

MAINE STATE LEGISLATURE

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STATE OF MAINE
131ST 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**

October 2023

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**LEGISLATIVE DIGEST OF BILLS AND
SUMMARIES OF ENACTED LAWS**

This *Legislative Digest of Bills and Summaries of Enacted Laws* provides the disposition of all LDs and summaries of all laws enacted or finally passed during the First Regular and First Special Sessions of the 131st Maine Legislature. Please note that all LDs and proposed amendments may be found through the Legislature’s webpage, and each includes a summary of what the bill or amendment proposed.

The *Legislative Digest of Bills and Summaries of Enacted Laws* is arranged alphabetically by committee. Within each committee section is a subject index of all LDs considered by that committee as well as a digest of the LDs, arranged by LD number. Also included are enacted law summaries of the LDs enacted or finally passed. Brief analyst notes on certain LDs are also included: a committee digest will indicate if additional notes are provided for an LD. These notes add information staff found useful and may provide useful information to users of this *Digest*; please note that most LDs do not have a note and lack of a note should not be interpreted as having any significance. A separate section of the *Digest* provides a digest of the relatively few LDs that were not referred to a committee or reported from a committee as a committee bill; enacted law summaries of the LDs enacted or finally passed are provided. Finally, an appendix provides a summary of relevant session statistics.

The final disposition of each LD is noted in the relevant summary digest and index. 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 and First Special Sessions of the 131st Legislature is Thursday, June 29, 2023 and Wednesday, October 25, 2023, respectively. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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that the assets of the members of the group self-insurance reinsurance account must be available to satisfy the obligations of the fronting company if the assets of the group self-insurer are inadequate to cover the obligations of the fronting company.

Public Law 2023, chapter 393 clarifies that the requirements of the Maine Insurance Code and rules adopted under the Insurance Code do not apply to a fronting company except to the extent that those provisions and rules are consistent with the requirements set forth in this law and any rules for fronting companies adopted by the Superintendent of Insurance pursuant to this law. No later than January 1, 2024, the Superintendent of Insurance must provisionally adopt major substantive rules to implement the requirements.

The law also provides that beginning June 1, 2029 a group self-insurer or group self-insurance reinsurance account may only administer and handle claims for an employer member through a fronting arrangement in place prior to June 1, 2029.

LD 1373 An Act to Allow Employers to Shop for Competitive Health Plan Options by Expanding the Disclosure of Health Claims Information

ENACTED LAW SUMMARY

Public Law 2023, chapter 297 expands the scope of loss information that must be provided to an employer to facilitate the employer's shopping for group health insurance coverage, including disclosure of a minimum of 24 months of claims data, to the extent possible, including aggregate claims and loss ratio by month with the total medical and pharmacy claims provided separately, and information related to high-cost claimants when there are more than 25 enrollees covered under the group policy.

The law authorizes an insurer receiving an information request to transmit high-cost claimant data directly to another insurer or underwriter, or to a contractor or producer that has signed a business associate agreement that is in accordance with federal regulations, for the purpose of securing quotes, developing actuarial reports, facilitating claim management or other activities related to quoting or managing the group health plan sponsored by the requesting group policyholder.

LD 1383 An Act to Regulate Insurance Carrier Prior Authorization Requirements for Rehabilitative and Habilitative Services

ENACTED LAW SUMMARY

Public Law 2023, chapter 275 requires a health insurance carrier to provide clear written policies and procedures to health care providers and enrollees on how to obtain a prior authorization.

The law also prohibits a carrier from requiring prior authorization for rehabilitative or habilitative services, including, but not limited to, physical therapy services, occupational therapy services or

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chiropractic services, for the first 12 visits of each new episode of care. The prior authorization provision does not limit the right of a carrier to deny a claim when appropriate prospective or retrospective review concludes that services or treatment rendered were not medically necessary.

LD 1395 An Act to Increase Transparency Regarding Certain Drug Pricing Programs

ENACTED LAW SUMMARY

Public Law 2023, chapter 276 requires each hospital to provide an annual report to the Maine Health Data Organization with data related to its participation in the federal 340B drug pricing program consistent with the annual reporting of hospitals voluntarily participating in the good stewardship program of the American Hospital Association. The Maine Health Data Organization must post the annual reports on its publicly accessible website.

LD 1396 An Act to Clarify the Laws Regarding Delegating Authority for Services Performed by Emergency Medical Services Personnel or Others as a Medical Assistant

ENACTED LAW SUMMARY

Public Law 2023, chapter 132 makes the following changes to clarify the laws regarding the delegating authority of a physician or physician assistant to emergency medical services personnel or others as a medical assistant.

1. It clarifies that a licensed emergency medical services person may not simultaneously act as an assistant performing medical services delegated by a physician or physician assistant.
2. It adds cross-references clarifying the authority of a physician assistant to delegate medical services to a licensed emergency medical services person in a hospital or health care facility.
3. It clarifies the laws regarding the delegating authority of a physician and a physician assistant.

LD 1400 An Act to Allow Certain Social Workers to Diagnose Organic Mental Illnesses

ENACTED LAW SUMMARY

Public Law 2023, chapter 315 makes the following changes to the licensing provisions for social workers.

1. It removes the prohibition on social workers' diagnosing organic mental illness to align Maine law with the current Diagnostic and Statistical Manual of Mental Disorders, which now recognizes autism spectrum disorder, attention-deficit/hyperactivity disorder, intellectual