

# MAINE STATE LEGISLATURE

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REPORT A  
BANKING AND INSURANCE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 749, L.D. 968, Bill, "An Act to Define and Ensure Coverage of Basic Health Services by Health Maintenance Organizations"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

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

**Whereas,** recent rules adopted by the Bureau of Insurance defining "basic health care services" provide greater flexibility to health maintenance organizations in the benefits offered as part of managed care plans; and

**Whereas,** these rules were adopted as routine technical rules and did not require legislative review before final adoption; and

**Whereas,** the definition of "basic health care services" provided as part of health maintenance organization managed care plans raises significant public policy issues that merit legislative oversight; and

**Whereas,** this Act requires that future rulemaking conducted to define "basic health care services" is major substantive rulemaking; and

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 necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 24-A MRSA §4202-A, sub-§1, as amended by PL 1999, c. 222, §1, is further amended to read:

1. **Basic health care services.** "Basic health care services" means health care services that an enrolled population might reasonably require in order to be maintained in good health and includes, at a minimum, emergency care, inpatient hospital care, inpatient physician services, outpatient physician services, ancillary services such as x-ray services and laboratory services and all benefits mandated by statute and mandated by rule applicable to health maintenance organizations. The superintendent may adopt rules defining "basic health care services" to be provided by health maintenance organizations. In adopting such rules, the superintendent shall consider the coverages that have traditionally been provided by health maintenance organizations; the need for flexibility in the marketplace; and the importance of providing multiple options to employers and consumers. The superintendent may not require that all health benefit plans offered by health maintenance organizations meet or exceed each of the particular requirements of standard or basic health plans specified in Bureau of Insurance Rule, Chapter 750. The superintendent may select required services from among those set forth in Bureau of Insurance Rule, Chapter 750 and shall permit reasonable, but not excessive or unfairly discriminatory, variations in the copayment, coinsurance, deductible and other features of such coverage, except that these features must meet or exceed those required in benefits mandated by statute. Rules adopted pursuant to this subsection are ~~routine-technical~~ major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

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

#### SUMMARY

This amendment is the majority report of the Joint Standing Committee on Banking and Insurance. The amendment specifies that rules defining "basic health care services" provided by health maintenance organizations are major substantive rules, thus requiring legislative review.

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The amendment also adds an emergency preamble and emergency clause to the bill.

**COMMITTEE AMENDMENT**