

STATE OF MAINE

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

—
H.P. 1339 - L.D. 1798

An Act To Ensure Health Insurance Coverage for Certain Adults with Disabilities

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

Sec. 1. 24-A MRSA §2742-B, sub-§2, as amended by PL 2019, c. 5, Pt. A, §8, is further amended to read:

2. Offer of coverage. Notwithstanding section 2703, subsection 3, an individual health insurance policy that offers coverage for a dependent child must offer such coverage, at the option of the policyholder, until the dependent child attains 26 years of age. If the dependent child has a disability, the policy must offer coverage in accordance with section 2742-C.

Sec. 2. 24-A MRSA §2742-C is enacted to read:

§2742-C. Mandatory offer of coverage for certain adults with disabilities

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Dependent child" has the same meaning as in section 2742-B, subsection 1.

B. "Disability" means a physical, mental, intellectual or developmental disability that renders a person incapable of self-sustaining employment.

2. Offer of coverage. An individual health insurance policy that offers coverage for a dependent child must offer such coverage, at the option of the policyholder, for a dependent child with a disability, regardless of age.

3. Proof of disability. A policyholder shall furnish proof of a dependent child's disability to the insurer within 31 days of the dependent child's attainment of the limiting age established in section 2742-B, subsection 2 and subsequently as may be required by the insurer, but the insurer may not require proof more frequently than annually after the 2-year period following the dependent child's attainment of the limiting age.

Sec. 3. 24-A MRSA §2833-B, sub-§2, as amended by PL 2019, c. 5, Pt. A, §13, is further amended to read:

2. Offer of coverage. Notwithstanding section 2822, a group health insurance policy that offers coverage for a dependent child must offer such coverage, at the option of the parent, until the dependent child attains 26 years of age. If the dependent child has a disability, the policy must offer coverage in accordance with section 2833-C.

Sec. 4. 24-A MRSA §2833-C is enacted to read:

§2833-C. Mandatory offer of coverage for certain adults with disabilities

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Dependent child" has the same meaning as in section 2833-B, subsection 1.

B. "Disability" means a physical, mental, intellectual or developmental disability that renders a person incapable of self-sustaining employment.

2. Offer of coverage. A group health insurance policy that offers coverage for a dependent child must offer such coverage, at the option of the parent, for a dependent child with a disability, regardless of age.

3. Proof of disability. A parent shall furnish proof of a dependent child's disability to the insurer within 31 days of the dependent child's attainment of the limiting age established in section 2833-B, subsection 2 and subsequently as may be required by the insurer, but the insurer may not require proof more frequently than annually after the 2-year period following the dependent child's attainment of the limiting age.

Sec. 5. 24-A MRSA §4233-B, sub-§2, as amended by PL 2019, c. 5, Pt. A, §18, is further amended to read:

2. Offer of coverage. An individual or group health maintenance organization contract that offers coverage for a dependent child must offer such coverage, at the option of the parent, until the dependent child attains 26 years of age. If the dependent child has a disability, the contract must offer coverage in accordance with section 4233-C.

Sec. 6. 24-A MRSA §4233-C is enacted to read:

§4233-C. Mandatory offer of coverage for certain adults with disabilities

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Dependent child" has the same meaning as in section 4233-B, subsection 1.

B. "Disability" means a physical, mental, intellectual or developmental disability that renders a person incapable of self-sustaining employment.

2. Offer of coverage. An individual or group health maintenance organization contract that offers coverage for a dependent child must offer such coverage, at the option of the parent, for a dependent child with a disability, regardless of age.

3. Proof of disability. A parent shall furnish proof of a dependent child's disability to the insurer within 31 days of the dependent child's attainment of the limiting age established in section 4233-B, subsection 2 and subsequently as may be required by the insurer, but the insurer may not require proof more frequently than annually after the 2-year period following the dependent child's attainment of the limiting age.

Sec. 7. 24-A MRSA §4320-B, as enacted by PL 2011, c. 364, §34, is amended to read:

§4320-B. Extension of dependent coverage

A carrier offering a health plan subject to the requirements of the federal Affordable Care Act that provides dependent coverage of children shall continue to make such coverage available for an adult child until the child turns 26 years of age, consistent with the federal Affordable Care Act, and offer coverage for a dependent child with a disability in accordance with section 4320-R.

Sec. 8. 24-A MRSA §4320-R is enacted to read:

§4320-R. Mandatory offer of coverage for certain adults with disabilities

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Dependent child" has the same meaning as in section 4233-B, subsection 1.

B. "Disability" means a physical, mental, intellectual or developmental disability that renders a person incapable of self-sustaining employment.

2. Offer of coverage. A health plan subject to the requirements of the federal Affordable Care Act that offers coverage for a dependent child must offer such coverage, at the option of the parent, for a dependent child with a disability, regardless of age.

3. Proof of disability. A parent shall furnish proof of a dependent child's disability to the carrier within 31 days of the dependent child's attainment of the limiting age established in section 4320-B and subsequently as may be required by the carrier, but the carrier may not require proof more frequently than annually after the 2-year period following the dependent child's attainment of the limiting age.