

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1475

H.P. 1038

House of Representatives, March 24, 2005

An Act To Establish a Simplified Package of Health Care Insurance Affordable by All

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 Representatives: FITTS of Pittsfield, FLETCHER of Winslow, HOTHAM of Dixfield, LANSLEY of Sabattus, LEWIN of Eliot, RICHARDSON of Skowhegan, SHIELDS of Auburn, VAUGHAN of Durham.

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**
7 **treatment**

8
9 The department shall provide reimbursement, to the maximum
10 extent allowable, under the United States Social Security Act,
11 Title XIX, for alcoholism and drug dependency treatment.
12 Treatment shall must include, but need not be limited to,
13 residential treatment and outpatient care as ~~defined in Title~~
14 ~~24-A, section 2842.~~

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

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

24 2. Residential treatment. "Residential treatment" means
25 services at a facility that provides care 24 hours daily to one
26 or more patients, including, but not limited to, the following
27 services: room and board; medical, nursing and dietary services;
28 patient diagnosis, assessment and treatment; individual, family
29 and group counseling; and educational and support services,
30 including a designated unit of a licensed health care facility
31 providing any other services specified in this subsection to
32 patients with the illnesses of alcoholism and drug dependency.

33 **Sec. 2. 22 MRSA §8711, sub-§2**, as amended by PL 1999, c. 353,
34 §16, is further amended to read:

35 **2. Information on mandated services.** The organization is
36 authorized and directed to require providers of mammography
37 services to furnish information with respect to those services
38 for the purpose of assisting in the evaluation of the social and
39 financial impact and the efficacy of ~~the mandated benefit for~~
40 ~~screening mammograms under Title 24, section 2320 A and Title~~
41 ~~24-A, sections 2745-A and 2837-A.~~ The information that may be
42 collected includes the location of mammography units, the
43 purchase of new mammography units, the number of screening and
44 diagnostic mammograms performed, the charge per mammogram and the
45 method and amount of payment, and the number of cancers detected
46 by screening mammograms.

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

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

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

12 **Sec. 6. 24 MRSA §2318**, as amended by PL 2003, c. 517, Pt. B,
§1, is repealed.

14 **Sec. 7. 24 MRSA §2318-A**, as amended by PL 2003, c. 517, Pt.
B, §2, is repealed.

16 **Sec. 8. 24 MRSA §2319**, as amended by PL 2003, c. 517, Pt. A,
18 §1 and affected by §13, is repealed.

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

22 **Sec. 10. 24 MRSA §2320-A**, as amended by PL 2003, c. 517, Pt.
24 B, §3 and c. 689, Pt. B, §6, is repealed.

26 **Sec. 11. 24 MRSA §2320-B**, as amended by PL 2003, c. 517, Pt.
B, §4, is repealed.

28 **Sec. 12. 24 MRSA §2320-C**, as amended by PL 2003, c. 517, Pt.
30 B, §5, is repealed.

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

34 **Sec. 14. 24 MRSA §2320-E**, as amended by PL 2003, c. 517, Pt.
36 A, §2 and affected by §13, is repealed.

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

40 **Sec. 16. 24 MRSA §2324**, as enacted by PL 1979, c. 376 and
42 amended by PL 2003, c. 689, Pt. B, §6, is repealed.

44 **Sec. 17. 24 MRSA §2325-A**, as amended by PL 2003, c. 517, Pt.
B, §6 and c. 689, Pt. B, §6, is repealed.

46 **Sec. 18. 24 MRSA §2325-C**, as enacted by PL 1997, c. 754, §1,
48 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,
§107, is repealed.

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

10 **Sec. 22. 24 MRSA §2332-F**, as amended by PL 2003, c. 517, Pt.
A, §3 and affected by §13, is repealed.

12 **Sec. 23. 24 MRSA §2332-G**, as amended by PL 2003, c. 517, Pt.
14 A, §4 and affected by §13, is repealed.

16 **Sec. 24. 24 MRSA §2332-J**, as amended by PL 2003, c. 517, Pt.
B, §7, is repealed.

18 **Sec. 25. 24 MRSA §2332-K**, as amended by PL 2003, c. 517, Pt.
20 B, §8, is repealed.

22 **Sec. 26. 24 MRSA §2332-L**, as amended by PL 2003, c. 517, Pt.
B, §9, is repealed.

24 **Sec. 27. 24 MRSA §2332-M**, as amended by PL 2003, c. 517, Pt.
26 B, §10, is repealed.

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

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

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

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

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

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

48 **Sec. 30. 24-A MRSA §2742**, as amended by PL 1997, c. 795, §§8
and 9 and PL 2003, c. 689, Pt. B, §6, is repealed.

50

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,
Pt. A, §2, is repealed.

6 **Sec. 33. 24-A MRSA §2744**, as amended by PL 2003, c. 65, §1
8 and affected by §5, 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 by §8 and amended by PL 2003, c. 689, Pt. B, §6,
16 is repealed.

18 **Sec. 36. 24-A MRSA §2745-B**, as amended by PL 1995, c. 671,
§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 enacted by PL 1997, c. 701,
§2, 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,
34 §51, is repealed.

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

38 **Sec. 43. 24-A MRSA §2749-C**, as amended by PL 2003, c. 20,
Pt. VV, §§8 and 9 and affected by §25, 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,
46 is repealed.

48 **Sec. 46. 24-A MRSA §2756**, as enacted by PL 1999, c. 341, §2
and affected by §5, 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**, as enacted by PL 2001, c. 358, Pt.
8 LL, §2 and affected by §5, is repealed.

10 **Sec. 50. 24-A MRSA §2760**, as reallocated by RR 2001, c. 1,
§31, is repealed.

12 **Sec. 51. 24-A MRSA §2832**, as amended by PL 2003, c. 517, Pt.
14 B, §11, is repealed.

16 **Sec. 52. 24-A MRSA §2833**, as amended by PL 1993, c. 666, Pt.
A, §§5 and 6, is repealed.

18 **Sec. 53. 24-A MRSA §2834**, as amended by PL 2003, c. 517, Pt.
20 A, §§5 and 6 and affected by §13, is repealed.

22 **Sec. 54. 24-A MRSA §2834-A**, as amended by PL 2003, c. 517,
Pt. B, §12, is repealed.

24 **Sec. 55. 24-A MRSA §2835**, as amended by PL 2003, c. 517, Pt.
26 B, §13, is repealed.

28 **Sec. 56. 24-A MRSA §2837**, as amended by PL 1977, c. 696,
§202, is repealed.

30 **Sec. 57. 24-A MRSA §2837-A**, as amended by PL 1997, c. 408,
32 §5 and affected by §8 and amended by PL 2003, c. 689, Pt. B, §6,
is repealed.

34 **Sec. 58. 24-A MRSA §2837-B**, as amended by PL 2003, c. 517,
36 Pt. B, §14, is repealed.

38 **Sec. 59. 24-A MRSA §2837-C**, as amended by PL 2003, c. 517,
Pt. B, §15, is repealed.

40 **Sec. 60. 24-A MRSA §2837-D**, as renumbered by RR 1995, c. 1,
42 §17, is repealed.

44 **Sec. 61. 24-A MRSA §2837-E**, as amended by PL 2003, c. 517,
Pt. A, §7 and affected by §13, is repealed.

46 **Sec. 62. 24-A MRSA §2837-F**, as enacted by PL 1997, c. 701,
48 §3, is repealed.

2 **Sec. 63. 24-A MRSA §2837-G**, as enacted by PL 1997, c. 701,
§3, is repealed.

4 **Sec. 64. 24-A MRSA §2837-H**, as reallocated by RR 1997, c. 2,
§52, is repealed.

6 **Sec. 65. 24-A MRSA §2840-A**, as amended by PL 1993, c. 669,
8 §3, is repealed.

10 **Sec. 66. 24-A MRSA §2842**, as amended by PL 1989, c. 490, §3,
is repealed.

12 **Sec. 67. 24-A MRSA §2843**, as amended by PL 2003, c. 517, Pt.
14 B, §16 and c. 689, Pt. B, §6, is repealed.

16 **Sec. 68. 24-A MRSA §2845**, as enacted by PL 1987, c. 293, §2,
is repealed.

18 **Sec. 69. 24-A MRSA §2846**, as amended by PL 2003, c. 517, Pt.
20 B, §17, is repealed.

22 **Sec. 70. 24-A MRSA §2847-E**, as amended by PL 2003, c. 517,
Pt. A, §8 and affected by §13, is repealed.

24 **Sec. 71. 24-A MRSA §2847-F**, as amended by PL 2003, c. 517,
26 Pt. A, §9 and affected by §13, is repealed.

28 **Sec. 72. 24-A MRSA §2847-G**, as amended by PL 2003, c. 517,
Pt. B, §18, is repealed.

30 **Sec. 73. 24-A MRSA §2847-H**, as amended by PL 2003, c. 517,
32 Pt. B, §19, is repealed.

34 **Sec. 74. 24-A MRSA §2847-I**, as amended by PL 2003, c. 517,
Pt. B, §20, is repealed.

36 **Sec. 75. 24-A MRSA §2847-J**, as amended by PL 2003, c. 517,
38 Pt. B, §21, is repealed.

40 **Sec. 76. 24-A MRSA §2847-K**, as amended by PL 2003, c. 517,
Pt. B, §22, is repealed.

42 **Sec. 77. 24-A MRSA §4222-B, sub-§11**, as enacted by PL 1997, c.
44 445, §31 and affected by §32, is amended to read:

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

50 **Sec. 78. 24-A MRSA §4222-B, sub-§14**, as amended by PL 2001, c.
258, Pt. G, §3, is repealed.

2 **Sec. 79. 24-A MRSA §4229.** as enacted by PL 1989, c. 176, §9,
is repealed.

4 **Sec. 80. 24-A MRSA §4234.** as amended by PL 1993, c. 666, Pt.
6 A, §§7 and 8 and Pt. B, §3, is repealed.

8 **Sec. 81. 24-A MRSA §4234-A,** as amended by PL 2003, c. 65, §3
and affected by §5 and amended by c. 689, Pt. B, §6, is repealed.

10 **Sec. 82. 24-A MRSA §4234-B,** as amended by PL 2003, c. 517,
12 Pt. B, §23, is repealed.

14 **Sec. 83. 24-A MRSA §4234-C, 3rd ¶,** as enacted by PL 1997, c.
16 604, Pt. C, §4, is amended to read:

18 If payment of a specific premium or subscription fee is
required to provide coverage for a child, the contract may
20 require that notification of birth of a newly born child and
payment of the required fees must be furnished to the nonprofit
22 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
24 the date of birth. ~~Benefits required by section 4234-B must be
paid regardless of whether coverage under this section is elected.~~

26 **Sec. 84. 24-A MRSA §§4234-D and 4234-E.** as enacted by PL
28 1997, c. 701, §4, are repealed.

30 **Sec. 85. 24-A MRSA §4236,** as amended by PL 1997, c. 99, §1,
is repealed.

32 **Sec. 86. 24-A MRSA §4237.** as amended by PL 2003, c. 517, Pt.
34 B, §24, is repealed.

36 **Sec. 87. 24-A MRSA §4237-A,** as amended by PL 2003, c. 517,
Pt. B, §25 and c. 689, Pt. B, §6, is repealed.

38 **Sec. 88. 24-A MRSA §4238,** as renumbered by RR 1995, c. 1,
40 §19, is repealed.

42 **Sec. 89. 24-A MRSA §4240.** as amended by PL 2003, c. 517, Pt.
A, §10 and affected by §13, is repealed.

44 **Sec. 90. 24-A MRSA §4241,** as amended by PL 2003, c. 517, Pt.
46 A, §11 and affected by §13, is repealed.

48 **Sec. 91. 24-A MRSA §4242.** as amended by PL 2003, c. 517, Pt.
A, §12 and affected by §13, is repealed.

2 **Sec. 92. 24-A MRSA §4244**, as reallocated by RR 1997, c. 2,
§53, is repealed.

4 **Sec. 93. 24-A MRSA §4246**, as amended by PL 2003, c. 517, Pt.
6 B, §26, is repealed.

8 **Sec. 94. 24-A MRSA §4247**, as amended by PL 2003, c. 517, Pt.
10 B, §27, is repealed.

12 **Sec. 95. 24-A MRSA §4248**, as amended by PL 2003, c. 517, Pt.
14 B, §28, is repealed.

16 **Sec. 96. 24-A MRSA §4250**, as amended by PL 2003, c. 517, Pt.
18 B, §29, is repealed.

20 **Sec. 97. 24-A MRSA §4251**, as amended by PL 2003, c. 517, Pt.
22 B, §30, is repealed.

24 **Sec. 98. 24-A MRSA §4310**, as amended by PL 2003, c. 517, Pt.
26 B, §31, is repealed.

28 **Sec. 99. 24-A MRSA §4311**, as amended by PL 2003, c. 517, Pt.
30 B, §32, is repealed.

32 **Sec. 100. 24-A MRSA §4314**, as amended by PL 2003, c. 517, Pt.
34 B, §33 and affected by §2, is repealed.

36 **Sec. 101. 24-A MRSA §5051, sub§§4 and 5**, as enacted by PL
38 1989, c. 556, Pt. B, §2, are amended to read:

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

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

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

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

D. Provides, either directly or through contract, the
services of a coordinator responsible for case discovery and

2 planning and ensuring that the covered person receives the
3 services ordered by the physician;

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

6 F. Conducts periodic case conferences for the purpose of
7 individualized patient care planning and utilization review;
8 and

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

10
11 **5. Home health care services.** "Home health care services"
12 ~~has the same meaning as set forth in section 2745, subsections 1~~
13 ~~and 2, except that the requirements of section 2745, subsection~~
14 ~~1, paragraph A shall not apply~~ means those health care services
15 rendered in a person's place of residence on a part-time basis to
16 a covered person only if the plan covering the home health
17 services is established as prescribed in writing by a physician.

18
19 There is no requirement that hospitalization be an antecedent to
20 coverage under the policy. "Home health care services" includes:

21
22 A. Visits by a registered nurse or licensed practical nurse
23 to carry out treatments prescribed or supportive nursing
24 care and observation as indicated;

25
26 B. A physician's home or office visits or both;

27
28 C. Visits by a registered physical, speech, occupational,
29 inhalation or dietary therapist for services or for
30 evaluation of, consultation with and instruction of nurses
31 in carrying out therapy prescribed by the attending
32 physician, or both;

33
34 D. Any prescribed laboratory tests and x-ray examination
35 using hospital or community facilities, drugs, dressings,
36 oxygen or medical appliances and equipment as prescribed by
37 a physician, but only to the extent that such charges would
38 have been covered under the contract if the covered person
39 had remained in the hospital; and

40
41 E. Visits by persons who have completed a home health aide
42 training course under the supervision of a registered nurse
43 for the purpose of giving personal care to the patient and
44 performing light household tasks as required by the plan of
45 care, but not including services.

2

SUMMARY

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

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8

10

This bill also makes cross-reference corrections necessitated by the repeal of various provisions of law.