

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Protect Maine Consumers in the Individual Health Insurance Market and Support Maine's Economy**

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

**Sec. 1. 24-A MRSA c. 93** is enacted to read:

### **CHAPTER 93**

### **MAINE HEALTH BENEFIT EXCHANGE ACT**

#### **§ 7201. Short title**

This chapter may be known and cited as "the Maine Health Benefit Exchange Act."

#### **§ 7202. Maine Health Benefit Exchange established**

**1. Exchange established.** The Maine Health Benefit Exchange, referred to in this chapter as "the exchange," is established as the state-based exchange, including the federally operated SHOP exchange, pursuant to Section 1311(b)(1) of the federal Affordable Care Act. The exchange's technical functions listed in Section 1311(d)(4) of the federal Affordable Care Act, including operation of the publicly accessible website, telephone hotline, standardized format for presenting plan information, cost calculator, exemption certification process and employer communication process, are those operated by the Federal Government under Section 1321 of the federal Affordable Care Act. Health insurance carriers offering qualified health plans on the exchange are subject to such assessments or user fees as the Federal Government may impose in order to ensure that operation of these technical components of the exchange are self-sustaining under Section 1311(d)(5) of the federal Affordable Care Act.

**2. Cooperation with Federal Government.** A state agency or department may interact with and cooperate with the Federal Government with respect to operation of the exchange for the State and may, subject to availability of funding, perform any exchange functions necessary to ensure continued eligibility of citizens of this State for premium tax credits and cost-sharing reductions under Title I, Subtitle E, Part I of the federal Affordable Care Act.

**3. Operation of certain exchange functions.** A state agency or department may operate any exchange function consistent with this section to enable the continuation of traditional areas of state regulation and authority. Under Section 1311(d)(4)(A), (D), (F) and (K) of the federal Affordable Care Act, a state agency may perform plan management functions for the exchange, including plan certification, plan quality rating and related functions with respect to qualified health plans, and may operate consumer assistance functions to inform enrollees of their options and to enroll them in coverage.

#### **§ 7203. Relation to other laws**

This chapter, and any action taken by the exchange, may not be construed to preempt or supersede the authority of the superintendent to regulate the business of insurance within this State. Except as expressly provided to the contrary, all health carriers offering qualified health plans in this State shall comply fully with all applicable health insurance laws of this State and rules adopted and orders issued by the superintendent.

**Sec. 2. Contingent effective date.** That section of this Act that enacts the Maine Revised Statutes, Title 24-A, chapter 93 does not take effect unless:

1. The United States Department of Health and Human Services, Internal Revenue Service or other department of the Federal Government notifies the State or citizens of the State or otherwise publicly declares that premium tax credits will become unavailable or are no longer available to individuals purchasing health insurance coverage through the federally facilitated marketplace established pursuant to the federal Patient Protection and Affordable Care Act, Public Law 111-48, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152; and

2. The Superintendent of Insurance notifies the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes that, pursuant to subsection 1, notification has been received or public declaration has been made.

## SUMMARY

This bill establishes the State's health benefit exchange as authorized by the federal Patient Protection and Affordable Care Act. The bill specifies that the exchange's technical functions specified in the federal Patient Protection and Affordable Care Act, including but not limited to operation of the publicly accessible website, telephone hotline, cost calculator and exemption certification process, are to be operated by the Federal Government. The bill authorizes state agencies and departments to interact and cooperate with the Federal Government with respect to the operation of the federally facilitated exchange for the State and to perform any exchange functions necessary to ensure that State residents have continued eligibility for premium tax credits and cost-sharing reductions.

The bill also clarifies that the Superintendent of Insurance retains authority to regulate the business of insurance within the State and that all health insurance carriers offering qualified health plans through the federally facilitated exchange must comply with all applicable health insurance laws of this State and rules adopted and orders issued by the superintendent.

The provisions of this bill take effect only if the Federal Government notifies the State that premium tax credits will become unavailable to people purchasing health insurance through the federally facilitated marketplace.