

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

—
S.P. 343 - L.D. 784

An Act to Create a Rebuttable Presumption Related to Specialized Risk Screening for First Responders

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 24-A MRSA §4301-A, sub-§5-B is enacted to read:

5-B. First responder. "First responder" means an employee or occasional employee of a state, county or municipal government entity or volunteer of a state, county or municipal government entity that provides or has the authority to provide fire, emergency medical, emergency communications, correctional or police services.

Sec. 2. 24-A MRSA §4301-A, sub-§19-A is enacted to read:

19-A. Specialized risk screening. "Specialized risk screening" means any of the following standard, medically accepted tests:

A. Tests for evidence of any cancer with a known employment-related risk of exposure for a first responder;

B. Blood tests, including tests conducted for a complete blood count, comprehensive metabolic panel, renal panel and hepatic panel;

C. Mammography, colonoscopy or prostate examinations regardless of the age of the person who is the subject of the examination;

D. Tests of any measure of serum activity of lipoprotein-associated phospholipase enzyme A2, oxidized low-density lipoprotein or additional indicators of endovascular inflammation; or

E. Tests to measure vitamin deficiencies, nutritional deficits and mineral levels.

Sec. 3. 24-A MRSA §4313, sub-§15 is enacted to read:

15. Rebuttable presumption. In a cause of action under this section or under Title 18-C, section 2-807 as permitted under subsection 14, there is a rebuttable presumption that a carrier has failed to exercise ordinary care when making an adverse health care treatment decision to deny coverage under a health plan for covered specialized risk screening for an enrollee who is a first responder and whose provider has determined the

enrollee's receipt of specialized risk screening is medically appropriate and has meaningful potential for preventive clinical benefit to the enrollee.

Sec. 4. Application. This Act applies to an adverse health care treatment decision made by a carrier, as defined in the Maine Revised Statutes, Title 24-A, section 4301-A, subsection 3, on or after the effective date of this Act.