

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1798

H.P. 1339

House of Representatives, December 9, 2021

**An Act To Ensure Health Insurance Coverage for Certain Adults
with Disabilities**

(EMERGENCY)

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

Received by the Clerk of the House on December 7, 2021. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MILLETT of Cape Elizabeth.
Cosponsored by Senator SANBORN of Cumberland and
Representatives: ARFORD of Brunswick, BROOKS of Lewiston, EVANS of Dover-Foxcroft,
Speaker FECTEAU of Biddeford, MATHIESON of Kittery, TEPLER of Topsham.

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,** the COVID-19 pandemic has substantially altered the Maine workforce;
4 and

5 **Whereas,** the current workforce crisis limits Medicaid-funded employment options
6 for persons with disabilities; and

7 **Whereas,** Maine citizens with disabilities should have access to health insurance,
8 especially during a pandemic; and

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

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

14 **Sec. 1. 24-A MRSA §2742-B, sub-§2,** as amended by PL 2019, c. 5, Pt. A, §8, is
15 further amended to read:

16 **2. Offer of coverage.** Notwithstanding section 2703, subsection 3 and except as
17 provided in section 2742-C, an individual health insurance policy that offers coverage for
18 a dependent child must offer such coverage, at the option of the policyholder, until the
19 dependent child attains 26 years of age.

20 **Sec. 2. 24-A MRSA §2742-C** is enacted to read:

21 **§2742-C. Mandatory offer to extend coverage for certain adults with disabilities**

22 This section governs the requirement for individual health insurance policies to extend
23 coverage for certain persons with disabilities.

24 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
25 following terms have the following meanings.

26 A. “Dependent child” has the same meaning as in section 2742-B, subsection 1.

27 B. “Disability” means a physical, intellectual or developmental disability that renders
28 a person incapable of self-sustaining employment.

29 **2. Offer of coverage.** An individual health insurance policy that offers coverage for a
30 dependent child must offer such coverage, at the option of the policyholder, for a dependent
31 child with a disability.

32 **3. Proof of disability.** A policyholder shall furnish proof of a dependent child’s
33 disability to the insurer within 31 days of the dependent child’s attainment of the limiting
34 age established in section 2742-B, subsection 2 and subsequently as may be required by
35 the insurer, but the insurer may not require proof more frequently than annually after the
36 2-year period following the dependent child’s attainment of the limiting age.

37 **Sec. 3. 24-A MRSA §2833-B, sub-§2,** as amended by PL 2019, c. 5, Pt. A, §13, is
38 further amended to read:

39 **2. Offer of coverage.** Notwithstanding section 2822 and except as provided in section
40 2833-C, a group health insurance policy that offers coverage for a dependent child must

1 offer such coverage, at the option of the parent, until the dependent child attains 26 years
2 of age.

3 **Sec. 4. 24-A MRSA §2833-C** is enacted to read:

4 **§2833-C. Mandatory offer to extend coverage for certain adults with disabilities**

5 This section governs the requirement for group health insurance policies to extend
6 coverage for certain persons with disabilities.

7 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
8 following terms have the following meanings.

9 A. “Dependent child” has the same meaning as in section 2833-B, subsection 1.

10 B. “Disability” means a physical, intellectual or developmental disability that renders
11 a person incapable of self-sustaining employment.

12 **2. Offer of coverage.** A group health insurance policy that offers coverage for a
13 dependent child must offer such coverage, at the option of the enrollee, for a dependent
14 child with a disability.

15 **3. Proof of disability.** An enrollee shall furnish proof of a dependent child’s disability
16 to the insurer within 31 days of the dependent child’s attainment of the limiting age
17 established in section 2833-B, subsection 2 and subsequently as may be required by the
18 insurer, but the insurer may not require proof more frequently than annually after the 2-
19 year period following the dependent child’s attainment of the limiting age.

20 **Sec. 5. 24-A MRSA §4233-B, sub-§2,** as amended by PL 2019, c. 5, Pt. A, §18, is
21 further amended to read:

22 **2. Offer of coverage.** Except as provided in section 4233-C, an individual or
23 group health maintenance organization contract that offers coverage for a dependent child
24 must offer such coverage, at the option of the parent, until the dependent child attains 26
25 years of age.

26 **Sec. 6. 24-A MRSA §4233-C** is enacted to read:

27 **§4233-C. Mandatory offer to extend coverage for certain adults with disabilities**

28 This section governs the requirement for individual or group health maintenance
29 organization contracts to extend coverage for certain persons with disabilities.

30 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
31 following terms have the following meanings.

32 A. “Dependent child” has the same meaning as in section 4233-B, subsection 1.

33 B. “Disability” means a physical, intellectual or developmental disability that renders
34 a person incapable of self-sustaining employment.

35 **2. Offer of coverage.** An individual or group health maintenance organization contract
36 that offers coverage for a dependent child must offer such coverage, at the option of the
37 enrollee, for a dependent child with a disability.

38 **3. Proof of disability.** An enrollee shall furnish proof of a dependent child’s disability
39 to the insurer within 31 days of the dependent child’s attainment of the limiting age
40 established in section 4233-B, subsection 2 and subsequently as may be required by the

1 insurer, but the insurer may not require proof more frequently than annually after the 2-
2 year period following the dependent child’s attainment of the limiting age.

3 **Sec. 7. 24-A MRSA §4320-B**, as enacted by PL 2011, c. 364, §34, is amended to
4 read:

5 **§4320-B. Extension of dependent coverage**

6 A Except as provided in section 4320-R, a carrier offering a health plan subject to the
7 requirements of the federal Affordable Care Act that provides dependent coverage of
8 children shall continue to make such coverage available for an adult child until the child
9 turns 26 years of age, consistent with the federal Affordable Care Act.

10 **Sec. 8. 24-A MRSA §4320-R** is enacted to read:

11 **§4320-R. Mandatory offer to extend coverage for certain adults with disabilities**

12 This section governs the requirement for health plans subject to the requirements of the
13 federal Affordable Care Act to extend coverage for certain persons with disabilities.

14 **1. Definition.** As used in this section, unless the context otherwise indicates,
15 “disability” means a physical, intellectual or developmental disability that renders a person
16 incapable of self-sustaining employment.

17 **2. Offer of coverage.** A health plan subject to the requirements of the federal
18 Affordable Care Act that offers coverage for a dependent child must offer such coverage,
19 at the option of the enrollee, for a dependent child with a disability.

20 **3. Proof of disability.** An enrollee shall furnish proof of a dependent child’s disability
21 to the insurer within 31 days of the dependent child’s attainment of the limiting age
22 established in section 4320-B and subsequently as may be required by the insurer, but the
23 insurer may not require proof more frequently than annually after the 2-year period
24 following the dependent child’s attainment of the limiting age.

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

27 **SUMMARY**

28 This bill requires health insurance policies that offer coverage for a dependent child to
29 cover adults with disabilities who are unable to sustain themselves through employment.