

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 891

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S.P. 312

In Senate, March 7, 2013

**An Act To Create Uniform Claims Paying Practices in Long-term  
Care Insurance Policies**

(EMERGENCY)

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator LANGLEY of Hancock.  
Cosponsored by Senator: WHITTEMORE of Somerset.

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

3           **Whereas,** Maine seniors with long-term care insurance are experiencing delays in  
4 receiving claims payments from insurers; and

5           **Whereas,** delays in claims payments are causing undue stress on seniors; and

6           **Whereas,** this legislation establishes notice requirements and specific time periods  
7 in which insurers are required to pay claims once all necessary documentation supporting  
8 the claims are submitted; and

9           **Whereas,** it is necessary for this legislation to take effect immediately to provide  
10 relief to those seniors with long-term care insurance; and

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

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

16           **Sec. 1. 24-A MRSA §5083** is enacted to read:

17           **§5083. Payment of claims**

18           **1. Notice of claim for benefits; response by insured.** Notwithstanding any other  
19 provision of this Title, upon receipt of a notice of claim for benefits under a policy or  
20 certificate of long-term care insurance delivered or issued for delivery in this State, an  
21 insurer, whether actively marketing or renewing long-term care insurance in this State,  
22 shall provide the insured a written statement with sufficient detail to permit the insured to  
23 understand and respond with the documentation and information necessary for the  
24 payment of the claim for benefits. The written statement must be provided by the insurer  
25 within 5 business days following receipt of the notice of claim. For purposes of this  
26 section, "insured" includes a person designated by the insured as the insured's  
27 representative.

28           **2. Documentation.** The documentation an insurer may require as necessary for the  
29 payment of a claim for benefits under a policy or certificate of long-term care insurance  
30 includes, but is not limited to:

31           A. A statement from the insured making the claim for benefits;

32           B. A signed release permitting the insurer to obtain personal health care information  
33 about the insured pursuant to the federal Health Insurance Portability and  
34 Accountability Act of 1996;

35           C. A statement from the insured's physician, including a treatment and care plan for  
36 the insured;

