

MAINE STATE LEGISLATURE

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L.D. 2247

Date: 4-15-08

(Filing No. H-1012)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST SPECIAL SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1608,
L.D. 2247, Bill, "An Act To Continue Maine's Leadership in Covering the Uninsured"

Amend the amendment by inserting after Part F the following:

Amend the bill by inserting after Part G the following:

PART H

Sec. H-1. 24-A MRSA §405, sub-§7 is enacted to read:

7. Transactions pursuant to an individual health plan as defined in section 2736-C or a small group health plan as defined in section 2808-B covering residents of this State written by a regional insurer or health maintenance organization duly authorized or qualified to transact such insurance in the state or country of its domicile if the superintendent certifies that the regional insurer or health maintenance organization meets the requirements of section 405-A.

Sec. H-2. 24-A MRSA §405-A is enacted to read:

§405-A. Certification of regional insurers or health maintenance organizations to transact individual and small group health insurance

To qualify under this section and section 405, subsection 7, a regional insurer or health maintenance organization, as described in this section, may not transact individual or small group health insurance in this State by mail, the Internet or otherwise unless the superintendent has issued a certification that the requirements of this section have been met. The superintendent shall issue a certification or deny certification within 30 days of a request. A regional insurer or health maintenance organization shall meet the following requirements.

1. Regional insurer; authority to transact individual or group health insurance in certain states. As used in this section, "regional insurer or health maintenance organization" means an insurer or health maintenance organization that is domiciled in and holds a valid certificate of authority to transact individual or group health insurance in one of the following states or jurisdictions: Connecticut, Massachusetts, New

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1 Hampshire, Rhode Island, Vermont, Delaware, Maryland, New Jersey, New York,
2 Pennsylvania or the District of Columbia.

3 **2. Compliance with laws of state.** Any policy, contract or certificate of individual
4 or group health insurance offered for sale in this State by a regional insurer or health
5 maintenance organization must comply with the applicable individual and group health
6 insurance laws in the state of its domicile and the policy must be actively marketed in that
7 state.

8 **3. Minimum surplus and reserve levels.** The regional insurer or health
9 maintenance organization shall maintain minimum capital and surplus requirements and
10 maintain reserves as required by section 410; sections 901 to 984; section 4204,
11 subsection 2-A, paragraph D; and section 4204-A as applicable.

12 **4. Disclosure and reporting.** The regional insurer or health maintenance
13 organization shall meet the requirements of section 4302 for reporting plan information
14 with respect to individual health plans or small group health plans offered for sale in this
15 State and disclose to prospective enrollees how the health plans differ from individual
16 and small group health plans offered by domestic insurers in a format approved by the
17 superintendent within 90 days of the effective date of this section. Health plan policies
18 and applications for coverage must contain the following disclosure statement or a
19 substantially similar statement: "This policy is issued by a regional insurer or health
20 maintenance organization and is governed by the laws and regulations of [state of
21 regional insurer or health maintenance organization's state of domicile]. This policy may
22 not be subject to all the insurance laws and rules of the State of Maine, including
23 coverage of certain health care services or benefits mandated by Maine law. Before
24 purchasing this policy, you should carefully review the terms and conditions of coverage
25 under this policy, including any exclusions or limitations of coverage."

26 **5. Grievance procedures.** The regional insurer or health maintenance organization
27 shall meet the requirements of section 4303, subsection 4 for grievance procedures with
28 respect to health plans offered for sale in this State.

29 **6. Unfair trade practices.** The provisions of chapter 23 apply to the regional
30 insurer or health maintenance organization permitted to transact health insurance under
31 this section or section 405.

32 **7. Taxes; assessments.** The regional insurer or health maintenance organization is
33 subject to applicable taxes or assessments imposed on insurers transacting individual and
34 small group health insurance in this State pursuant to this Title and Title 36.

35 **8. Service of process.** The regional insurer or health maintenance organization shall
36 designate an agent for receiving service of legal documents and process in the manner
37 provided in this Title.

38 **9. Compliance with court orders.** The regional insurer or health maintenance
39 organization shall comply with lawful orders from courts of competent jurisdiction issued
40 on a voluntary dissolution proceeding or in response to a petition for an injunction by the
41 superintendent asserting that the regional insurer or health maintenance organization is in
42 a hazardous financial condition.

10. Participation in guaranty association. The regional insurer or health maintenance organization shall participate in an insurance insolvency guaranty association to which a domestic insurer or health maintenance organization that transacts individual and small group health insurance is required to belong in accordance with this Title. The regional insurer is considered a member insurer as defined in section 4605-A for purposes of participation in the Maine Life and Health Guaranty Association.

Except as expressly provided in this section, the requirements of this Title do not apply to a regional insurer or health maintenance organization permitted to transact health insurance under this section or section 405.

Sec. H-3. 24-A MRSA §405-B is enacted to read:

§405-B. Domestic insurers; individual and small group health insurance approved in other states

Notwithstanding any other provision of this Title except as expressly provided, a domestic insurer or health maintenance organization may offer for sale in this State an individual health plan as defined in section 2736-C or small group health plan as defined in section 2808-B duly authorized for sale in another state by a parent or subsidiary of the domestic insurer if the following requirements are met.

1. Certificate of authority from state of domicile. The parent or subsidiary of the domestic insurer or health maintenance organization must be domiciled in and hold a valid certificate of authority to transact individual health insurance in one the following states or jurisdictions: Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, Maryland, New Jersey, New York, Pennsylvania or the District of Columbia.

2. Compliance with laws of state of domicile. Any policy, contract or certificate of individual or small group health insurance offered for sale in this State by a domestic insurer or health maintenance organization must comply with the applicable individual and group health insurance laws in the state of domicile of the parent or subsidiary and the policy must be actively marketed in that state.

3. Disclosure and reporting. The domestic insurer or health maintenance organization shall meet the requirements of section 4302 for reporting plan information with respect to individual and small group health plans offered for sale in this State and disclose to prospective enrollees how the individual and small group health plans of the parent or subsidiary differ from individual and small group health plans offered by domestic insurers in a format approved by the superintendent within 90 days of the effective date of this section. Health plan policies and applications for coverage must contain the following disclosure statement or a substantially similar statement: "This policy is issued by a domestic insurer or health maintenance organization but is governed by the laws and rules of [state of domicile of parent or subsidiary of domestic insurer], which is the state of domicile of the parent or subsidiary of the domestic insurer or health maintenance organization. This policy may not be subject to all the insurance laws and rules of the State of Maine, including coverage of certain health care services or benefits mandated by Maine law. Before purchasing this policy, you should carefully review the terms and conditions of coverage under this policy, including any exclusions or limitations of coverage."

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HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1608, L.D. 2247

1 4. Grievance procedures. The domestic insurer or health maintenance organization
2 shall meet the requirements of section 4303, subsection 4 for grievance procedures with
3 respect to health plans offered for sale in this State.

4 **Sec. H-4. Effective date.** This Part takes effect January 1, 2009.' '

5 **SUMMARY**

6 This amendment permits out-of-state health insurers, which are referred to as regional
7 insurers in the amendment, to offer their individual or group health plans for sale in this
8 State if certain requirements of Maine law are met, including minimum capital and
9 surplus and reserve, disclosure and reporting and grievance procedures. The amendment
10 defines the out-of-state health insurers as those insurers authorized to transact individual
11 or small group health insurance in one of the following states or jurisdictions:
12 Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware,
13 Maryland, New Jersey, New York, Pennsylvania or the District of Columbia. It also
14 permits Maine health insurers to offer individual health plans of out-of-state parent or
15 subsidiary health insurers if similar requirements are met. If out-of-state health plans are
16 offered for sale in this State, the amendment requires that prospective enrollees be
17 provided adequate disclosure of how the plans differ from Maine health plans in a format
18 approved by the Superintendent of Insurance.

19 **SPONSORED BY:** 
20 **(Representative WALKER)**

21 **TOWN: Lincolnville**

FISCAL NOTE REQUIRED
(See attached)



Approved: 04/15/08 *mac*

123rd MAINE LEGISLATURE

LD 2247

LR 3143(15)

An Act To Continue Maine's Leadership in Covering the Uninsured

Fiscal Note for House Amendment "*A*" to Committee Amendment "A"

Sponsor: Rep. Walker of Lincolnville

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Bureau of Insurance in the Department of Professional and Financial Regulation can be absorbed by the bureau utilizing existing budget resources.