

# 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 electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON INSURANCE AND  
FINANCIAL SERVICES**

October 2018

**MEMBERS:**

SEN. RODNEY L. WHITTEMORE, CHAIR  
SEN. DANA L. DOW  
SEN. EVERETT BROWNIE CARSON

REP. MARK W. LAWRENCE, CHAIR  
REP. HEIDI E. BROOKS  
REP. GINA M. MELARAGNO  
REP. BENJAMIN T. COLLINGS  
REP. HEATHER B. SANBORN  
REP. RAYMOND A. WALLACE  
REP. JOHN JOSEPH PICCHIOTTI  
REP. ROBERT A. FOLEY  
REP. DWAYNE W. PRESCOTT  
REP. GARREL ROBERT CRAIG

**STAFF:**

COLLEEN MCCARTHY REID, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
<http://legislature.maine.gov/opla/>

# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER*..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE*..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT*..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128<sup>th</sup> Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

## *Joint Standing Committee on Insurance and Financial Services*

of concerns about safety. The law defines "adverse change to a formulary" as a change that removes a drug currently prescribed for that enrollee from the formulary applicable to the enrollee's health plan or a change that moves the prescribed drug to a tier with a higher cost-sharing requirement if the carrier uses a formulary with tiers.

2. It requires a carrier to provide an enrollee with notice of the enrollee's right to request an exception to a formulary limitation when a prescription drug is removed from the formulary and to provide a form for an enrollee to use to make an exception request.
3. It requires a carrier to honor any prior authorization for a drug that has been removed from a formulary until the approval expires, as long as the enrollee retains coverage under the same plan.
4. It provides that when a drug is removed from a formulary and if an exception request is submitted prior to the effective date of the change, a carrier shall continue to provide coverage for that drug until the carrier has rendered a decision on an enrollee's request for an exception to the formulary limitation. This requirement does not apply to drugs removed from the formulary because of concerns about safety.
5. It provides that the requirements apply to all individual and group health insurance policies and contracts issued or renewed on or after January 1, 2019.

Part B of the law requires any carrier as determined by the Department of Professional and Financial Regulation, Bureau of Insurance to report on any prescription drug formulary changes made in calendar year 2019 to the Bureau of Insurance no later than 30 days following the end of each quarter. The report must include a list of formulary changes made by the carrier; the prescription drugs affected by each formulary change by name and manufacturer; the number of enrollees affected by each formulary change; the expected impact of each formulary change on the cost sharing for affected enrollees; the reasons for each formulary change; the number of exception requests made by enrollees with regard to each formulary change; and the number of exception requests granted, denied or withdrawn with regard to each formulary change. The Bureau of Insurance is required to compile this data for all carriers required by the bureau to report and submit a report to the Legislature no later than 60 days following the end of each quarter. The joint standing committee of the Legislature having jurisdiction over insurance and financial services matters is authorized to report out a bill to any regular or special session of the 129th Legislature. Part B also requires the state employee health insurance program to report the same information.

### **LD 968**      **An Act To Help Prevent Financial Elder Abuse**

**PUBLIC 390**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGSTAFF T CARPENTER M	OTP-AM	H-599

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill requires the form for opening a joint account at a financial institution to have for each party to the account the question, "Do you intend for the sum remaining upon your death to belong to the surviving party or parties? Yes No." Each party to the joint account must answer the question in writing on the form prior to opening the account.

#### **Committee Amendment "A" (H-599)**

This amendment replaces the bill. The amendment retains the provisions of the bill. The amendment, however, moves the provisions to a more appropriate place in the Maine Revised Statutes, Title 9-B and adds language to clarify that answers provided on the form for opening a multiple-party account do not have any effect on any legal presumptions or inferences in any civil or criminal matter.

The amendment also clarifies that the provisions apply to multiple-party accounts established or to single-party

## *Joint Standing Committee on Insurance and Financial Services*

accounts changed to multiple-party accounts after January 1, 2019.

### **Enacted Law Summary**

Public Law 2017, chapter 390 requires the form for opening a multiple-party account at a financial institution to have for each party to the account the question, "Do you intend for the sum remaining upon your death to belong to the surviving party or parties? Yes No." Each party to the account must answer the question in writing on the form prior to opening the account. The law includes language to clarify that the answers provided on the form for opening a multiple-party account do not have any effect on any legal presumptions or inferences in any civil or criminal matter.

The provisions of Public Law 2017, chapter 390 apply to multiple-party accounts established or to single-party accounts changed to multiple-party accounts after January 1, 2019.

### **LD 1030 An Act To Require Health Insurance Coverage for Covered Services Provided by Naturopathic Doctors**

**PUBLIC 340**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J CASAS O	OTP-AM	S-363

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill prohibits health insurance carriers, automobile insurers and workers' compensation insurers from discriminating against health care providers who are licensed, registered or certified by the State in providing covered services as long as the providers are acting within the scope of their licenses, registrations or certifications. The bill also prohibits certain practices that may limit implementation of nondiscrimination policies.

### **Committee Amendment "A" (S-363)**

This amendment replaces the bill and changes the title. The amendment requires coverage for services provided by licensed naturopathic doctors if those services are within the scope of the license and would be reimbursed if the services were provided by other licensed providers. The amendment also prohibits carriers from excluding a naturopathic doctor from their networks as long as the naturopathic doctor is willing to meet the same terms and conditions as other participating providers.

The requirements apply to all individual and group policies and contracts issued or renewed on or after January 1, 2019.

### **Enacted Law Summary**

Public Law 2017, chapter 340 requires health insurance carriers to cover services provided by licensed naturopathic doctors if those services are within the scope of the naturopathic doctors' license and would be reimbursed if the services were provided by other licensed providers. The law also prohibits carriers from excluding a naturopathic doctor from their provider networks as long as the naturopathic doctor is willing to meet the same terms and conditions as other participating providers.

The requirements of Public Law 2017, chapter 340 apply to all individual and group policies and contracts issued or renewed on or after January 1, 2019.