

MAINE STATE LEGISLATURE

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STATE OF MAINE
130TH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

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

December 2021

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

LD 1036 An Act To Allow a State Employee To Use a Federal Military Health Insurance Program and Reenroll upon Retirement in the State's Group Health Plan

ENACTED LAW SUMMARY

Public Law 2021, chapter 341 authorizes a person participating in the State's group health plan who becomes eligible for coverage through the federal military health insurance program to decline coverage under the state's group health plan and reenroll in the plan at a later date. The law clarifies that the person remains eligible for coverage under the State's group health plan as a retiree and applies similar conditions for reenrollment that currently apply to certain retirees eligible to reenroll in coverage.

LD 1045 An Act To Support Universal Health Care

ENACTED LAW SUMMARY

Public Law 2021, chapter 391 establishes the Maine Health Care Plan to provide for all medically necessary health care services for all residents of this State and establishes the Maine Health Care Board to oversee planning and implementation of the plan. The law provides that the effective date of the legislation is contingent on the enactment of federal law authorizing a state to obtain a waiver to establish a state-based universal health care plan and to receive federal financing for that plan. The law requires that members of the board be appointed by the Governor within 60 days of the effective date.

The plan must be designed by the Maine Health Care Board in accordance with any requirements of federal law and may not be implemented until the State obtains a waiver for a state-based universal health care plan and receives federal financing to support the implementation of such a plan and until legislation is enacted to establish requirements for benefits under the plan; eligibility for the plan; provider participation and payments; and financing for the plan. Upon federal approval of a waiver or, if required by federal law or regulation, prior to submission of a waiver application, the law requires the board to make recommendations for legislation and directs the joint standing committee of the Legislature having jurisdiction over health coverage matters to report out legislation based on the board's recommendations to any regular or special session of the Legislature.

LD 1115 An Act To Improve Access to HIV Prevention Medications

ENACTED LAW SUMMARY

Public Law 2021, chapter 265 makes the following changes to improve access to HIV prevention drugs.

The law requires that any drug formulary used in the MaineCare program must ensure that HIV prevention drugs are available to members covered by MaineCare.

**JOINT STANDING COMMITTEE ON HEALTH COVERAGE,
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The law requires health insurance carriers to provide coverage for an enrollee for HIV prevention drugs that have been determined to be medically necessary by a health care provider. Health insurance carriers are not required to cover all of the drugs approved by the federal Food and Drug Administration for HIV prevention as long as the carrier covers at least one approved drug for each method of administration with no out-of-pocket cost to the enrollee. Carriers are also required to provide coverage with no out-of-pocket cost for laboratory testing related to the ongoing monitoring of an enrollee taking an HIV prevention drug.

The law prohibits a carrier from imposing prior authorization or step therapy requirements on any HIV prevention drug, except that, if the federal Food and Drug Administration has approved one or more methods of administering HIV prevention drugs, a carrier is not required to cover all of the approved drugs without step therapy or prior authorization requirements as long as the carrier covers at least one approved drug for each method of administration without prior authorization or step therapy requirements. If step therapy or prior authorization requirements are met with regard to a particular HIV prevention drug, the carrier is required to cover that drug with no out-of-pocket cost to the enrollee. The requirements with regard to health insurance carriers apply to health plans issued or renewed on or after January 1, 2022.

The law also authorizes a pharmacist to prescribe, dispense and administer HIV prevention drugs pursuant to a standing order or collaborative practice agreement or when there is no prescription drug order from a health care provider, subject to rules and protocols adopted by the board.

LD 1141 An Act To Amend the Service Contracts Act To Include the Replacement of Motor Vehicle Keys and Key Fobs and Damage to a Motor Vehicle That Results in Lease-end or Other Charges for Excessive Wear and Use

ENACTED LAW SUMMARY

Public Law 2021, chapter 128 amends the laws governing service contracts to include the replacement of motor vehicle keys and key fobs and damage to a motor vehicle that results in lease-end or other charges for excessive wear and use under a motor vehicle lease.

LD 1150 An Act To Phase Out Insurance Rating Based on Smoking History

ENACTED LAW SUMMARY

Public Law 2021, chapter 344 reduces the maximum rating differential due to tobacco use that may be used by carriers to determine individual and small group health insurance premiums to 1.25 to 1 for plan year 2023 and prohibits rating due to tobacco use in plan year 2024 and thereafter. Under current law, the maximum rate differential due to tobacco use is 1.5 to 1.