1	L.D. 361			
2	Date: (Filing No. S- )			
3	HEALTH AND HUMAN SERVICES			
4	Reproduced and distributed under the direction of the Secretary of the Senate.			
5	STATE OF MAINE			
6	SENATE			
7	131ST LEGISLATURE			
8	FIRST SPECIAL SESSION			
9 10	COMMITTEE AMENDMENT "" to S.P. 168, L.D. 361, "An Act to Increase the Reimbursement for Electronic Consultations Through Medicaid"			
11	Amend the bill by striking out the title and substituting the following:			
12	'Resolve, to Review MaineCare Reimbursement for Electronic Consultation Services'			
13	Amend the bill by striking out everything after the title and inserting the following:			
14 15 16 17 18 19 20 21 22 23 24 25 26 27	'Sec. 1. Electronic consultation services; review of MaineCare reimbursement. Resolved: That the Department of Health and Human Services shall undertake a review of the current MaineCare reimbursement rate for electronic consultation services, in a manner consistent with the process described in the Maine Revised Statutes, Title 22, section 3173-J, to determine whether the Medicare benchmark currently used to determine rates for these services is appropriate and to consider whether a different benchmark should be used to establish a revised rate for electronic consultation services. The department shall provide an opportunity for health care providers to participate in the review required by this section and shall complete its review and adopt rules establishing any recommended rate increase no later than July 1, 2024. For purposes of this resolve, "electronic consultation services" means interprofessional assessment and management services provided by a consultative physician or referral services provided by a treating or requesting physician or other qualified health care provider, delivered via telephone, the Internet or an electronic health record.			
28 29 30 31 32 33 34 35 36	Sec. 2. Review of commercial insurance coverage for electronic consultation services. Resolved: That the Department of Professional and Financial Regulation, Bureau of Insurance shall conduct an examination of laws governing telehealth services and shall examine whether the law requires all commercial health plans to cover electronic consultation services and, if not, an analysis of the effect on premiums, if any, of requiring all health insurance policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State to provide coverage of electronic consultation services at rates no less than those currently paid by commercial health plans to the services in this State. The bureau shall submit a report of its findings to the			

Page 1 - 131LR2015(02)

# **COMMITTEE AMENDMENT**

Joint Standing Committee on Health Coverage, Insurance and Financial Services no later
than January 1, 2024. The committee may submit legislation related to the report to the
Second Regular Session of the 131st Legislature.

4 Sec. 3. Appropriations and allocations. Resolved: That the following 5 appropriations and allocations are made.

### 6 HEALTH AND HUMAN SERVICES, DEPARTMENT OF

#### 7 Office of MaineCare Services 0129

8 Initiative: Provides one-time funding for the department to contract with a 3rd party to 9 undertake an examination of the current MaineCare reimbursement rate for electronic 10 consultation services to determine whether the Medicare benchmark currently used to 11 determine rates for these services is appropriate and to consider whether a different 12 percentage should be used as a benchmark in establishing a revised rate for the services.

13	GENERAL FUND	2023-24	2024-25
14 15	All Other	\$66,050	\$0
16	GENERAL FUND TOTAL	\$66,050	\$0
17			
18	FEDERAL EXPENDITURES FUND	2023-24	2024-25
19	All Other	\$66,050	\$0
20 21	FEDERAL EXPENDITURES FUND TOTAL	\$66,050	\$0
22			
23 24	HEALTH AND HUMAN SERVICES, DEPARTMENT OF		
25 26	DEPARTMENT TOTALS	2023-24	2024-25
27	GENERAL FUND	\$66,050	\$0
28	FEDERAL EXPENDITURES FUND	\$66,050	\$0
29 30	DEPARTMENT TOTAL - ALL FUNDS	\$132,100	<u> </u>
31	PROFESSIONAL AND FINANCIAL REGULATIO	N, DEPARTMENT	OF
32	Insurance - Bureau of 0092		
33 34 35	Initiative: Provides one-time funding for the departme examine coverage of electronic consultation services carriers.		
36 37	OTHER SPECIAL REVENUE FUNDS All Other	<b>2023-24</b> \$13,500	<b>2024-25</b> \$0
38 39	OTHER SPECIAL REVENUE FUNDS TOTAL	\$13,500	\$0
40			

41 PROFESSIONAL AND FINANCIAL

42 **REGULATION, DEPARTMENT OF** 

Page 2 - 131LR2015(02)

## **COMMITTEE AMENDMENT**

15

16

17

1	DEPARTMENT TOTALS	2023-24	2024-25
2			
3	<b>OTHER SPECIAL REVENUE FUNDS</b>	\$13,500	\$0
4			
5	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	\$13,500	\$0
6			
7	SECTION TOTALS	2023-24	2024-25
8			
9	GENERAL FUND	\$66,050	<b>\$0</b>
10	FEDERAL EXPENDITURES FUND	\$66,050	<b>\$0</b>
11	OTHER SPECIAL REVENUE FUNDS	\$13,500	<b>\$0</b>
12			
13	SECTION TOTAL - ALL FUNDS	\$145,600	\$0
14	,		

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

#### SUMMARY

18 This resolve replaces the bill, which is a concept draft. It directs the Department of 19 Health and Human Services to undertake a review of the current MaineCare reimbursement 20 rate for electronic consultation services to determine whether the Medicare benchmark 21 currently used to determine rates for these services is appropriate and to consider whether 22 a different percentage should be used as a benchmark in establishing a revised rate for the 23 services. It directs the department to complete its review and adopt rules establishing any 24 recommended rate increase no later than July 1, 2024. The amendment also directs the 25 Department of Professional and Financial Regulation, Bureau of Insurance to conduct an 26 examination of the law governing telehealth services and examine whether the law requires 27 all commercial health plans to cover electronic consultation services and, if not, an analysis 28 of the effect on premiums, if any, of requiring all health insurance policies, contracts and 29 certificates executed, delivered, issued for delivery, continued or renewed in this State to 30 provide coverage of electronic consultation services at rates no less than those currently 31 paid by commercial health plans covering those services in this State. It directs the bureau 32 to submit a report of its findings to the Joint Standing Committee on Health Coverage, 33 Insurance and Financial Services no later than January 1, 2024. The committee is 34 authorized to submit legislation related to the report to the Second Regular Session of the 35 131st Legislature.

## 36FISCAL NOTE REQUIRED37(See attached)

Page 3 - 131LR2015(02)

### **COMMITTEE AMENDMENT**