



130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1837

S.P. 655

In Senate, December 22, 2021

An Act To Clarify the Appeals Process for Decisions Related to the Maine Health Insurance Marketplace

Submitted by the Department of Health and Human Services pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 20, 2021. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator SANBORN of Cumberland.

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

2 **Sec. 1. 22 MRSA §5410**, as enacted by PL 2019, c. 653, Pt. A, §1, is repealed and
3 the following enacted in its place:

4 **§5410. Relation to other laws**

5 **1. Authority of superintendent to regulate insurance.** This chapter and any action
6 taken by the marketplace pursuant to this chapter may not be construed to preempt or
7 supersede the authority of the superintendent to regulate the business of insurance within
8 this State.

9 **2. Appeal from decision of department's administrative hearings unit.** A decision
10 of the department's administrative hearings unit in an appeal of a decision of the
11 marketplace is not subject to judicial review under Title 5, section 11001 and the Maine
12 Rules of Civil Procedure, Rule 80C. Such a decision may be appealed to the United States
13 Department of Health and Human Services pursuant to 45 Code of Federal Regulations,
14 Section 155.520(c).

15 **SUMMARY**

16 This bill provides that an appeal decision made by the Department of Health and
17 Human Services' administrative hearings unit, which is the appeals entity for the Maine
18 Health Insurance Marketplace, is not subject to judicial review under the Maine
19 Administrative Procedure Act and the Maine Rules of Civil Procedure, Rule 80C. The bill
20 specifies that a decision in such a case may be appealed to the United States Department of
21 Health and Human Services pursuant to 45 Code of Federal Regulations, Section
22 155.520(c).