

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON HEALTH COVERAGE,
INSURANCE AND FINANCIAL SERVICES**

August 2019

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 129th 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 date for non-emergency legislation enacted in the First Regular Session of the 129th Legislature is Thursday, September 19, 2019. 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 Health Coverage, Insurance and Financial Services

borrowers; compiling and analyzing student loan borrower data; assisting student loan borrowers to understand their rights and responsibilities; providing information to the public, agencies and Legislators regarding concerns of student loan borrowers and making recommendations to resolve them; analyzing and monitoring the development and implementation of other legislation and policies that affect student loan borrowers and recommending necessary changes; reviewing student education loan history for borrowers who consent; disseminating information about the ombudsman's availability to assist others; seek the assistance of financial institutions or the Finance Authority of Maine in the resolution of student loan borrower complaints; and other necessary actions.

2. It requires the superintendent to submit an annual report by January 1st of each year in regard to the effectiveness of the student loan ombudsman and to recommend additional steps necessary to gain regulatory control over licensing and enforcement with respect to student loan servicers.

3. It establishes a licensing procedure for student loan servicers, which includes an investigation of an applicant, along with a license fee and an investigation fee and requires the costs of the investigation to be paid by the licensee or person being investigated. A license is required for each physical location where a student loan servicer does business. It authorizes the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection to require student loan servicers to file license applications electronically and to use the nationwide mortgage loan servicer licensing system and registry.

4. It authorizes the automatic licensure of student loan servicers under contract with the federal Department of Education.

5. It exempts from the student loan servicer requirements imposed by the law most financial institutions licensed by the State, including licensed banks and credit unions, supervised financial organizations, Maine financial institutions and mutual holding companies whose home state is Maine and the Finance Authority of Maine. Those exempt organizations are required to work with the student loan ombudsman to resolve student loan borrower complaints and provide information as requested by the ombudsman.

6. It requires student loan servicers to comply with all applicable federal laws and regulations related to student education loan servicing. It also identifies prohibited acts for student loan servicers, including employing any scheme, device or artifice to defraud or mislead student loan borrowers.

LD 1009

An Act To Provide Protections for Maine Patients Facing Step Therapy

PUBLIC 295

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C SANBORN H	OTP-AM	H-432

This bill requires health insurance carriers to establish a process for prescription drug step therapy exceptions.

Committee Amendment "A" (H-432)

This amendment conforms the timeline for responding to a request for a step therapy override exception determination with the existing timeline for prior authorization requests. The amendment clarifies the meaning of exigent circumstances and makes clear that a carrier is required to continue to provide access to the prescription drug subject to step therapy protocol during the consideration of a request for a step therapy override exception determination. The amendment also adds a definition of "stable on a prescription drug" and clarifies that the provisions do not prevent a carrier from requiring an enrollee to try an interchangeable biological product. The amendment also changes the allocation of a new section of the statutory provision to avoid a numbering problem.

Enacted Law Summary

Joint Standing Committee on Health Coverage, Insurance and Financial Services

Public Law 2019, chapter 295 requires health insurance carriers to establish a process for prescription drug step therapy exceptions. The law conforms the timeline for responding to a request for a step therapy override exception determination with the existing timeline for prior authorization requests. The law clarifies the meaning of exigent circumstances and makes clear that a carrier is required to continue to provide access to the prescription drug subject to step therapy protocol during the consideration of a request for a step therapy override exception determination.

Public Law 2019, chapter 295 applies to health plans issued or renewed by health insurance carriers on or after January 1, 2020.

LD 1025 An Act To Prohibit the Provision of Conversion Therapy to Minors by Certain Licensed Professionals

PUBLIC 165

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R SANBORN L	OTP-AM OTP-AM	H-213

This bill does the following.

1. It defines "conversion therapy" as any practice or course of treatment that seeks or purports to change an individual's sexual orientation or gender identity, except for any practice or treatment that assists an individual undergoing a gender transition; any practice or treatment that provides acceptance, support and understanding to an individual; and any practice or treatment that facilitates an individual's coping, social support or identity exploration and development, including any therapeutic intervention that is neutral with regard to sexual orientation or gender identity, and that seeks to prevent or address unlawful conduct or unsafe sexual practices, as long as the counseling does not seek to change the individual's sexual orientation or gender identity.
2. It prohibits certified school psychologists and guidance counselors, nurses, doctors, physician assistants, psychologists, psychological examiners, alcohol and drug counselors and aides, social workers, pharmacists and pharmacy technicians, professional counselors, marriage and family therapists, pastoral counselors, speech-language pathologists and assistants and audiologists from advertising, offering or administering conversion therapy to individuals under 18 years of age. Advertising, offering or administering conversion therapy to an individual under 18 years of age in violation of this prohibition is grounds for discipline of the professional by the department or board that issued the professional's license, certification or registration, including but not limited to suspension or revocation of the license, certification or registration.
3. It prohibits MaineCare reimbursement for conversion therapy administered to an individual who is under 18 years of age.
4. It includes a statement of legislative findings and intent.

Committee Amendment "A" (H-213)

This amendment is the majority report of the committee. The amendment clarifies the definition of "conversion therapy." The bill provides that evidence that a certified school psychologist or guidance counselor has advertised, offered or administered conversion therapy to a child within the last 5 years is grounds for discipline; the amendment retains this provision but removes the 5-year limitation. The amendment also removes a similar 5-year limitation added by the bill to the current law that provides that evidence that an applicant for such a certification has injured the health or welfare of a child through abuse or exploitation is grounds for a denial of the certification. The amendment also adds an additional finding and makes other clarifying changes to the legislative findings and intent section.