

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 966

H.P. 676

House of Representatives, February 24, 2005

An Act To Conform the Insurance Information and Privacy Protection Act to Federal Privacy Rules

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FISCHER of Presque Isle.
Cosponsored by Senator MAYO of Sagadahoc and
Representatives: LINDELL of Frankfort, PERRY of Calais, Senator: MILLS of Somerset.

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

Sec. 1. 24-A MRSA §2203, sub-§3, as amended by PL 2001, c. 262, Pt. C, §2, is further amended to read:

3. Exception. Except to the extent expressly provided in rules adopted by the superintendent pursuant to section 2220, this chapter does not apply to insurance transactions arising out of workers' compensation, medical malpractice, fidelity, suretyship or boiler and machinery insurance or information collected from public records for the purpose of title insurance. This chapter does not apply to insurance carriers or 3rd-party administrators that administer self-funded group health plans that are subject to privacy rules adopted pursuant to the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

Sec. 2. 24-A MRSA §2204, sub-§15, ¶¶B and C, as enacted by PL 1997, c. 677, §3 and affected by §5, are amended to read:

B. A self-funded plan subject to state regulation as described in section 2848-A; or

C. A preferred provider arrangement administrator as defined in section 2671~~+-e#.~~

Sec. 3. 24-A MRSA §2204, sub-§15, ¶D, as enacted by PL 1997, c. 677, §3 and affected by §5, is repealed.

Sec. 4. 24-A MRSA §2215, sub-§1, ¶C, as enacted by PL 1997, c. 677, §3 and affected by §5, is amended to read:

C. To a regulated insurance entity, insurance support organization or self-insurer, only if the information disclosed is limited to that which is reasonably necessary:

(1) To detect or prevent criminal activity, fraud, material misrepresentation or material nondisclosure in connection with insurance transactions; or

(2) For either the disclosing or the receiving regulated insurance entity ~~e#~~ insurance support organization or self-insurer to perform its function in connection with an insurance transaction involving the consumer;

SUMMARY

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4 This bill amends the Insurance Information and Privacy
6 Protection Act to clarify that it does not apply to self-funded
 group health plans that comply with the federal privacy rules
 adopted pursuant to the federal Health Insurance Portability and
 Accountability Act of 1996.