

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 323

S.P. 97

In Senate, January 30, 2001

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### An Act Concerning Patient Access to Eye Care Providers.

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

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.  
Cosponsored by Representative MAYO of Bath and  
Senator DOUGLASS of Androscoggin, Representatives: O'NEIL of Saco, SULLIVAN of  
Biddeford.

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

2  
4           **Sec. 1. 24-A MRSA §4314** is enacted to read:

6           **§4314. Access to eye care providers**

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

10           **A. "Eye care provider"** means a participating provider who is an optometrist licensed to practice optometry pursuant to Title 32, chapter 34-A, or an ophthalmologist licensed to practice medicine pursuant to Title 32, chapter 48.

12           **B. "Eye care services"** means those health care services related to the examination, diagnosis, treatment and management of conditions and diseases of the eye and related structures that a carrier is obligated to pay, reimburse, arrange or provide for plan sponsors or enrollees as specified by a health plan or managed care plan.

14           **2. Health plan issued or renewed.** A health plan or managed care plan that provides coverage for eye care services may not be issued or renewed after January 1, 2002 by any carrier unless the health plan or managed care plan:

16           **A. Provides a plan sponsor or enrollee direct access to any eye care provider participating and available under the plan for eye care services;**

18           **B. Ensures that all eye care providers on a health plan or managed care plan are included on any publicly accessible list of participating providers for the health plan or managed care plan; and**

20           **C. Allows each eye care provider on a health plan or managed care plan to furnish covered eye care services to plan sponsors or enrollees without discrimination between classes of eye care providers and to provide the services as permitted by the eye care provider's license.**

22           **3. Health plan; managed care plan.** A health plan or managed care plan may not:

24           **A. Impose a deductible or coinsurance for eye care services that is greater than the deductible or coinsurance imposed for other medical services under the health plan or managed care plan; or**

2 B. Require an eye care provider to hold hospital privileges  
3 as a condition of participation as a provider under the  
4 health plan or managed care plan.

6 4. Construction. This section may not be construed as:

8 A. Creating coverage for any health care service that is  
9 not otherwise covered under the terms of a health plan or  
10 managed care plan;

12 B. Requiring a health plan or managed care plan to include  
13 as a participating provider every willing provider or health  
14 professional who meets the terms and conditions of the  
15 health plan or managed care plan;

16 C. Preventing a covered person from seeking eye care  
17 services from the plan sponsor or enrollee's primary care  
18 provider in accordance with the terms of the plan sponsor or  
19 enrollee's health plan or managed care plan;

20 D. Increasing or decreasing the scope of practice of  
21 optometry or ophthalmologist as defined in Title 32;

22 E. Requiring eye care services to be provided in a hospital  
23 or similar medical facility; or

24 F. Prohibiting a health plan or managed care plan from  
25 requiring a plan sponsor or enrollee to receive a referral  
26 or prior authorization from a primary care provider for any  
27 subsequent surgical procedures.

## 34 SUMMARY

36 This bill specifies that health plans and managed care plans  
37 offered by a carrier that provide coverage for eye care services  
38 must provide direct access to eye care providers and may not  
39 impose deductible or coinsurance costs for eye care services that  
40 are greater than a deductible or coinsurance for other medical  
services.