

STATE OF MAINE

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

—
S.P. 655 - L.D. 1837

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

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation has been submitted by the Department of Health and Human Services to clarify the appeals process for decisions of the Maine Health Insurance Marketplace; and

Whereas, enacting this legislation as soon as possible will provide clarity for consumers who want to appeal decisions of the Maine Health Insurance Marketplace that affect their eligibility for health care coverage; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

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 A, §1, is repealed and the following enacted in its place:

§5410. Relation to other laws

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

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

Sec. 2. Application. This Act applies to any decision of the Maine Health Insurance Marketplace made prior to, on or after the effective date of this Act that may be appealed to the Department of Health and Human Services' administrative hearings unit.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.