

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1252

H.P. 800

House of Representatives, March 21, 2023

**An Act to Ensure Choices in Health Insurance Markets by Limiting
the Requirement to Offer Clear Choice Design Health Plans**

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 MORRIS of Turner.

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

2 **Sec. 1. 24-A MRSA §2793**, as amended by PL 2021, c. 361, §3, is further amended
3 to read:

4 **§2793. Clear choice designs**

5 The superintendent shall develop clear choice designs for individual health plans in
6 order to reduce consumer confusion and provide meaningful choices for consumers by
7 promoting a level playing field on which carriers compete on the basis of price and quality.

8 **1. Clear choice design.** For the purposes of this section, "clear choice design" means
9 a set of annual copayments, coinsurance and deductibles for all or a designated subset of
10 the essential health benefits. An individual health plan subject to section 2736-C ~~or a pooled~~
11 ~~market health plan subject to section 2792~~ must conform to one of the clear choice designs
12 developed pursuant to this section unless it is approved as an alternative plan under
13 subsection 4.

14 **2. Development of clear choice designs.** The superintendent shall develop clear
15 choice designs in consultation with working groups consisting of consumers, carriers,
16 health policy experts and other interested persons. The superintendent shall adopt rules for
17 clear choice designs, taking into consideration the ability of plans to conform to actuarial
18 value ranges, consumer needs and promotion of benefits with high value and return on
19 investment. The superintendent shall develop at least one clear choice design for each tier
20 of individual health ~~insurance~~ plan designated as bronze, silver, gold and platinum in
21 accordance with the federal Affordable Care Act. Rules adopted pursuant to this subsection
22 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Clear choice
23 designs apply only to ~~all~~ individual health plans offered in this State with effective dates of
24 coverage on or after January 1, 2022 ~~and to all small group health plans offered through~~
25 ~~the pooled market under section 2792~~ through the federally facilitated marketplace
26 pursuant to the federal Affordable Care Act or the Maine Health Insurance Marketplace
27 established in Title 22, section 5403.

28 **3. Annual review.** The superintendent shall consider annually whether to revise,
29 discontinue or add any clear choice designs for use by carriers in the following calendar
30 year, including but not limited to considering whether deductible and copayment levels
31 should be changed to reflect medical inflation and conform with actuarial value and annual
32 maximum out-of-pocket limits.

33 **4. Alternative plan designs.** In addition to one or more health plans that include cost-
34 sharing parameters consistent with a clear choice design developed pursuant to this section,
35 a carrier may offer ~~up to 3~~ health plan designs that modify one or more specific cost-sharing
36 parameters in a clear choice design if the carrier submits an actuarial certification to the
37 satisfaction of the superintendent that the alternative plan design offers significant
38 consumer benefits and does not result in adverse selection. An alternative plan design may
39 be offered only in a service area where the carrier offers at least one clear choice design
40 plan at the same tier.

41 **SUMMARY**

42 This bill limits the requirement for health insurance carriers to offer so-called clear
43 choice design plans to individual health plans offered through the federally facilitated

1 marketplace pursuant to the federal Patient Protection and Affordable Care Act or the
2 Maine Health Insurance Marketplace. The bill also expands the ability of carriers to offer
3 alternative plans to a clear choice design plan.