

MAINE STATE LEGISLATURE

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Date: 4/11/24

(Filing No. S-693)

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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

STATE OF MAINE

SENATE

131ST LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 889, L.D. 2096, "An Act to Ensure Access to Nonopioid, Nonnarcotic Medication for Acute Pain Relief"

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

'An Act to Ensure Access to Pain Management Services in Health Insurance Plans'

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

'Sec. 1. 24-A MRSA §4311-A is enacted to read:

§4311-A. Access to pain management services

1. Access to pain management services. A carrier shall develop a plan to provide adequate coverage of and access to a broad spectrum of pain management services, including, but not limited to, nonopioid, nonnarcotic medication for pain management and nonmedication pain management services that serve as alternatives to the prescribing of opioid or narcotic drugs in accordance with guidelines developed by the bureau.

2. Approval by bureau. A carrier shall file a plan required under subsection 1 with the bureau for approval. In its review, the bureau shall consider the adequacy of access to a broad spectrum of pain management services under the plan and whether any policies adopted by the carrier may create unduly preferential coverage of and access to prescribed opioids for pain management without consideration of other pain management services.

3. Information for enrollees. A carrier shall distribute educational materials to network providers about a pain management access plan under subsection 1 and post information about the pain management access plan on the carrier's publicly accessible website.

Sec. 2. Application. This Act applies to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in the State on or after January 1, 2026. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

COMMITTEE AMENDMENT

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Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

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

Initiative: Provides a one-time allocation for a consultant to develop guidance on pain management plans.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$25,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$25,000

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 requires health insurance carriers to develop a plan to provide adequate coverage and access to a broad spectrum of pain management services, including, but not limited to, nonopioid, nonnarcotic pain management services and nonmedication pain management services that serve as alternatives to the prescribing of opioid or narcotic medication. Carriers are required to file their plans with the Bureau of Insurance for approval. The bureau must consider the adequacy of access to a broad spectrum of pain management services under a carrier's plan and whether any policies adopted by the carrier may create unduly preferential coverage of and access to prescribed opioids for pain management without consideration of other pain management services. The amendment requires a carrier to distribute educational materials to network providers about the carrier's pain management access plan and to post information about the carrier's pain management access plan on the carrier's publicly accessible website. The requirements apply to health plans issued or renewed on or after January 1, 2026.

The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED
(See attached)



131st MAINE LEGISLATURE

LD 2096

LR 2904(02)

An Act to Ensure Access to Nonopioid, Nonnarcotic Medication for Acute Pain Relief

Fiscal Note for Bill as Amended by Committee Amendment "A/S-693)"
Committee: Health Coverage, Insurance and Financial Services
Fiscal Note Required: Yes

Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$25,000	\$0	\$0

Fiscal Detail and Notes

The bill includes an Other Special Revenue Funds allocation to the Department of Professional and Financial Regulation of \$25,000 in fiscal year 2024-25 for a consultant to develop guidance on pain management plans.

Any additional costs to the State Employee Health Plan from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.