

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-1999

Legislative Document

No. 2296

S.P. 881

In Senate, December 15, 1999

An Act to Clarify the Rule-making Authority of the Commissioner of Human Services in Relation to Health Maintenance Organizations and Other Health Plans.

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 15, 1999. Referred to the Committee on Banking and Insurance and ordered printed pursuant to Joint Rule 308.2

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator LaFOUNTAIN of York.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 Whereas, this legislation is immediately necessary to ensure
that the Department of Human Services does not adopt rules that
are contrary to the express requirements of existing law; and

8
10 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
12 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

16 **Sec. 1. 24-A MRSA §4309**, as enacted by PL 1995, c. 673, Pt.
18 C, §1 and affected by §2, is amended by adding at the end a new
paragraph to read:

20 The Commissioner of Human Services may not adopt rules
22 relating to quality oversight of commercial health maintenance
organizations, other health plans or any other carriers that are
24 subject to the requirements of this chapter.

26 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

28
30 **SUMMARY**

32 Current law grants rule-making authority over health
maintenance organizations' quality matters and other matters that
34 are within the purposes of the Health Plan Improvement Act to the
Superintendent of Insurance.

36 On August 31, 1999, the Bureau of Medical Services within
38 the Department of Human Services proposed a new department rule:
10-144, Chapter 109, quality oversight for commercial health
40 maintenance organizations. A public hearing on these rules was
held on September 28, 1999.

42 This bill specifically prohibits the Commissioner of Human
44 Services from adopting rules relating to quality oversight for
commercial health maintenance organizations or other plans that
46 are subject to the requirements of the Health Plan Improvement
Act.