

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

States Department of Health and Human Services, Food and Drug Administration. For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between January 1, 2023 and December 31, 2023, the maximum rate differential due to tobacco use filed by the carrier as determined by ratio is 1.25 to 1, except that the carrier may not apply a rate differential pursuant to this subparagraph when the covered individual is participating in an evidence-based tobacco cessation strategy approved by the United States Department of Health and Human Services, Food and Drug Administration. For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2024, a carrier may not vary the premium rate due to tobacco use.

Sec. 2. 24-A MRSA §2808-B, sub-§2, ¶D, as amended by PL 2019, c. 5, Pt. A, §11, is further amended by amending subparagraph (9) to read:

(9) For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State ~~on or after~~ between October 1, 2011 and December 31, 2022, the maximum rate differential due to tobacco use filed by the carrier as determined by ratio is 1.5 to 1, except that the carrier may not apply a rate differential pursuant to this subparagraph when the covered individual is participating in an evidence-based tobacco cessation strategy approved by the United States Department of Health and Human Services, Food and Drug Administration. For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State between January 1, 2023 and December 31, 2023, the maximum rate differential due to tobacco use filed by the carrier as determined by ratio is 1.25 to 1, except that the carrier may not apply a rate differential pursuant to this subparagraph when the covered individual is participating in an evidence-based tobacco cessation strategy approved by the United States Department of Health and Human Services, Food and Drug Administration. For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2024, a carrier may not vary the premium rate due to tobacco use.

See title page for effective date.

**CHAPTER 345
S.P. 420 - L.D. 1268**

**An Act To Provide Greater
Access to Treatment for
Serious Mental Illness by
Restricting Prescription Drug
Utilization Management by an
Insurance Carrier**

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

Sec. 1. 24-A MRSA §4304, sub-§2-C is enacted to read:

2-C. Prior authorization of prescription drugs used for assessment and treatment of serious mental illness. Notwithstanding any requirement of this section to the contrary, a carrier shall approve a prior authorization request for medication on the carrier's prescription drug formulary that is prescribed to assess or treat an enrollee's serious mental illness. For the purposes of this subsection, "serious mental illness" means a mental disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, that results in serious functional impairment that substantially interferes with or limits one or more major life activities. The superintendent may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 24-A MRSA §4320-N, sub-§1, ¶D-1 is enacted to read:

D-1. "Serious mental illness" means a mental disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, that results in serious functional impairment that substantially interferes with or limits one or more major life activities.

Sec. 3. 24-A MRSA §4320-N, sub-§6, ¶B, as enacted by PL 2019, c. 295, §1 and reallocated by RR 2019, c. 1, Pt. A, §26, is amended by amending subparagraph (4) to read:

(4) The required prescription drug is not in the best interest of the enrollee, based on medical necessity; ~~or~~

Sec. 4. 24-A MRSA §4320-N, sub-§6, ¶B, as enacted by PL 2019, c. 295, §1 and reallocated by RR 2019, c. 1, Pt. A, §26, is amended by amending subparagraph (5) to read:

(5) The enrollee is stable on a prescription drug selected by the enrollee's health care pro-

vider for the medical condition under consideration while on a current or previous health insurance or health plan; or

Sec. 5. 24-A MRSA §4320-N, sub-§6, ¶B, as enacted by PL 2019, c. 295, §1 and reallocated by RR 2019, c. 1, Pt. A, §26, is amended by enacting a new subparagraph (6) to read:

(6) The prescription drug selected by the enrollee's health care provider is intended to assess or treat the enrollee's serious mental illness.

Sec. 6. Application. The requirements of this Act apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2022. For the purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

**CHAPTER 346
H.P. 979 - L.D. 1327**

**An Act To Create the Maine
Health Care Provider Loan
Repayment Program**

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

Sec. 1. 5 MRSA §12004-I, sub-§18-G is enacted to read:

18-G.

Education:	Maine Health Care	Not Authorized	20-A
Financial	Provider Loan		MRSA
Aid	Repayment Program		§12955
	Advisory Committee		

Sec. 2. 20-A MRSA c. 441 is enacted to read:

CHAPTER 441

**MAINE HEALTH CARE PROVIDER LOAN
REPAYMENT PROGRAM**

§12951. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Advisory committee. "Advisory committee" means the Maine Health Care Provider Loan Repayment Program Advisory Committee established in Title 5, section 12004-I, subsection 18-G.

2. Authority. "Authority" means the Finance Authority of Maine.

3. Direct care worker. "Direct care worker" means an individual who by virtue of employment generally provides to individuals direct contact assistance with personal care or activities of daily living or has direct access to provide care and services to clients, patients or residents regardless of setting. "Direct care worker" does not include a certified nursing assistant employed in that person's capacity as a certified nursing assistant.

4. Eligible student loan. "Eligible student loan" means a student loan obtained as a result of preparation for a health care profession as determined by the authority by rule.

5. Fund. "Fund" means the Maine Health Care Provider Loan Repayment Program Fund established in section 12953.

6. Health care provider. "Health care provider" means a person licensed or certified by this State as a medical, dental or behavioral health practitioner and performing within the scope of the person's practice as defined by state law or a person with a professionally recognized medical, dental or behavioral health credential.

7. Program. "Program" means the Maine Health Care Provider Loan Repayment Program established in section 12952.

8. Underserved area. "Underserved area" means an area in the State that is a health professional shortage area or medically underserved area or that contains a medically underserved population, as those terms are defined by the federal Department of Health and Human Services, Health Resources and Services Administration.

§12952. Maine Health Care Provider Loan Repayment Program established

The Maine Health Care Provider Loan Repayment Program is established within the Finance Authority of Maine for the purpose of increasing the number of health care providers practicing in the State.

§12953. Maine Health Care Provider Loan Repayment Program Fund

1. Fund created. The Maine Health Care Provider Loan Repayment Program Fund is established in the authority as a nonlapsing, interest-earning, revolving fund to carry out the purposes of this chapter. The fund consists of any funds appropriated, allocated or contributed from private or public sources, including from state and federal sources, and any existing funding for authority programs that, at the discretion of the authority, may be combined with the program. The funds, to be accounted within the authority, must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund. Any unexpended balances remaining in the fund at the end of any