

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1525

H.P. 1078

House of Representatives, February 25, 1999

An Act to Improve Medical Support for Children.

Submitted by the Department of Human Services pursuant to Joint Rule 204.
Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative FULLER of Manchester.
Cosponsored by Representative BRUNO of Raymond.

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

2
4
6
8
10
12
14
16
18
20
22
24
26
28

Sec. 1. 19-A MRSA §2106, sub-§6 is enacted to read:

6. Custodial parent's choice. If a child is enrolled under this section, the employer shall accept the custodial parent's choice of a primary care provider for that child even if the custodial parent is not the insurance certificate holder, owner or subscriber. If the parents have equal or joint custody of the child enrolled under this section, the parent who is the covered employee shall choose the child's primary care provider.

Sec. 2. 22 MRSA §16-A is enacted to read:

§16-A. Provision of list of persons covered

Upon request by the department, a nonprofit hospital or medical service organization authorized under Title 24 or an insurer authorized under Title 24-A shall provide to the department a list of persons who have health insurance coverage with that organization or insurer. The information must be transmitted promptly in response to the department's request and must be provided in a manner that allows the department's electronic identification of former or current Medicaid recipients who have health insurance coverage.

30
32
34
36
38
40
42
44
46
48

Sec. 3. 24-A MRSA §2742, sub-§5, as amended by PL 1997, c. 795, §8, is further amended to read:

5. Compliance. An insurer issuing policies under this chapter must comply with 42 United States Code, Section 1396g-1. If a parent is required by a court or administrative order to provide health coverage for a child and the parent is eligible for family health coverage through an insurer, the insurer shall permit either of the child's parents or the Department of Human Services to enroll the child under the family coverage without regard to any enrollment season restrictions if the child is otherwise eligible for the coverage. An insurer must provide policy information to the custodial parent of any dependent child so that the custodial parent can obtain benefits for the child directly from the insurer. An insurer must permit the custodial parent of any dependent child to submit claims for covered services without the approval of the noncustodial parent. If the custodial parent approves, an insurer must permit the provider to submit claims for covered services without the approval of the noncustodial parent. An insurer shall make payment on claims submitted under this section directly to the custodial parent or, if the custodial parent approves, to the provider.

2 If a parent is required by court or administrative order to
4 provide health coverage for a child and if the child is a
6 Medicaid recipient, an insurer shall permit either the custodial
8 parent or the Department of Human Services to request and receive
prior authorization for medical services when prior authorization
is required to maximize the type and scope of benefits available
to the child.

10 **Sec. 4. 39-A MRSA §106**, as amended by PL 1995, c. 694, Pt. D,
12 §63 and affected by Pt. E, §2, is further amended to read:

14 **§106. Invalidity of waiver of rights; claims not**
16 **assignable**

18 No agreement by an employee, unless approved by the board or
20 by the Commissioner of Labor, to waive the employee's rights to
22 compensation under this Act is valid. No claims for compensation
24 under this Act are assignable or subject to attachment or liable
26 in any way for debt, except for the enforcement of a current
support obligation or support arrears pursuant to Title 19-A,
chapter 65, subchapter II, article 3 or Title 19-A, chapter 65,
subchapter III, or for reimbursement of general assistance
pursuant to Title 22, section 4318, or for reimbursement of
Medicaid pursuant to Title 22, sections 14 or 18.

28 **SUMMARY**

30 This bill enacts procedures and methodologies for the
32 Department of Human Services to maximize the use of available
34 medical coverage, enhance the federal mandate that Medicaid be
the payer of last resort and require pertinent organizations or
insurers to electronically identify in a manner requested by the
department former or current Medicaid recipients who have health
36 insurance coverage.