

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 532

H.P. 417

House of Representatives, February 6, 2003

### **An Act To Regulate Assessments of the Maine Health Data Organization**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative NUTTING of Oakland.  
Cosponsored by Senator WESTON of Waldo and  
Representatives: BRUNO of Raymond, CURLEY of Scarborough, DUGAY of Cherryfield,  
LAVERRIERE-BOUCHER of Biddeford, O'BRIEN of Augusta.

2  
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 22 MRSA §8705, sub-§1,** as amended by PL 2001, c. 457,  
5 §11, is further amended to read:

6 **1. Rulemaking.** The board shall adopt rules setting a  
7 schedule of forfeitures for failure to file data as required and  
8 ~~failure to pay assessments,~~ and willful or negligent failure to  
9 safeguard the identity of patients or providers. The rules may  
10 contain procedures for monitoring compliance with this chapter.

11 **Sec. 2. 22 MRSA §8706, sub-§2,** as amended by PL 2001, c. 457,  
12 §13, is further amended to read:

13 **2. Permanent funding.** Permanent funding for the  
14 organization is provided from reasonable costs, and user fees and  
15 ~~assessments~~ according to this subsection and as provided by rules  
16 adopted by the board.

17 **A.** Fees may be charged for the reasonable costs of  
18 duplicating, mailing, publishing and supplies.

19 **B.** Reasonable user fees must be charged on a sliding scale  
20 for the right to access and use the health data and  
21 information available from the organization. Fees may be  
22 charged for services provided to the department on a  
23 contractual basis. Fees must be waived for the Bureau of  
24 Insurance. Fees may be reduced or waived for users that  
25 demonstrate a plan to use the data or information in  
26 research of general value to the public health or inability  
27 to pay the scheduled fees, as provided by rules adopted by  
28 the board.

29 ~~C. The operations of the organization must be supported  
30 from 3 sources as provided in this paragraph.~~

31 ~~(1) Fees collected pursuant to paragraphs A and B;~~

32 ~~(2) Annual assessments of not less than \$100 assessed  
33 against the following entities licensed under Titles 24  
34 and 24-A: nonprofit hospital and medical service  
35 organizations, health insurance carriers and health  
36 maintenance organizations on the basis of the total  
37 annual health care premium; and 3rd party  
38 administrators and carriers that provide only  
39 administrative services for a plan sponsor on the basis  
40 of claims processed or paid for each plan sponsor. The  
41 assessments are to be determined on an annual basis by  
42 the board. Health care policies issued for specified  
43 disease, accident, injury, hospital indemnity,~~

2 disability,--long-term--care--or--other--limited--benefit  
health-insurance-policies-are-not-subject-to-assessment  
4 under--this--subparagraph.--The--total--dollar--amount--of  
assessments--under--this--subparagraph--must--equal--the  
assessments-under-subparagraph-(3),-and

6  
8 (3)--Annual--assessments--of--not--less--than--\$100--assessed  
by--the--organization--against--providers.--The--assessments  
are--to--be--determined--on--an--annual--basis--by--the--board.  
10 The--total--dollar--amount--of--assessments--under--this  
subparagraph--must--equal--the--assessments--under  
12 subparagraph-(2),.

14 The---aggregate---level---of---annual---assessments---under  
subparagraphs--(2)--and--(3)--must--be--an--amount--sufficient--to  
16 meet--the--organization's--expenditures--authorized--in--the--state  
budget--established--under--Title--5,--chapter--149.--The--annual  
18 assessment--may--not--exceed--\$1,346,904--in--fiscal--year  
2002-03.--In--subsequent--fiscal--years,--the--annual--assessment  
20 may--increase--above--\$1,346,904--by--an--amount--not--to--exceed--5%  
per--fiscal--year.--The--board--may--waive--assessments--otherwise  
22 due--under--subparagraphs--(2)--and--(3)--when--a--waiver--is  
determined--to--be--in--the--interests--of--the--organization--and  
24 the--parties--to--be--assessed.

26 **Sec. 3. 22 MRSA §8706, sub-§3.** as enacted by PL 1995, c. 653,  
Pt. A, §2 and affected by §7, is amended to read:

28  
30 **3. Use of funds.** The organization shall use the revenues  
from fees,-assessments and user fees to defray the costs incurred  
32 by the board pursuant to this chapter, including staff salaries,  
administrative expenses, data system expenses, consulting fees  
and any other reasonable costs incurred to administer this  
34 chapter.

36  
**SUMMARY**

38  
40 This bill repeals the provisions of law concerning  
assessments to support the Maine Health Data Organization,  
leaving the organization supported by reasonable costs and user  
42 fees.