

MAINE STATE LEGISLATURE

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L D 361

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Date 6/9/23

(Filing No S-254)

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HEALTH AND HUMAN SERVICES

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Reproduced and distributed under the direction of the Secretary of the Senate

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STATE OF MAINE

6

SENATE

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131ST LEGISLATURE

8

FIRST SPECIAL SESSION

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COMMITTEE AMENDMENT "A" to S P 168, L D 361, "An Act to Increase the Reimbursement for Electronic Consultations Through Medicaid"

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Amend the bill by striking out the title and substituting the following

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'Resolve, to Review MaineCare Reimbursement for Electronic Consultation Services'

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Amend the bill by striking out everything after the title and inserting the following

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'Sec. 1. Electronic consultation services; review of MaineCare reimbursement. Resolved: That the Department of Health and Human Services shall undertake a review of the current MaineCare reimbursement rate for electronic consultation services, in a manner consistent with the process described in the Maine Revised Statutes, Title 22, section 3173-J, to determine whether the Medicare benchmark currently used to determine rates for these services is appropriate and to consider whether a different benchmark should be used to establish a revised rate for electronic consultation services. The department shall provide an opportunity for health care providers to participate in the review required by this section and shall complete its review and adopt rules establishing any recommended rate increase no later than July 1, 2024. For purposes of this resolve, "electronic consultation services" means interprofessional assessment and management services provided by a consultative physician or referral services provided by a treating or requesting physician or other qualified health care provider, delivered via telephone, the Internet or an electronic health record

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Sec. 2. Review of commercial insurance coverage for electronic consultation services. Resolved: That the Department of Professional and Financial Regulation, Bureau of Insurance shall conduct an examination of laws governing telehealth services and shall examine whether the law requires all commercial health plans to cover electronic consultation services and, if not, an analysis of the effect on premiums, if any, of requiring all health insurance policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State to provide coverage of electronic consultation services at rates no less than those currently paid by commercial health plans covering those services in this State. The bureau shall submit a report of its findings to the

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COMMITTEE AMENDMENT

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1 Joint Standing Committee on Health Coverage, Insurance and Financial Services no later
 2 than January 1, 2024 The committee may submit legislation related to the report to the
 3 Second Regular Session of the 131st Legislature

4 **Sec. 3. Appropriations and allocations. Resolved:** That the following
 5 appropriations and allocations are made

6 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**
 7 **Office of MaineCare Services 0129**

8 Initiative Provides one-time funding for the department to contract with a 3rd party to
 9 undertake an examination of the current MaineCare reimbursement rate for electronic
 10 consultation services to determine whether the Medicare benchmark currently used to
 11 determine rates for these services is appropriate and to consider whether a different
 12 percentage should be used as a benchmark in establishing a revised rate for the services

13	GENERAL FUND	2023-24	2024-25
14	All Other	\$66,050	\$0
15			
16	GENERAL FUND TOTAL	<u>\$66,050</u>	<u>\$0</u>

18	FEDERAL EXPENDITURES FUND	2023-24	2024-25
19	All Other	\$66,050	\$0
20			
21	FEDERAL EXPENDITURES FUND TOTAL	<u>\$66,050</u>	<u>\$0</u>

23	HEALTH AND HUMAN SERVICES,		
24	DEPARTMENT OF		
25	DEPARTMENT TOTALS	2023-24	2024-25
26			
27	GENERAL FUND	\$66,050	\$0
28	FEDERAL EXPENDITURES FUND	\$66,050	\$0
29			
30	DEPARTMENT TOTAL - ALL FUNDS	<u>\$132,100</u>	<u>\$0</u>

31 **PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**
 32 **Insurance - Bureau of 0092**

33 Initiative Provides one-time funding for the department to contract with a 3rd party to
 34 examine coverage of electronic consultation services by commercial health insurance
 35 carriers

36	OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
37	All Other	\$13,500	\$0
38			
39	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$13,500</u>	<u>\$0</u>

41 **PROFESSIONAL AND FINANCIAL**
 42 **REGULATION, DEPARTMENT OF**

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DEPARTMENT TOTALS	2023-24	2024-25
OTHER SPECIAL REVENUE FUNDS	\$13,500	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$13,500	\$0
SECTION TOTALS	2023-24	2024-25
GENERAL FUND	\$66,050	\$0
FEDERAL EXPENDITURES FUND	\$66,050	\$0
OTHER SPECIAL REVENUE FUNDS	\$13,500	\$0
SECTION TOTAL - ALL FUNDS	\$145,600	\$0

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively

SUMMARY

This resolve replaces the bill, which is a concept draft. It directs the Department of Health and Human Services to undertake a review of the current MaineCare reimbursement rate for electronic consultation services to determine whether the Medicare benchmark currently used to determine rates for these services is appropriate and to consider whether a different percentage should be used as a benchmark in establishing a revised rate for the services. It directs the department to complete its review and adopt rules establishing any recommended rate increase no later than July 1, 2024. The amendment also directs the Department of Professional and Financial Regulation, Bureau of Insurance to conduct an examination of the law governing telehealth services and examine whether the law requires all commercial health plans to cover electronic consultation services and, if not, an analysis of the effect on premiums, if any, of requiring all health insurance policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State to provide coverage of electronic consultation services at rates no less than those currently paid by commercial health plans covering those services in this State. It directs the bureau to submit a report of its findings to the Joint Standing Committee on Health Coverage, Insurance and Financial Services no later than January 1, 2024. The committee is authorized to submit legislation related to the report to the Second Regular Session of the 131st Legislature.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



131st MAINE LEGISLATURE

LD 361

LR 2015(02)

An Act to Increase the Reimbursement for Electronic Consultations Through Medicaid

Fiscal Note for Bill as Amended by Committee Amendment "A" (S 254)
Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	\$66,050	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$66,050	\$0	\$0	\$0
Federal Expenditures Fund	\$66,050	\$0	\$0	\$0
Other Special Revenue Funds	\$13,500	\$0	\$0	\$0
Revenue				
Federal Expenditures Fund	\$66,050	\$0	\$0	\$0

Fiscal Detail and Notes

The bill includes a one-time General Fund appropriation to the Department of Health and Human Services of \$66,050 in fiscal year 2023-24 to contract with a third-party to undertake an examination of the current MaineCare reimbursement rate for electronic consultation services to determine whether the Medicare benchmark currently used to determine rates for this service is appropriate and to consider whether a different percentage should be used as a benchmark in establishing a revised rate for the service. Federal Expenditures Fund allocations are also included in this bill for the FMAP match.

The bill includes a one-time Other Special Revenue Funds allocation to the Department of Professional and Financial Regulation, Bureau of Insurance of \$13,500 in fiscal year 2023-24 to contract with a third-party to examine the current law governing telehealth services and the coverage of electronic consultation services by commercial health insurance carriers in the State.