminating information regarding
health care plans, quality assurance programs and quality
20 improvement and coordinating information with other public
22 entities or agencies involved in the delivery, funding or
regulation of health care;

24 G. Acting as an information resource in the development of
policies and programs that protect consumer interests and
26 rights under health care plans by:

28 (1) Analyzing, evaluating and monitoring the
development and implementation of federal, state and
30 local laws, regulations, rules and other governmental
32 policies and actions that pertain to the health,
safety, welfare and rights of health care consumers; and

34 (2) Identifying practices and policies that may affect
access to quality health care, including, but not
36 limited to, practices relating to marketing of health
38 care plans and accessibility of services and resources
40 for under-served areas and vulnerable populations. The
division may refer these issues to the appropriate
state or federal regulatory agency with jurisdiction
42 over these practices and policies;

44 H. Promoting coordination between the division and other
organizations that assist consumers, including, but not
46 limited to, legal assistance providers serving low-income
health care consumers and other health care consumers,
48 health insurance counseling assistance programs, the
long-term care ombudsman program pursuant to Title 22,
50 section 5106, subsection 11-C and assistance programs for
individuals with disabilities established under federal or
52 state law;

1 I. Collecting and disseminating information regarding the
2 activities of the division;

4 J. Submitting an annual report by January 1st of each year
6 to the Commissioner of Professional and Financial
8 Regulation, the Consumer Health Care Division Advisory
10 Council and the joint standing committee of the Legislature
12 having jurisdiction over insurance matters describing the
14 activities carried out by the division in the year for which
16 the report is prepared, analyzing the data available to the
18 division and evaluating the problems experienced by
20 consumers; and

22 K. Performing other duties as the superintendent may
24 prescribe.

26 **§4322. Consumer Health Care Division Advisory Council**

28 1. Establishment. The Consumer Health Care Division
30 Advisory Council, referred to in this section as the "council,"
32 as established pursuant to Title 5, section 12004-I, subsection
34 50-A consists of the following members:

36 A. Three members of the public, appointed by the President
38 of the Senate, representing consumers of health care
40 services;

42 B. Three members of the public, appointed by the Speaker of
44 the House, representing consumers of health care services;

46 C. One member of the joint standing committee of the
48 Legislature having jurisdiction over insurance matters
50 appointed jointly by the President of the Senate and the
52 Speaker of the House;

D. The Commissioner of Professional and Financial
Regulation, or the commissioner's designee;

E. The Commissioner of Human Services, or the
commissioner's designee; and

F. The Director of the Consumer Health Care Division, who
is an ex-officio, nonvoting member of the council.

The members of the public appointed by the President of the
Senate and the Speaker of the House must be appointed for
staggered terms not to exceed 2 years. One member must be
appointed for a one-year term, and 2 members must be appointed
for 2-year terms. If a member's term expires and a successor has
not been appointed, the member may continue as a member until a
successor is appointed.

2 2. Chair. The members of the council shall elect a chair
from among themselves.

4 3. Meetings. The council shall meet at least twice
annually. Meetings must be called by the chair, and at least
6 2-weeks prior notice of council meetings must be given to the
public.

8 4. Compensation. Members of the council are compensated
10 according to the provisions of Title 5, chapter 379.

12 5. Functions. The functions of the council are to consult
with and to advise the Director of the Consumer Health Care
14 Division concerning the division's performance of the duties
under this subchapter and to make recommendations to the
16 superintendent on issues concerning the protection of consumer
interests and rights under health care plans.

18 **Sec. 4. Allocation.** The following funds are allocated from
20 Other Special Revenue to carry out the purposes of this Act.

22 1998-99

24 **PROFESSIONAL AND
FINANCIAL REGULATION,
26 DEPARTMENT OF**

28 **Bureau of Insurance**

30	Positions - Legislative Count	(3,000)
	Personal Services	\$192,280
32	All Other	71,760
	Capital Expenditures	9,000

34 Allocates funds for one
36 Division Director position,
one Staff Attorney position,
38 one Nurse V position and
operating costs necessary to
40 establish a Consumer Health
Care Division, including the
42 expenses of the Consumer
Health Care Division Advisory
44 Council.

46 **DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION**
48 **TOTAL**

\$273,040'

50 Further amend the bill by inserting at the end before the
summary the following:

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FISCAL NOTE

1998-99

APPROPRIATIONS/ALLOCATIONS

Other Funds \$273,040

The Bureau of Insurance within the Department of Professional and Financial Regulation will require an additional Other Special Revenue Fund allocation of \$273,040 in fiscal year 1998-99 for 3 additional positions and operating costs necessary to establish a Consumer Health Care Division, including the expenses of the Consumer Health Care Division Advisory Council. The estimated Other Special Revenue allocations required to fund the full-year costs will be approximately \$301,000 annually beginning in fiscal year 1999-2000. The bureau has adequate financial resources under its statutory assessment limit to cover these additional costs.

The additional costs associated with serving on the Consumer Health Care Division Advisory Council can be absorbed by the Department of Human Services and the Department of Professional and Financial Regulation utilizing existing budgeted resources.'

SUMMARY

This amendment renames and replaces the bill. It establishes the Consumer Health Care Division within the Bureau of Insurance for the purpose of providing additional information and assistance to consumers regarding health care plans. It creates the position of Director of the Consumer Health Care Division to head the division.

The amendment also establishes the Consumer Health Care Division Advisory Council to advise the division in the exercise of the division's duties concerning the rights of consumers of health care services.

The amendment also removes the emergency preamble and emergency clause and adds an allocation section and fiscal note to the bill.