

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 224

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H.P. 145

House of Representatives, January 20, 2023

**An Act to Strengthen Maine's Health Care Workforce by  
Preventing Discrimination by Requiring Maintenance of  
Certification for Insurance Reimbursement**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative ZAGER of Portland.  
Cosponsored by Senator BAILEY of York and  
Representatives: ARFORD of Brunswick, GRAHAM of North Yarmouth, MASTRACCIO of  
Sanford, Senator: CARNEY of Cumberland.

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

2 **Sec. 1. 24-A MRSA §4303-G** is enacted to read:

3 **§4303-G. Provider maintenance of certification requirements**

4 The following provisions govern maintenance of certification requirements.

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

7 A. "Hospital" means a hospital licensed and operating under Title 22, chapter 404 or  
8 405 or the parent of such institution, or a hospital subsidiary or hospital affiliate in this  
9 State that provides medical services or medically related diagnostic and laboratory  
10 services or engages in ancillary activities supporting those services.

11 B. "Maintenance of certification program" means satisfactory participation in a  
12 program beyond the continuing medical education requirements currently in place by  
13 the Board of Licensure in Medicine or Board of Osteopathic Licensure, or initial board  
14 certification by a national or regional medical specialty board.

15 C. "Outpatient clinical practice" means any medical practice, home care or hospice  
16 organization or other nonhospital entity providing medical care through physicians.

17 D. "Physician" means an individual licensed under Title 32, chapter 36 or 48.

18 **2. Discrimination prohibited.** A carrier offering a health plan in this State may not:

19 A. Deny reimbursement to a physician, hospital or outpatient clinical practice for  
20 services rendered because a physician does not participate in a maintenance of  
21 certification program;

22 B. Provide lower reimbursement for services rendered by a physician, hospital or  
23 outpatient clinical practice because a physician does not participate in a maintenance  
24 of certification program;

25 C. Prohibit a physician, hospital or outpatient clinical practice from participating in any  
26 of the carrier's provider networks because a physician does not participate in a  
27 maintenance of certification program; or

28 D. Determine insurance empanelment of a physician, hospital or outpatient clinical  
29 practice based on the status of a physician's, hospital's or outpatient clinical practice's  
30 participation in a maintenance of certification program.

31 **Sec. 2. Application.** The requirements of this Act apply to a carrier as defined in the  
32 Maine Revised Statutes, Title 24-A, section 4301-A that executes, delivers, issues for  
33 delivery, continues or renews an individual or group policy, contract or certificate in this  
34 State on or after January 1, 2024.

35 **SUMMARY**

36 This bill prohibits carriers from conditioning reimbursement, provider network or  
37 empanelment status for a physician, hospital or outpatient clinical practice on a physician's,  
38 hospital's or outpatient clinical practice's participation in a maintenance of certification  
39 program.