

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1176

H.P. 873

House of Representatives, March 5, 2003

An Act To Provide Affordable Health Care Insurance to All of the State's Citizens

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Representative JOY of Crystal.

Cosponsored by Senator STANLEY of Penobscot and

Representatives: BOWEN of Rockport, CARR of Lincoln, CHURCHILL of Orland, CLARK of Millinocket, FLETCHER of Winslow, GOODWIN of Pembroke, SAVIELLO of Wilton, SHERMAN of Hodgdon.

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

2
4 **Sec. 1. 22 MRSA §3173-D.** as enacted by PL 1983, c. 752, §1,
is amended to read:

6 **§3173-D. Reimbursement for alcoholism and drug dependency**
8 **treatment**

10 The department shall provide reimbursement, to the maximum
12 extent allowable, under the United States Social Security Act,
14 Title XIX, for alcoholism and drug dependency treatment.
Treatment shall must include, but need not be limited to,
residential treatment and outpatient care ~~as defined in Title~~
~~24-A, section 2842.~~

16 For purposes of this section, the following terms have the
18 following meanings.

20 1. Outpatient care. "Outpatient care" means care rendered
22 by a state-licensed, approved or certified detoxification,
24 residential treatment or outpatient program or partial
26 hospitalization program on a periodic basis, including, but not
28 limited to, patient diagnosis, assessment and treatment;
30 individual, family and group counseling; and educational and
32 support services.

34 2. Residential treatment. "Residential treatment" means
36 services at a facility that provides care 24 hours daily to one
38 or more patients, including, but not limited to, the following
40 services: room and board; medical, nursing and dietary services;
42 patient diagnosis, assessment and treatment; individual, family
44 and group counseling; and educational and support services,
46 including a designated unit of a licensed health care facility
48 providing any other services specified in this subsection to
patients with the illnesses of alcoholism and drug dependency.

Sec. 2. 22 MRSA §8711, sub-§2, as amended by PL 1999, c. 353,
§16, is further amended to read:

2. Information on mandated services. The organization is
authorized and directed to require providers of mammography
services to furnish information with respect to those services
for the purpose of assisting in the evaluation of the social and
financial impact and the efficacy of ~~the mandated benefit for~~
~~screening mammograms under Title 24, section 2320-A and Title~~
~~24-A, sections 2745-A and 2837-A.~~ The information that may be
collected includes the location of mammography units, the
purchase of new mammography units, the number of screening and
diagnostic mammograms performed, the charge per mammogram and the

2 method and amount of payment and the number of cancers detected
by screening mammograms.

4 **Sec. 3. 24 MRSA §2317-B, sub-§§9 and 11**, as enacted by PL 1999,
c. 256, Pt. M, §10, are repealed.

6 **Sec. 4. 24 MRSA §2317-B, sub-§12-A**, as enacted by PL 2001, c.
8 358, Pt. LL, §1 and affected by §5, is repealed.

10 **Sec. 5. 24 MRSA §2317-B, sub-§16-A**, as enacted by PL 2001, c.
12 258, Pt. G, §2, is repealed.

14 **Sec. 6. 24 MRSA §2318**, as amended by PL 1993, c. 666, Pt. A,
§§1 and 2, is repealed.

16 **Sec. 7. 24 MRSA §2318-A**, as amended by PL 2001, c. 258, Pt.
18 A, §1, is repealed.

20 **Sec. 8. 24 MRSA §2319**, as amended by PL 1997, c. 604, Pt. C,
§1, is repealed.

22 **Sec. 9. 24 MRSA §2320**, as amended by PL 1977, c. 696, §201,
24 is repealed.

26 **Sec. 10. 24 MRSA §2320-A**, as amended by PL 1997, c. 408, §1
and affected by §8, is repealed.

28 **Sec. 11. 24 MRSA §2320-B**, as amended by PL 1995, c. 671, §8,
30 is repealed.

32 **Sec. 12. 24 MRSA §2320-C**, as repealed and replaced by PL
1997, c. 408, §2 and affected by §8, is repealed.

34 **Sec. 13. 24 MRSA §2320-D**, as renumbered by RR 1995, c. 1,
36 §13, is repealed.

38 **Sec. 14. 24 MRSA §2320-E**, as enacted by PL 1995, c. 617, §1
and affected by §6, is repealed.

40 **Sec. 15. 24 MRSA §§2320-F and 2320-G**, as enacted by PL 1997,
42 c. 701, §1, are repealed.

44 **Sec. 16. 24 MRSA §2324**, as enacted by PL 1979, c. 376, is
repealed.

46 **Sec. 17. 24 MRSA §2325-A**, as amended by PL 2001, c. 354, §3,
48 is repealed.

50 **Sec. 18. 24 MRSA §2325-C**, as enacted by PL 1997, c. 754, §1,
is repealed.

2 **Sec. 19. 24 MRSA §2329**, as amended by PL 1989, c. 490, §2, is
repealed.

4 **Sec. 20. 24 MRSA §2331**, as reallocated by PL 1981, c. 698,
6 §107, is repealed.

8 **Sec. 21. 24 MRSA §2332-B**, as repealed and replaced by PL
10 1991, c. 3, §2, is repealed.

12 **Sec. 22. 24 MRSA §2332-F**, as enacted by PL 1995, c. 592, §1
and c. 617, §2 and affected by §6, is repealed.

14 **Sec. 23. 24 MRSA §2332-G**, as reallocated by RR 1995, c. 2,
§49 and affected by §50, is repealed.

16 **Sec. 24. 24 MRSA §2332-J**, as reallocated by RR 1999, c. 1,
18 §§30 and 31, is repealed.

20 **Sec. 25. 24 MRSA §2332-K**, as reallocated by RR 1999, c. 1,
§30, is repealed.

22 **Sec. 26. 24 MRSA §2332-L**, as reallocated by RR 1999, c. 1,
24 §31, is repealed.

26 **Sec. 27. 24 MRSA §2332-M**, as enacted by PL 2001, c. 423, §1
and affected by §5, is repealed.

28 **Sec. 28. 24-A MRSA §2412, sub-§1-A. ¶D**, as enacted by PL 1997,
30 c. 370, Pt. G, §2, is amended to read:

32 D. The superintendent may disapprove a form filed pursuant
to this subsection only if:

34 (1) The policy or form is not in compliance with the
36 laws of the state in which it was issued or delivered;

38 (2) The policy or form is not in compliance with the
40 laws of this State that apply when the policy is issued
outside this State, such as chapter 36 ~~or section 2843~~;
or

42 (3) The superintendent determines that the form is
44 deceptive or misleading.

46 **Sec. 29. 24-A MRSA §2741**, as enacted by PL 1975, c. 276, §2,
is repealed.

48 **Sec. 30. 24-A MRSA §2742**, as amended by PL 1997, c. 795, §§8
50 and 9, is repealed.

2 **Sec. 31. 24-A MRSA §2743**, as amended by PL 1997, c. 604, Pt.
C, §2, is repealed.

4 **Sec. 32. 24-A MRSA §2743-A**, as amended by PL 2001, c. 258,
6 Pt. A, §2, is repealed.

8 **Sec. 33. 24-A MRSA §2744**, as amended by PL 1995, c. 561, §2,
is repealed.

10 **Sec. 34. 24-A MRSA §2745**, as enacted by PL 1977, c. 470, §2,
12 is repealed.

14 **Sec. 35. 24-A MRSA §2745-A**, as amended by PL 1997, c. 408,
§3 and affected §8, is repealed.

16 **Sec. 36. 24-A MRSA §2745-B**, as amended by PL 1995, c. 671,
18 §9, is repealed.

20 **Sec. 37. 24-A MRSA §2745-C**, as repealed and replaced by PL
1997, c. 408, §4 and affected by §8, is repealed.

22 **Sec. 38. 24-A MRSA §2745-D**, as renumbered by RR 1995, c. 1,
24 §15, is repealed.

26 **Sec. 39. 24-A MRSA §2745-E**, as reallocated by RR 1997, c. 2,
§51, is repealed.

28 **Sec. 40. 24-A MRSA §2745-F**, as enacted by PL 1997, c. 701,
30 §2, is repealed.

32 **Sec. 41. 24-A MRSA §2745-G**, as reallocated by RR 1997, c. 2,
§51, is repealed.

34 **Sec. 42. 24-A MRSA §2748**, as amended by PL 1993, c. 669, §2,
36 is repealed.

38 **Sec. 43. 24-A MRSA §2749-C**, as amended by PL 1995, c. 637,
§3, is repealed.

40 **Sec. 44. 24-A MRSA §2750**, as enacted by PL 1989, c. 176, §5,
42 is repealed.

44 **Sec. 45. 24-A MRSA §2754**, as enacted by PL 1995, c. 592, §2,
is repealed.

46 **Sec. 46. 24-A MRSA §2756**, as reallocated by RR 1999, c. 1,
48 §§32 and 33, is repealed.

2 **Sec. 47. 24-A MRSA §2757.** as reallocated by RR 1999, c. 1,
§32, is repealed.

4 **Sec. 48. 24-A MRSA §2758.** as reallocated by RR 1999, c. 1,
§33, is repealed.

6 **Sec. 49. 24-A MRSA §§2759 and 2760,** as reallocated by RR
8 2001, c. 1, §31, are repealed.

10 **Sec. 50. 24-A MRSA §2832.** as amended by PL 1979, c. 663,
§146, is repealed.

12 **Sec. 51. 24-A MRSA §2833.** as amended by PL 1993, c. 666, Pt.
14 A, §§5 and 6, is repealed.

16 **Sec. 52. 24-A MRSA §2834.** as amended by PL 1997, c. 604, Pt.
18 C, §3, is repealed.

20 **Sec. 53. 24-A MRSA §2834-A.** as amended by PL 2001, c. 258,
Pt. A, §3, is repealed.

22 **Sec. 54. 24-A MRSA §2835.** as amended by PL 1995, c. 561, §3,
is repealed.

24 **Sec. 55. 24-A MRSA §2837.** as amended by PL 1977, c. 696,
26 §202, is repealed.

28 **Sec. 56. 24-A MRSA §2837-A.** as amended by PL 1997, c. 408,
§5 and affected by §8, is repealed.

30 **Sec. 57. 24-A MRSA §2837-B.** as amended by PL 1995, c. 671,
32 §10, is repealed.

34 **Sec. 58. 24-A MRSA §2837-C.** as repealed and replaced by PL
1997, c. 408, §6 and affected by §8, is repealed.

36 **Sec. 59. 24-A MRSA §2837-D.** as renumbered by RR 1995, c. 1,
38 §17, is repealed.

40 **Sec. 60. 24-A MRSA §2837-E.** as enacted by PL 1995, c. 617, §3
and affected by §6, is repealed.

42 **Sec. 61. 24-A MRSA §2837-F.** as reallocated by RR 1997, c. 2,
44 §52, is repealed.

46 **Sec. 62. 24-A MRSA §2837-G.** as enacted by PL 1997, c. 701,
§3, is repealed.

48 **Sec. 63. 24-A MRSA §2837-H.** as reallocated by RR 1997, c. 2,
50 §52, is repealed.

2 **Sec. 64. 24-A MRSA §2840-A.** as amended by PL 1993, c. 669,
§3, is repealed.

4 **Sec. 65. 24-A MRSA §2842.** as amended by PL 1989, c. 490, §3,
6 is repealed.

8 **Sec. 66. 24-A MRSA §2843.** as amended by PL 2001, c. 354, §3,
is repealed.

10 **Sec. 67. 24-A MRSA §2845.** as enacted by PL 1987, c. 293, §2,
12 is repealed.

14 **Sec. 68. 24-A MRSA §2846.** as enacted by PL 1989, c. 176, §6,
is repealed.

16 **Sec. 69. 24-A MRSA §2847-E.** as enacted by PL 1995, c. 592,
18 §3, is repealed.

20 **Sec. 70. 24-A MRSA §2847-F.** as reallocated by PL 1997, c.
370, Pt. H, §1, is repealed.

22 **Sec. 71. 24-A MRSA §2847-G.** as reallocated by RR 1999, c. 1,
24 §§34 and 35, is repealed.

26 **Sec. 72. 24-A MRSA §2847-H.** as reallocated by RR 1999, c. 1,
§34, is repealed.

28 **Sec. 73. 24-A MRSA §2847-I.** as reallocated by RR 1999, c. 1,
30 §35, is repealed.

32 **Sec. 74. 24-A MRSA §§2847-J and 2847-K,** as reallocated by RR
2001, c. 1, §33, are repealed.

34 **Sec. 75. 24-A MRSA §4222-B. sub-§11.** as enacted by PL 1997, c.
36 445, §31 and affected by §32, is amended to read:

38 11. The requirements of ~~sections-2834--and~~ section 2834-B
apply to health maintenance organizations.

40 **Sec. 76. 24-A MRSA §4222-B. sub-§14.** as amended by PL 2001, c.
42 258, Pt. G, §3, is repealed.

44 **Sec. 77. 24-A MRSA §4229.** as enacted by PL 1989, c. 176, §9,
is repealed.

46 **Sec. 78. 24-A MRSA §4234.** as amended by PL 1993, c. 666, Pt
48 A, §§7 and 8 and amended by Pt. B, §3, is repealed.

2 **Sec. 79. 24-A MRSA §4234-A**, as amended by PL 2001, c. 354,
§3, is repealed.

4 **Sec. 80. 24-A MRSA §4234-B**, as amended by PL 2001, c. 258,
Pt. A, §4, is repealed.

6 **Sec. 81. 24-A MRSA §4234-C, 3rd ¶**, as enacted by PL 1997, c.
8 604, Pt. C, §4, is amended to read:

10 If payment of a specific premium or subscription fee is
12 required to provide coverage for a child, the contract may
14 require that notification of birth of a newly born child and
16 payment of the required fees must be furnished to the nonprofit
18 hospital or medical service organization within 31 days after the
date of birth in order to have the coverage continue beyond that
31-day period. The payment may be required to be retroactive to
the date of birth. ~~Benefits required by section 4234-B must be
paid regardless of whether coverage under this section is elected.~~

20 **Sec. 82. 24-A MRSA §§4234-D and 4234-E**, as enacted by PL
1997, c. 701, §4, are repealed.

22 **Sec. 83. 24-A MRSA §4236**, as amended by PL 1997, c. 99, §1,
24 is repealed.

26 **Sec. 84. 24-A MRSA §4237**, as repealed and replaced by PL
1997, c. 408, §7 and affected by §8, is repealed.

28 **Sec. 85. 24-A MRSA §4237-A**, as enacted by PL 1997, c. 408,
30 §7 and affected by §8, is repealed.

32 **Sec. 86. 24-A MRSA §4238**, as renumbered by RR 1995, c. 1,
§19, is repealed.

34 **Sec. 87. 24-A MRSA §4240**, as enacted by PL 1995, c. 592, §4
36 and c. 617, §5 and affected by §6, is repealed.

38 **Sec. 88. 24-A MRSA §4241**, as enacted by PL 1995, c. 617, §5
and affected by §6, is repealed.

40 **Sec. 89. 24-A MRSA §4242**, as reallocated by RR 1995, c. 2,
42 §53, is repealed.

44 **Sec. 90. 24-A MRSA §4244**, as reallocated by RR 1997, c. 2,
§53, is repealed.

46 **Sec. 91. 24-A MRSA §4246**, as enacted by PL 1999, c. 412, §4,
48 is repealed.

2 **Sec. 92. 24-A MRSA §4247**, as reallocated by RR 1999, c. 1,
§37, is repealed.

4 **Sec. 93. 24-A MRSA §4248**, as reallocated by RR 1999, c. 1,
§38, is repealed.

6 **Sec. 94. 24-A MRSA §4250**, as reallocated by RR 2001, c. 1,
8 §36, is repealed.

10 **Sec. 95. 24-A MRSA §4251**. as reallocated by RR 2001, c. 1,
12 §37, is repealed.

14 **Sec. 96. 24-A MRSA §§4310 and 4311**. as enacted by PL 1999, c.
14 742, §19 and affected by §21, are repealed.

16 **Sec. 97. 24-A MRSA §4314**, as enacted by PL 2001, c. 408, §1
18 and affected by §2, is repealed.

20 **Sec. 98. 24-A MRSA §5051, sub§§4 and 5**. as enacted by PL 1989,
20 c. 556, Pt. B, §2, are amended to read:

22 **4. Home health care provider.** "Home health care provider"
24 ~~has the same meaning as set forth in section 2745~~ means a home
24 health care agency certified under Title XVIII of the Social
26 Security Act of 1965, as amended, that:

28 A. Is primarily engaged in and licensed or certified to
28 provide skilled nursing and other therapeutic services;

30 B. Has standards, policies and rules established by a
32 professional group associated with the agency or
32 organization, which professional group must include at least
34 one physician and one registered nurse;

36 C. Is available to provide the care needed in the home 7
36 days a week and has telephone answering service available 24
38 hours per day;

40 D. Has the ability to and does provide, either directly or
40 through contract, the services of a coordinator responsible
42 for case discovery and planning and ensuring that the
42 covered person receives the services ordered by the
44 physician;

46 E. Has under contract the services of a physician-advisor
46 licensed by the State or a physician;

48 F. Conducts periodic case conferences for the purpose of
50 individualized patient care planning and utilization review;
50 and

2 G. Maintains a complete medical record on each patient.

4 **5. Home health care services.** "Home health care services"
has-the-same-meaning-as-set-ferth-in-section-2745,-subsections-1
6 and-2,-except-that-the-requirements-of-section-2745,-subseetion
1,-paragraph-A-shall-not-apply means those health care services
8 rendered in a person's place of residence on a part-time basis to
10 a covered person only if the plan covering the home health
services is established as prescribed in writing by a physician.

12 There is no requirement that hospitalization be an antecedent to
14 coverage under the policy. Home health care services include:

16 A. Visits by a registered nurse or licensed practical nurse
18 to carry out treatments prescribed or supportive nursing
20 care and observation as indicated;

22 B. A physician's home or office visits or both;

24 C. Visits by a registered physical, speech, occupational,
26 inhalation or dietary therapist for services or for
28 evaluation of, consultation with and instruction of nurses
30 in carrying out therapy prescribed by the attending
32 physician, or both;

34 D. Any prescribed laboratory tests and x-ray examination
36 using hospital or community facilities, drugs, dressings,
38 oxygen or medical appliances and equipment as prescribed by
40 a physician, but only to the extent that such charges would
42 have been covered under the contract if the covered person
had remained in the hospital; and

44 E. Visits by persons who have completed a home health aide
46 training course under the supervision of a registered nurse
48 for the purpose of giving personal care to the patient and
50 performing light household tasks as required by the plan of
care, but not including services.

SUMMARY

52 The purpose of this bill is to allow health insurance
54 carriers to offer a simple package of basic health care insurance
56 that is affordable for more of the citizens of the State. The
58 bill repeals existing state-mandated benefits, mandated health
60 insurance coverage and mandated offerings of health benefits.

62 This bill also corrects cross-references necessitated by the
64 repeal of the various provisions of law.