

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 101

H.P. 85

House of Representatives, January 12, 2009

**An Act To Extend the Operation of the Maine Health Data
Processing Center and To Amend the Maine Health Data
Organization Statutes**

(EMERGENCY)

Submitted by the Maine Health Data Organization pursuant to Joint Rule 204.
Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PERRY of Calais.
Cosponsored by Senator MARRACHÉ of Kennebec and
Representatives: JONES of Mount Vernon, MILLER of Somerville, Senator: BRANNIGAN of
Cumberland.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not become
2 effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the laws establishing and governing the Maine Health Data Processing Center
4 are scheduled to be repealed September 1, 2009; and

5 **Whereas,** this legislation extends that date until September 1, 2015; and

6 **Whereas,** in the judgment of the Legislature, these facts create an emergency within the
7 meaning of the Constitution of Maine and require the following legislation as immediately
8 necessary for the preservation of the public peace, health and safety; now, therefore,

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

10 **Sec. 1. 10 MRSA §683, sub-§3,** as enacted by PL 2001, c. 456, §1, is amended to
11 read:

12 **3. Limitation on terms.** An elected person may not serve as a director for not more than
13 5-years 2 5-year terms in succession and continues to serve until a successor has been
14 appointed.

15 **Sec. 2. 10 MRSA §691,** as amended by PL 2005, c. 253, §1, is further amended to
16 read:

17 **§691. Repeal**

18 This chapter is repealed September 1, ~~2009~~ 2015.

19 **Sec. 3. 22 MRSA §1718,** as amended by PL 2005, c. 391, §1, is repealed and the
20 following enacted in its place:

21 **§1718. Consumer information**

22 Each hospital or ambulatory surgical center licensed under chapter 405 shall, upon
23 request by an individual, provide the charge for any inpatient service or outpatient procedure
24 provided by the licensee. For emergency services, the hospital must provide the average
25 charges for facility and physician services according to the level of emergency services
26 provided by the hospital and based on the time and intensity of services provided.

27 **Sec. 4. 22 MRSA §8702, sub-§5-A,** as enacted by PL 2007, c. 136, §1, is amended to
28 read:

29 **5-A. Medicare health plan sponsor.** "~~Medicare prescription drug~~ health plan sponsor"
30 means a health insurance carrier or other private company authorized by the United States
31 Department of Health and Human Services, Centers for Medicare and Medicaid Services to
32 administer Medicare Part C and Part D benefits under a health plan or prescription drug plan.

33 **Sec. 5. 22 MRSA §8702, sub-§8,** as amended by PL 2007, c. 136, §1, is further
34 amended to read:

1 8. **Payor.** "Payor" means a 3rd-party payor, 3rd-party administrator, Medicare
2 ~~prescription drug~~ health plan sponsor, pharmacy benefits manager or nonlicensed carrier.

3 **Sec. 6. 22 MRSA §8703, sub-§2, ¶B,** as enacted by PL 1995, c. 653, Pt. A, §2 and
4 affected by §7, is amended to read:

5 B. The commissioner shall appoint ~~2 members~~ one member who ~~are employees~~ is an
6 employee of the department to represent the State's interest in maintaining health data and
7 to ensure that information collected is available for determining public health policy.

8 **Sec. 7. 22 MRSA §8703, sub-§2, ¶D** is enacted to read:

9 D. The Superintendent of Insurance shall appoint one member who is an employee of the
10 Bureau of Insurance to represent the State's interest in maintaining accurate and complete
11 health care-related claims data.

12 **Sec. 8. 22 MRSA §8712, sub-§2,** as amended by PL 2005, c. 391, §2, is repealed and
13 the following enacted in its place:

14 **2. Payments.** The organization shall create a publicly accessible interactive website that
15 presents reports related to health care facility and practitioner payments for services rendered
16 to residents of the State. The services presented must include, but not be limited to, imaging,
17 preventative health, radiology and surgical services and other services that are predominantly
18 elective and may be provided to a large number of patients who do not have health insurance
19 or are underinsured. The website must also be constructed to display prices paid by
20 individual commercial health insurance companies, 3rd-party administrators and, unless
21 prohibited by federal law, governmental payors.

22 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
23 takes effect when approved.

24 **SUMMARY**

25 This bill extends the operation of the Maine Health Data Processing Center to September
26 1, 2015 and increases the length of time individuals may serve on the center's board of
27 directors. This bill also repeals the requirement for hospitals and ambulatory surgical centers
28 to maintain lists of average charges for procedures specified by the Maine Health Data
29 Organization through rulemaking. In place of the lists, individual hospitals and surgical
30 centers shall, upon request from an individual, provide the charge for any service rendered by
31 the facility. In addition, the bill requires the Maine Health Data Organization to create an
32 interactive website displaying prices paid for specific procedures performed at all Maine
33 hospitals and impacted surgical, diagnostic or other nonhospital facilities. Additionally, this
34 bill makes some minor modifications to definitions in the statutes governing the Maine Health
35 Data Organization and adds a representative from the Bureau of Insurance to the Maine
36 Health Data Organization board of directors.