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H.P. 1024

House of Representatives, April 7, 2021

An Act To Maximize Health Care Coverage for the Uninsured through Easy Enrollment in the MaineCare Program or in a Qualified Health Plan in the Marketplace

Received by the Clerk of the House on April 5, 2021. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative EVANS of Dover-Foxcroft. Cosponsored by Senator CLAXTON of Androscoggin and Representatives: BROOKS of Lewiston, COLLINGS of Portland, HYMANSON of York, ZAGER of Portland.

1 Be it enacted by the People of the State of Maine as follows: 2 Sec. 1. 22 MRSA §5412 is enacted to read: 3 §5412. Easy enrollment program 4 The easy enrollment program is established under this chapter to identify residents of 5 this State who are uninsured but qualify for benefits under the MaineCare program or a qualified health plan in the marketplace. 6 7 **1.** Tax checkoff. A person filing a tax return in this State pursuant to Title 36, chapter 8 803 who has marked the relevant check-off boxes on the State income tax form as described 9 in Title 36, section 5293 is identified as a person who may be determined eligible for 10 benefits under the MaineCare program or to enroll in a qualified health plan in the 11 marketplace. The superintendent, in conjunction with the Department of Administrative 12 and Financial Services, Bureau of Revenue Services, shall determine by rule the 13 information necessary to be shared with the marketplace to determine eligibility and the 14 schedule regarding the frequency of transferring the information. 15 2. Eligibility determination. The marketplace shall determine whether the person filing the tax return under subsection 1 has an address in the State and whether the persons 16 17 in the household indicated as uninsured are already enrolled in the MaineCare program or 18 a qualified health plan in the marketplace. The marketplace shall mail a notice to 19 households with an address in the State and with persons in the household who are 20 uninsured. The notice must notify the person filing the tax return that the person or other 21 uninsured members of the household may be eligible for health care coverage and provide 22 information about the special enrollment period available on the marketplace pursuant to 23 subsection 3 and that MaineCare enrollment is available at any time. If the person filing 24 the tax return has included an e-mail address, the marketplace shall also send an e-mail 25 notice. 26 **3.** Special enrollment period; assistance; coverage begins. A person filing a tax 27 return under subsection 1 who is determined eligible to enroll in a qualified health plan in 28 the marketplace has a special enrollment period that begins on the date of the tax filing and 29 ends 35 days from the date of the notice mailed by the marketplace to the person pursuant 30 to subsection 2. Once a person begins the application to enroll in a qualified health plan in the marketplace, the marketplace shall provide assistance through follow-up e-mails or 31 32 other communications until the person is successfully enrolled or the marketplace 33 determines that the person does not wish to enroll. Coverage in the marketplace is effective 34 on the first day of the month after the date a plan is selected by the person. 35 4. Medicaid coverage: coverage begins. If the marketplace determines that any 36 member of the household is eligible for benefits under the MaineCare program under this 37 section, the marketplace shall notify the department and the person who filed the tax return 38 of the potential eligibility. The department shall contact the person who filed the tax return 39 and provide assistance with the MaineCare application unless the marketplace determines 40 that the person does not wish to enroll. For a person enrolled in the MaineCare program 41 under this section, coverage begins on the first day of the month in which the person applied 42 to enroll. 43 5. Outreach efforts. The marketplace, superintendent and department shall jointly 44 develop educational materials and programming to communicate the purpose of the income 1tax checkoff under Title 36, section 5293 and the benefits of enrolling in the MaineCare2program or a qualified health plan in the marketplace to the public. The materials and3programming must include materials developed for different target groups in the public,4including, but not limited to, tax preparers, consumer assistance organizations, community5groups and underserved groups. The materials must be made available in English and in6languages appropriate for communities in the State whose primary languages are not7English.

8 Sec. 2. 22 MRSA §5413 is enacted to read:

9 §5413. Easy enrollment advisory group; data collection

10 1. Advisory group. An advisory group is established to advise the superintendent on state income tax changes including the format of check-off boxes on income tax forms 11 pursuant to Title 36, section 5293, effectiveness of the easy enrollment program under 12 13 section 5412, feasibility of automatic enrollment in health care plans, improvements to 14 outreach materials, issues related to necessary information required for establishing eligibility while maintaining confidentiality and proposed changes to improve the program. 15 16 The superintendent is the chair and convenes the advisory group. The chair shall appoint 17 members to the advisory group, and members must include the stakeholders described in 18 section 5404, subsection 2, paragraph B and representatives of the Department of 19 Administrative and Financial Services, Bureau of Revenue Services and professional tax 20 preparers. The advisory group shall meet at least 3 times a year and as often as necessary 21 to carry out its advisory duties.

22 **2.** Data collection. The superintendent shall provide an annual report on the easy 23 enrollment program under section 5412 to the joint standing committee of the Legislature 24 having jurisdiction over health insurance matters and the joint standing committee of the 25 Legislature having jurisdiction over MaineCare matters. The report must include the number of persons who marked the check-off boxes on tax returns as described in section 26 27 5412, subsection 1, the number determined eligible by the marketplace for benefits under 28 the MaineCare program or a qualified health plan in the marketplace, the number who 29 enrolled in the MaineCare program, the number who enrolled in qualified health plans in 30 the marketplace, how many enrolled in a qualified health plan in the marketplace who were 31 eligible for financial assistance and demographic data on enrollment. The report must be 32 submitted by November 15th of each year beginning in 2022 and contain data based on the 33 previous calendar year's tax return data.

Sec. 3. 36 MRSA §191, sub-§2, ¶MMM is enacted to read:

- MMM. The disclosure of information to the Maine Health Insurance Marketplace and
 the Superintendent of Insurance to administer the easy enrollment health insurance
 program pursuant to Title 22, section 5412 and the health insurance check-off box
 pursuant to section 5293.
- 39 Sec. 4. 36 MRSA §5293 is enacted to read:

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40 §5293. Easy enrollment health insurance program; voluntary checkoff

41 **1. Health insurance check-off box.** For tax years beginning on or after January 1,
 42 2021, the State Tax Assessor shall provide on the income tax form a space for an easy
 43 enrollment health insurance check-off box that includes the following:

1 2	A. A check box indicating that the taxpayer filing the tax return does not have health care coverage;
3	B. A check box indicating that the spouse of the taxpayer filing the tax return does not
4	have health care coverage;
5 6	C. A check box indicating whether any dependents of the taxpayer do not have health care coverage;
7 8	D. A check box authorizing the bureau to share information from the income tax return with the marketplace established in Title 22, chapter 1479; and
9 10	E. An e-mail address, if available, for additional contact by the marketplace under <u>Title 22, chapter 1479.</u>
11 12 13 14 15	2. Information sharing. The bureau shall forward to the marketplace established in Title 22, chapter 1479 the information of a taxpayer who marked any check box in paragraph A, B or C and marked the check box in paragraph D. The information transferred to the marketplace, and the frequency of that transfer, is established by rule according to Title 22, section 5412, subsection 1.
16 17 18	3. Rulemaking. The bureau shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
19	SUMMARY
20 21 22 23 24 25 26	This bill establishes a process to identify individuals and families who are uninsured but potentially eligible for benefits under the MaineCare program or enrollment in a qualified health plan in the Maine Health Insurance Marketplace through the state income tax filing system. It requires the Department of Administrative and Financial Services, Bureau of Revenue Services to add check-off boxes to the state income tax form that allow an individual who is filing a state income tax return to identify that the individual or the individual's spouse or dependents are uninsured and authorize the bureau to share that
27	information with the marketplace. The marketplace must determine eligibility and follow
28	up with the individual filing the tax return. A special enrollment period on the exchange is
29 30	available to the uninsured individuals. The marketplace must offer assistance with the enrollment process for a qualified health plan and the Department of Health and Human

enrollment process for a qualified health plan and the Department of Health and Human 30 31 Services must offer assistance with MaineCare enrollment. Outreach materials and programming for educational purposes are developed by the Superintendent of Insurance 32 within the Department of Professional and Financial Regulation, the marketplace and the 33 34 Department of Health and Human Services. An advisory group is created to assist the 35 superintendent with improving the effectiveness of the program. The superintendent must submit an annual report with related data to the joint standing committees of the Legislature 36 having jurisdiction over health insurance matters and MaineCare matters. 37