

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

L D 995

Date 6/9/23 Minority

(Filing No H-434)

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

Reproduced and distributed under the direction of the Clerk of the House

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "B" to H P 630, L D 995, "An Act to Provide Insurance Coverage for a Second Opinion If a Health Care Provider Recommends an Abortion for Health or Safety Reasons"

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

'An Act to Enhance Access to a Second Opinion for Health Care Services or Treatment Including an Abortion for Health or Safety Reasons'

Amend the bill by striking out everything after the enacting clause and inserting the following

'Sec. 1. 22 MRSA §1599-A, sub-§3 is enacted to read

3. Information related to 2nd opinion. Beginning January 1, 2024, a health care professional, as defined in section 1596, subsection 1, paragraph C, shall provide to a pregnant person information related to the right to a 2nd opinion from a health care provider of the person's choice when the health care professional has recommended consideration of an abortion due to the health or safety of the pregnant person or fetus. The health care professional shall provide the notice required by this subsection in writing and in a culturally and linguistically appropriate manner for the pregnant person, unless the pregnant person is unable to communicate and has not designated an authorized representative to receive the notice.

Sec. 2. 24-A MRSA §4303, sub-§25 is enacted to read

25. Second opinion. An enrollee in a health plan may not be required to obtain a 2nd opinion from a provider that practices in the same office location as the enrollee's provider. Notwithstanding any provision of this Title to the contrary, if the 2nd opinion is obtained from an out-of-network provider because a network provider is not available in accordance with section 4303, subsection 1 and Bureau of Insurance Rule Chapter 850 Health Plan Accountability, a carrier may not apply a deductible, coinsurance or copayment for the 2nd opinion in an amount greater than the deductible, coinsurance or copayment that would apply to the same health care service if the service were obtained from a network provider.

COMMITTEE AMENDMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

and the amount of any coinsurance or copayment must be applied to the enrollee's in-network deductible

Sec. 3. Application. The requirements of that section of this Act that enacts the Maine Revised Statutes, Title 24-A, section 4303, subsection 25 apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2024. For purposes of this Act, all policies, contracts and certificates are deemed to be renewed no later than the next yearly anniversary of the contract date.

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

SUMMARY

This amendment replaces the bill and changes the title. The amendment provides that an enrollee in a health plan may not be required to obtain a 2nd opinion from a provider that practices in the same office location as the enrollee's provider. The amendment also requires that, if the 2nd opinion is obtained from an out-of-network provider, a carrier may not apply a deductible, coinsurance or copayment for the 2nd opinion in an amount greater than the deductible, coinsurance or copayment that would apply to the same health care service if the service were obtained from a network provider, and the amount of any coinsurance or copayment must be applied to the enrollee's in-network deductible. The requirements apply to health plans issued or renewed on or after January 1, 2024.

Beginning January 1, 2024, the amendment also requires a health care professional to provide to a pregnant person information related to the right to a 2nd opinion from a health care provider of the person's choice when the health care professional has recommended consideration of an abortion due to the health or safety of the pregnant person or fetus.

FISCAL NOTE REQUIRED

(See attached)



131st MAINE LEGISLATURE

LD 995

LR 2188(03)

An Act to Provide Insurance Coverage for a Second Opinion If a Health Care Provider Recommends an Abortion for Health or Safety Reasons

Fiscal Note for Bill as Amended by Committee Amendment "B" (H-434)
Committee: Health Coverage, Insurance and Financial Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - All Funds

Fiscal Detail and Notes

- This bill requires that if a second opinion is obtained by an out-of-network provider, a health insurance carrier may not apply a deductible, coinsurance or copayment greater than the deductible, coinsurance or copayment applied if the second opinion was provided in-network and the amount of any coinsurance or copayment must apply to the in-network deductible. Additional costs to the State Employee Health Plan are expected to be minor and can be absorbed within existing budgeted resources.