

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 1928

S.P. 670

In Senate, January 2, 2020

An Act To Prohibit Health Insurance Carriers from Retroactively Reducing Payment on Clean Claims Submitted by Pharmacies

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on January 2, 2020. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 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 LIBBY of Androscoggin.
Cosponsored by Representative TEPLER of Topsham and
Senators: CLAXTON of Androscoggin, CYRWAY of Kennebec, GRATWICK of Penobscot,
President JACKSON of Aroostook, SANBORN, H. of Cumberland, Representatives:
EVANGELOS of Friendship, FECTION of Biddeford.

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

2 **Sec. 1. 24-A MRSA §4317, sub-§2, ¶J** is enacted to read:

3 J. A contract entered into by a carrier with a pharmacy provider with respect to a
4 prescription drug plan offered by the carrier must provide that the carrier may not
5 retroactively reduce payment directly, or indirectly reduce payment through an
6 aggregated effective rate or otherwise, on a claim submitted by the pharmacy
7 provider except for a claim determined by the carrier not to be a clean claim during
8 the course of a routine audit conducted pursuant to the contract between the carrier
9 and the pharmacy provider. This paragraph does not prohibit any retroactive increase
10 in payment to the pharmacy provider pursuant to a contract between a carrier and the
11 pharmacy provider.

12 **Sec. 2. 24-A MRSA §4317, sub-§2, ¶K** is enacted to read:

13 K. A contract entered into by a carrier with a pharmacy provider with respect to a
14 prescription drug plan offered by the carrier must provide that the carrier may not
15 directly or indirectly charge the pharmacy provider or hold the pharmacy provider
16 responsible for any fee related to a claim:

17 (1) That is not apparent at the time the carrier processes the claim;

18 (2) That is not reported on the remittance advice of a claim adjudicated by the
19 carrier; or

20 (3) After the initial claim is adjudicated by the carrier.

21 **SUMMARY**

22 This bill prohibits a health insurance carrier from retroactively reducing payment on a
23 properly submitted claim by a pharmacy provider. The bill also prohibits a carrier from
24 charging a pharmacy provider or holding a pharmacy provider responsible for any fee
25 related to a claim that is not apparent at the time the carrier processes the claim, that is
26 not reported on the remittance advice or after the initial claim is adjudicated by the
27 carrier.