

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1755

S.P. 586

In Senate, May 16, 2019

**An Act To Move Maine Toward Affordable Health Care for  
Everyone**

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Reference to the Committee on Health and Human 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 President JACKSON of Aroostook.

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

2 **Sec. 1. 22 MRSA §3173-J** is enacted to read:

3 **§3173-J. MaineCare purchase option**

4 **1. Federal waiver request.** The commissioner shall seek necessary federal waiver  
5 authority under Section 1332 of the federal Patient Protection and Affordable Care Act to  
6 establish a MaineCare purchase option that allows individuals who are residents of the  
7 State and who are above the maximum income eligibility limits for the MaineCare  
8 program established in section 3174-G or otherwise ineligible for the MaineCare program  
9 the option of purchasing coverage through the MaineCare program instead of purchasing  
10 a qualified health plan on the federal exchange or any individual health plan offered  
11 outside of the federal exchange. The waiver must include authority for individuals who  
12 qualify for subsidies for purchasing insurance on the federal exchange and choose to  
13 purchase coverage through the MaineCare program pursuant to this section to use  
14 advance tax credits and cost-sharing credits, if the individuals are eligible for those  
15 credits, to purchase coverage through the MaineCare program.

16 **2. Administration.** The MaineCare purchase option under subsection 1 is  
17 administered by the department through the MaineCare program. Individuals purchasing  
18 coverage through the MaineCare purchase option are entitled to receive the same services  
19 as any other eligible MaineCare member.

20 **3. Premiums; financial sustainability.** The commissioner shall seek to implement  
21 mechanisms to ensure the long-term sustainability of the MaineCare purchase option  
22 under subsection 1. These mechanisms must address issues related to minimizing  
23 adverse selection, the State's financial risk and contribution and negative effects on  
24 premiums in the individual and group insurance markets, including any insurance  
25 companies based in the State offering coverage to residents of this State on the federal  
26 exchange. Premium rates established by the department for individuals in the MaineCare  
27 purchase option are determined actuarially. The department shall also limit the annual  
28 enrollment period to the same annual open enrollment periods established for purchasing  
29 insurance coverage on the federal exchange.

30 **4. Rulemaking.** The department is authorized to adopt rules to implement this  
31 section. Rules adopted pursuant to this subsection are major substantive rules as defined  
32 in Title 5, chapter 375, subchapter 2-A.

33 **5. Annual reports.** The commissioner shall submit annual reports no later than  
34 February 15th of each year beginning in 2020 to the joint standing committees of the  
35 Legislature having jurisdiction over health and human services matters and insurance  
36 matters regarding the numbers of individuals participating in the MaineCare purchase  
37 option under subsection 1, premium levels, the fiscal health of the MaineCare purchase  
38 option and any actuarial information related to the MaineCare purchase option.

39 **Sec. 2. Waiver report.** No later than January 1, 2020, the Commissioner of  
40 Health and Human Services shall submit to the joint standing committees of the  
41 Legislature having jurisdiction over health and human services matters and insurance

1 matters a progress report on the request for the federal waiver pursuant to the Maine  
2 Revised Statutes, Title 22, section 3173-J and the results from actuarial and economic  
3 analyses that are necessary for a waiver proposal as well as any recommendations for  
4 legislation necessary to implement the MaineCare purchase option under Title 22, section  
5 3173-J.

6

## SUMMARY

7 This bill requires the Commissioner of Health and Human Services to submit a  
8 waiver under Section 1332 of the federal Patient Protection and Affordable Care Act to  
9 establish a MaineCare purchase option so that residents of Maine who are not otherwise  
10 eligible for the MaineCare program may participate in the program. The waiver must  
11 include authority for individuals who qualify for advance tax credits and cost-sharing  
12 credits to use them to purchase coverage through the MaineCare program. Individuals  
13 participating in the MaineCare purchase option may access the same services as other  
14 MaineCare members. The commissioner is required to implement mechanisms to ensure  
15 the long-term sustainability of the MaineCare purchase option. Rates are set by the  
16 Department of Health and Human Services and determined actuarially, and the open  
17 enrollment period is the same as the period for individuals purchasing insurance on the  
18 federal exchange. The department is required to submit a progress report on the request  
19 for the waiver as well as annual reports to the joint standing committees of the  
20 Legislature having jurisdiction over health and human services matters and insurance  
21 matters.