

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1353

H.P. 995

House of Representatives, March 13, 2003

### **An Act To Ensure Women's Health Care Coverage for All Maine Women**

(EMERGENCY)

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative RICHARDSON of Brunswick.  
Cosponsored by Senator EDMONDS of Cumberland and  
Representatives: BREault of Buxton, CANAVAN of Waterville, MARRACHÉ of  
Waterville, McNEIL of Rockland, O'NEIL of Saco, YOUNG of Limestone, Senators:  
DOUGLASS of Androscoggin, MITCHELL of Penobscot.



2 contracts otherwise covered under this section, the requirements  
4 of this section apply to all certificates executed, delivered,  
6 issued for delivery, continued or renewed in this State after  
8 July 1, 2003.

6 **Sec. A-3. 24 MRSA §2319, last ¶**, as amended by PL 1997, c. 604,  
Pt. C, §1, is further amended to read:

8  
10 The requirements of this section apply to all subscriber  
12 contracts delivered or issued for delivery in this State more  
14 than 120 days after ~~the effective date of this Act~~ April 1,  
1976. The requirements of this section additionally apply to all  
certificates executed, delivered, issued for delivery, continued  
or renewed in this State after July 1, 2003.

16 **Sec. A-4. 24 MRSA §2320-C, sub-§3** is enacted to read:

18 **3. Application to certificates.** In addition to policies  
20 and contracts otherwise covered under this section, the  
22 requirements of this section apply to all certificates executed,  
delivered, issued for delivery, continued or renewed in this  
State after July 1, 2003.

24 **Sec. A-5. 24 MRSA §2320-E**, as enacted by PL 1995, c. 617, §1  
26 and affected by §6, is amended to read:

28 **§2320-E. Coverage for Pap tests**

30 All group nonprofit medical service plan contracts and all  
32 nonprofit health care plan contracts must provide coverage for  
34 screening Pap tests recommended by a physician. In addition to  
policies and contracts otherwise covered under this section, the  
requirements of this section apply to all certificates executed,  
delivered, issued for delivery, continued or renewed in this  
State after July 1, 2003.

36  
38 **Sec. A-6. 24 MRSA §2332-J, sub-§3** is enacted to read:

40 **3. Application to certificates.** In addition to policies  
42 and contracts otherwise covered under this section, the  
44 requirements of this section apply to all certificates executed,  
delivered, issued for delivery, continued or renewed in this  
State after July 1, 2003.

46 **PART B**

48 **Sec. B-1. 24-A MRSA §2741**, as enacted by PL 1975, c. 276, §2,  
50 is amended to read:

2           **§2741. Maternity benefits for unmarried women policyholders and**  
3           **the minor dependents of policyholders with dependent or**  
4           **family coverage required**

6           All health insurance policies and plans shall must provide,  
7           at appropriate rates, the same maternity benefits for unmarried  
8           women policyholders and the minor dependents of policyholders  
9           with dependent or family coverage under the same terms and  
10          conditions as such maternity coverage is provided to married  
11          policyholders or the wives of policyholders with maternity  
12          coverage. This requirement shall ~~apply~~ applies to all insurance  
13          policies and plans issued or renewed after ~~the effective date of~~  
14          this Act January 1, 1976. The requirements of this section  
15          additionally apply to all certificates executed, delivered,  
16          issued for delivery, continued or renewed in this State after  
17          July 1, 2003.

18          **Sec. B-2. 24-A MRSA §2743, last ¶,** as amended by PL 1997, c.  
19          604, Pt. C, §2, is further amended to read:

20                 The requirements of this section apply to all policies  
21                 delivered or issued for delivery in this State more than 120 days  
22                 after ~~the effective date of this Act~~ April 16, 1976. The  
23                 requirements of this section additionally apply to all  
24                 certificates executed, delivered, issued for delivery, continued  
25                 or renewed in this State after July 1, 2003.

26          **Sec. B-3. 24-A MRSA §2743-A,** as amended by PL 2001, c. 258,  
27          Pt. A, §2, is further amended to read:

28                 **§2743-A. Maternity and routine newborn care**

29                 An insurer that issues individual contracts providing  
30                 maternity benefits, including benefits for childbirth, shall  
31                 provide coverage for services related to maternity and routine  
32                 newborn care, including coverage for hospital stay, in accordance  
33                 with the attending physician's or attending certified nurse  
34                 midwife's determination in conjunction with the mother that the  
35                 mother and newborn meet the criteria outlined in the "Guidelines  
36                 for Perinatal Care," published by the American Academy of  
37                 Pediatrics and the American College of Obstetrics and  
38                 Gynecology. For the purposes of this section, "routine newborn  
39                 care" does not include any services provided after the mother has  
40                 been discharged from the hospital. For the purposes of this  
41                 section, "attending physician" includes the obstetrician,  
42                 pediatrician or other physician attending the mother and  
43                 newborn. Benefits for routine newborn care required by this  
44                 section are part of the mother's benefit. The mother and the  
45                 newborn are treated as one person in calculating the deductible,  
46                 coinsurance and copayments for coverage required by this  
47                 section.

2 section. In addition to policies and contracts otherwise covered  
3 under this section, the requirements of this section apply to all  
4 certificates executed, delivered, issued for delivery, continued  
5 or renewed in this State after July 1, 2003.

6 **Sec. B-4. 24-A MRSA §2745-C, sub-§3** is enacted to read:

8 3. Application to certificates. In addition to policies  
9 and contracts otherwise covered under this section, the  
10 requirements of this section apply to all certificates executed,  
11 delivered, issued for delivery, continued or renewed in this  
12 State after July 1, 2003.

14 **Sec. B-5. 24-A MRSA §2756, sub-§3** is enacted to read:

16 3. Application to certificates. In addition to policies  
17 and contracts otherwise covered under this section, the  
18 requirements of this section apply to all certificates executed,  
19 delivered, issued for delivery, continued or renewed in this  
20 State after July 1, 2003.

22 **PART C**

24 **Sec. C-1. 24-A MRSA §2832**, as amended by PL 1979, c. 663,  
26 §146, is further amended to read:

28 **§2832. Maternity benefits for unmarried women certificate holders**  
29 **and the minor dependents of certificate holders with**  
30 **dependent or family coverage required**

32 All group or blanket health insurance policies and plans  
33 shall ~~must~~ provide the same maternity benefits for unmarried  
34 women certificate holders, and the minor dependents of  
35 certificate holders with dependent or family coverage, as is  
36 provided married certificate holders with maternity coverage and  
37 the wives of certificate holders with maternity coverage. This  
38 requirement ~~shall-apply~~ applies to all group or blanket insurance  
39 written or renewed after ~~the-effective-date-of-this-Aet~~ January  
40 1, 1976, and ~~shall-include~~ includes, but ~~is~~ not be limited to,  
41 all types and forms of group insurance issued by individual  
42 companies or corporations. In addition to policies and contracts  
43 otherwise covered under this section, the requirements of this  
44 section apply to all certificates executed, delivered, issued for  
45 delivery, continued or renewed in this State after July 1, 2003.

46 **Sec. C-2. 24-A MRSA §2834, last ¶**, as amended by PL 1997, c.  
48 604, Pt. C, §3, is further amended to read:

2 The requirements of this section apply to all policies  
delivered or issued for delivery in this State more than 120 days  
4 after ~~the effective date of this Act~~ April 16, 1976. The  
requirements of this section additionally apply to all  
6 certificates executed, delivered, issued for delivery, continued  
or renewed in this State after July 1, 2003.

8 **Sec. C-3. 24-A MRSA §2834-A**, as amended by PL 2001, c. 258,  
Pt. A, §3, is further amended to read:

10 **§2834-A. Maternity and routine newborn care**

12 An insurer that issues group contracts providing maternity  
14 benefits, including benefits for childbirth, shall provide  
coverage for services related to maternity and routine newborn  
16 care, including coverage for hospital stay, in accordance with  
the attending physician's or attending certified nurse midwife's  
18 determination in conjunction with the mother that the mother and  
newborn meet the criteria outlined in the "Guidelines for  
20 Perinatal Care," published by the American Academy of Pediatrics  
and the American College of Obstetrics and Gynecology. For the  
22 purposes of this section, "routine newborn care" does not include  
any services provided after the mother has been discharged from  
24 the hospital. For the purposes of this section, "attending  
physician" includes the obstetrician, pediatrician or other  
26 physician attending the mother and newborn. Benefits for routine  
newborn care required by this section are part of the mother's  
28 benefit. The mother and the newborn are treated as one person in  
calculating the deductible, coinsurance and copayments for  
30 coverage required by this section. In addition to policies and  
contracts otherwise covered under this section, the requirements  
32 of this section apply to all certificates executed, delivered,  
issued for delivery, continued or renewed in this State after  
34 July 1, 2003.

36 **Sec. C-4. 24-A MRSA §2837-C, sub-§3** is enacted to read:

38 **3. Application to certificates.** In addition to policies  
and contracts otherwise covered under this section, the  
40 requirements of this section apply to all certificates executed,  
delivered, issued for delivery, continued or renewed in this  
42 State after July 1, 2003.

44 **Sec. C-5. 24-A MRSA §2837-E**, as enacted by PL 1995, c. 617,  
§3 and affected by §6, is amended to read:

46 **§2837-E. Coverage for Pap tests**

48 All group health insurance policies and contracts, except  
50 accidental injury, specified disease, hospital indemnity,

2 Medicare supplement, long-term care and other limited benefit  
3 health insurance policies and contracts, must provide coverage  
4 for screening Pap tests recommended by a physician. In addition  
5 to policies and contracts otherwise covered under this section,  
6 the requirements of this section apply to all certificates  
7 executed, delivered, issued for delivery, continued or renewed in  
8 this State after July 1, 2003.

10 **Sec. C-6. 24-A MRSA §2847-F, sub-§2,** as reallocated by PL  
11 1997, c. 370, Pt. H, §1, is amended to read:

12 **2. Application.** This section applies to all policies and  
13 contracts executed, delivered, issued for delivery, continued or  
14 renewed in this State on or after January 1, 1997. For purposes  
15 of this section, all contracts are deemed to be renewed no later  
16 than the next yearly anniversary of the contract date. The  
17 requirements of this section additionally apply to all  
18 certificates executed, delivered, issued for delivery, continued  
19 or renewed in this State after July 1, 2003.

20 **Sec. C-7. 24-A MRSA §2847-G, sub-§3** is enacted to read:

21 **3. Application to certificates.** In addition to policies  
22 and contracts otherwise covered under this section, the  
23 requirements of this section apply to all certificates executed,  
24 delivered, issued for delivery, continued or renewed in this  
25 State after July 1, 2003.

## 30 PART D

31 **Sec. D-1. 24-A MRSA §4234-B,** as amended by PL 2001, c. 258,  
32 Pt. A, §4, is further amended to read:

### 33 **§4234-B. Maternity and routine newborn care**

34 Individual and group contracts issued by a health  
35 maintenance organization that provide maternity benefits,  
36 including benefits for childbirth, shall provide coverage for  
37 services related to maternity and routine newborn care, including  
38 coverage for hospital stay, in accordance with the attending  
39 physician's or attending certified nurse midwife's determination  
40 in conjunction with the mother that the mother and newborn meet  
41 the criteria outlined in the "Guidelines for Perinatal Care,"  
42 published by the American Academy of Pediatrics and the American  
43 College of Obstetrics and Gynecology. For the purposes of this  
44 section, "routine newborn care" does not include any services  
45 provided after the mother has been discharged from the hospital.  
46 For the purposes of this section, "attending physician" includes  
47 the obstetrician, pediatrician or other physician attending the  
48  
49  
50



2 mother and newborn. Benefits for routine newborn care required  
3 by this section are part of the mother's benefit. The mother and  
4 the newborn are treated as one person in calculating the  
5 deductible, coinsurance and copayments for coverage required by  
6 this section. In addition to policies and contracts otherwise  
7 covered under this section, the requirements of this section  
8 apply to all certificates executed, delivered, issued for  
delivery, continued or renewed in this State after July 1, 2003.

10 **Sec. D-2. 24-A MRSA §4234-C, last ¶**, as enacted by PL 1997, c.  
11 604, Pt. C, §4, is amended to read:

12  
13 The requirements of this section apply to all contracts  
14 delivered or issued for delivery in this State on or after the  
15 ~~effective date of this Act June 30, 1998.~~ The requirements of  
16 this section additionally apply to all certificates executed,  
17 delivered, issued for delivery, continued or renewed in this  
18 State after July 1, 2003.

20 **Sec. D-3. 24-A MRSA §4237, sub-§3** is enacted to read:

21  
22 3. Application to certificates. In addition to policies  
23 and contracts otherwise covered under this section, the  
24 requirements of this section apply to all certificates executed,  
25 delivered, issued for delivery, continued or renewed in this  
26 State after July 1, 2003.

28 **Sec. D-4. 24-A MRSA §4237-A, sub-§3** is enacted to read:

29  
30 3. Application to certificates. In addition to policies  
31 and contracts otherwise covered under this section, the  
32 requirements of this section apply to all certificates executed,  
33 delivered, issued for delivery, continued or renewed in this  
34 State after July 1, 2003.

36 **Sec. D-5. 24-A MRSA §4241, sub-§2**, as enacted by PL 1995, c.  
37 617, §5 and affected by §6, is amended to read:

38  
39 **2. Application.** This section applies to all policies and  
40 contracts executed, delivered, issued for delivery, continued or  
41 renewed in this State on or after January 1, 1997. For purposes  
42 of this section, all contracts are deemed to be renewed no later  
43 than the next yearly anniversary of the contract date. The  
44 requirements of this section additionally apply to all  
45 certificates executed, delivered, issued for delivery, continued  
46 or renewed in this State after July 1, 2003.

48 **Sec. D-6. 24-A MRSA §4242**, as reallocated by RR 1995, c. 2,  
49 §53, is amended to read:

**§4242. Coverage for Pap tests**

2  
4 All health maintenance organization plan contracts must  
6 provide coverage for screening Pap tests recommended by a  
8 physician. In addition to policies and contracts otherwise  
covered under this section, the requirements of this section  
apply to all certificates executed, delivered, issued for  
delivery, continued or renewed in this State after July 1, 2003.

10 **Sec. D-7. 24-A MRSA §4247, sub-§3** is enacted to read:

12 **3. Application to certificates.** In addition to policies  
14 and contracts otherwise covered under this section, the  
16 requirements of this section apply to all certificates executed,  
delivered, issued for delivery, continued or renewed in this  
State after July 1, 2003.

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

22 **SUMMARY**

24 The purpose of this bill is to ensure that Maine's women's  
26 health care coverage insurance mandates protect women living in  
Maine who are covered by an insurance certificate of coverage  
issued by an insurance carrier located in another state. Part A  
28 makes these changes in the section of the insurance code  
regulating nonprofit hospital and medical service organizations.  
30 Part B makes these changes in the section of the insurance code  
regulating individual health insurance policies. Part C makes  
32 these changes in the section of the insurance code regulating  
group health insurance policies. Part D makes these changes in  
34 the section of the insurance code regulating health maintenance  
organizations in Maine.