

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

include employees who work on a temporary or substitute basis. An employer may elect to treat as eligible employees part-time employees who work a normal work week of 10 hours or more as long as at least one employee works a normal work week of 30 hours or more. An employer may elect to treat as eligible employees employees who retire from the employer's employment.

## PART Q

**Sec. Q-1. 24-A MRSA §4202-A, sub-§12-A** is enacted to read:

**12-A. NCQA accreditation survey report.** "NCQA accreditation survey report" means the unpublished, detailed survey report to a health maintenance organization by the National Committee for Quality Assurance upon completion of NCQA's accreditation survey of the health maintenance organization.

**Sec. Q-2. 24-A MRSA §4245** is enacted to read:

### **§4245. NCQA accreditation survey report**

**1. Access and confidentiality.** The superintendent or the Commissioner of Human Services may require a health maintenance organization to submit its NCQA accreditation survey report. An NCQA accreditation survey report obtained by or submitted to the superintendent or the Commissioner of Human Services is confidential, is not subject to subpoena and may not be made public by the superintendent or the Commissioner of Human Services except as otherwise provided in this section.

**2. Use in examination.** In conducting an examination of a health maintenance organization pursuant to section 4215, the superintendent or the Commissioner of Human Services has the discretion to adopt relevant findings in the NCQA accreditation survey report in whole or in part as the examiner's conclusions, if the examiner determines that the NCQA survey, by itself or in combination with the examiner's own findings, sufficiently demonstrates that the health maintenance organization has satisfied the pertinent requirements of this chapter. If the NCQA accreditation survey report indicates that the health maintenance organization may not be in compliance with one or more requirements of this chapter, the examiner may investigate and make independent findings.

**3. Examination report.** The information from the NCQA accreditation survey report that sufficiently demonstrates that the health maintenance organization has satisfied the pertinent requirements of this section as adopted by the superintendent or the Commissioner of Human Services pursuant to subsection 2 may be

incorporated into an examination report, which is a public record except for any information relating to an individual applicant or enrollee.

### **4. Use of information for regulatory purposes.**

The confidentiality of the NCQA accreditation survey report does not prohibit its use by the superintendent or the Commissioner of Human Services for regulatory or law enforcement purposes subject to the restrictions of section 216, subsection 5 and section 226, subsection 7.

## PART R

**Sec. R-1. 24-A MRSA §6603, sub-§1, ¶H,** as enacted by PL 1993, c. 688, §1, is amended to read:

H. May issue only health care benefit plans that comply with the requirements of section 2808-B with regard to rating practices, coverage for late enrollees and guaranteed renewal and ~~must provide health care benefits that meet the requirements for~~ offer the standard and basic plans as adopted by the Bureau of Insurance in Rule Chapter 750. The superintendent may waive the requirement to offer standard and basic plans for an arrangement that provides benefits only to members of an association meeting the requirements of section 2805-A. An arrangement may not provide health care benefits that do not meet or exceed the requirements for the basic plan.

See title page for effective date.

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## CHAPTER 257

### S.P. 398 - L.D. 1189

### **An Act to Ensure Adequate Funding of Certain Public Safety Programs of Occupational or Professional Licensure Boards**

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

**Sec. 1. 32 MRSA §3652, first and 2nd ¶¶,** as amended by PL 1993, c. 600, Pt. A, §245, are further amended to read:

An applicant for an examination for a license to practice podiatry shall pay, at the time of filing an application, to the board a license application fee of not more than \$200, a license fee of not more than \$600, plus actual cost of examination administration as set by the board. If the application is denied and examination refused, 1/2 of the application fee and all of the license fee must be returned to the applicant. An applicant who fails to pass an examination is entitled to a reexamination within 6 months upon the

payment of an additional \$50, but only 2 such reexaminations are permitted. Podiatrists licensed in another state and applying for a license to practice in this State without examination shall pay a an application fee of not more than \$200 and a license fee of not more than \$600.

A doctor of podiatric medicine licensed to practice podiatric medicine and surgery within this State shall apply, on or before August 1, 1993 and on or before July 1st of every year after August 1, 1993, to the board for a license renewal on a form furnished by the board and pay a renewal fee of ~~not more than \$200~~ \$600.

**Sec. 2. 32 MRSA §3654, first ¶,** as repealed and replaced by PL 1993, c. 600, Pt. A, §247, is repealed.

**Sec. 3. 32 MRSA §3654, 2nd ¶,** as repealed and replaced by PL 1993, c. 600, Pt. A, §247, is amended to read:

Beginning July 1, 1995, the board may issue a license to practice podiatry by endorsement to an applicant who has successfully passed the written examination of another state or of a national certifying agency in podiatry recognized by the board if the written examination of the other state or national certifying agency was, in the opinion of the board, equivalent to its own examination and if the applicant satisfies in all other respects the requirements for licensure in section 3651-A. An applicant for licensure by endorsement who graduated after January 1, 1991 from podiatric medical school under section 3651-A shall provide the board evidence of satisfactory completion of at least one year of postgraduate clinical training in a podiatric residency training program under section 3651-A. The application to the board must be accompanied by an application fee of not more than \$200 and a license fee of not more than \$600.

**Sec. 4. 32 MRSA §9909, sub-§1,** as amended by PL 1991, c. 509, §33, is further amended to read:

**1. Renewal.** A license expires ~~biennially annually on December 31st or on such other date as the commissioner may determine~~ September 30th. Notice of expiration must be mailed to each licensee's last known address at least 30 days in advance of the expiration of the license. The notice must include any requests for information necessary for renewal.

Licenses may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the licensing renewal date is subject to all requirements governing new applicants under this chapter. In

addition, the board may assess penalties for renewals more than 90 days after expiration.

**Sec. 5. 32 MRSA §9911, sub-§1,** as amended by PL 1995, c. 502, Pt. H, §41, is further amended to read:

**1. Amount.** Application fees may be established by the board in amounts that are reasonable and necessary. Licensing fees may not exceed the following amounts:

A. For an original dietitian's or dietetic technician's license, ~~\$160~~ \$200;

B. For a renewal dietitian's or dietetic technician's license, ~~\$160~~ \$200; or

C. For a temporary dietitian's or dietetic technician's license, ~~\$50~~ \$100.

**Sec. 6. 32 MRSA §12514, sub-§2,** as enacted by PL 1995, c. 671, §13, is amended to read:

**2. Licensure.** The initial license fee is established by the board and may not exceed ~~\$200~~ \$675 annually.

**Sec. 7. 32 MRSA §12526, sub-§1,** as enacted by PL 1995, c. 671, §13, is amended to read:

**1. Fees.** Applications for licensing and specialty certification must be on forms prescribed and furnished by the board. The application fee is set by the board by rule and is nonrefundable. An initial license fee must be established by the board in an amount not to exceed ~~\$300~~ \$675. A specialty certification fee must be established by the board in an amount not to exceed \$50 annually.

See title page for effective date.

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## CHAPTER 258

H.P. 1248 - L.D. 1777

### An Act to Update the Laws Concerning Prearranged Funerals

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

**Sec. 1. 24-A MRSA §2176,** as amended by PL 1991, c. 885, Pt. E, §27 and affected by §47, is further amended to read:

**§2176. Funeral and burial service contracts prohibited**

~~No~~ An insurer may not contract or agree with any funeral director, funeral establishment, mortuary