

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 Move Maine Toward Affordable Health Care for Everyone

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

Sec. 1. 22 MRSA §3173-J is enacted to read:

§ 3173-J. MaineCare purchase option

1. Federal waiver request. The commissioner shall seek necessary federal waiver authority under Section 1332 of the federal Patient Protection and Affordable Care Act to establish a MaineCare purchase option that allows individuals who are residents of the State and who are above the maximum income eligibility limits for the MaineCare program established in section 3174-G or otherwise ineligible for the MaineCare program the option of purchasing coverage through the MaineCare program instead of purchasing a qualified health plan on the federal exchange or any individual health plan offered outside of the federal exchange. The waiver must include authority for individuals who qualify for subsidies for purchasing insurance on the federal exchange and choose to purchase coverage through the MaineCare program pursuant to this section to use advance tax credits and cost-sharing credits, if the individuals are eligible for those credits, to purchase coverage through the MaineCare program.

2. Administration. The MaineCare purchase option under subsection 1 is administered by the department through the MaineCare program. Individuals purchasing coverage through the MaineCare purchase option are entitled to receive the same services as any other eligible MaineCare member.

3. Premiums; financial sustainability. The commissioner shall seek to implement mechanisms to ensure the long-term sustainability of the MaineCare purchase option under subsection 1. These mechanisms must address issues related to minimizing adverse selection, the State's financial risk and contribution and negative effects on premiums in the individual and group insurance markets, including any insurance companies based in the State offering coverage to residents of this State on the federal exchange. Premium rates established by the department for individuals in the MaineCare purchase option are determined actuarially. The department shall also limit the annual enrollment period to the same annual open enrollment periods established for purchasing insurance coverage on the federal exchange.

4. Rulemaking. The department is authorized to adopt rules to implement this section. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Annual reports. The commissioner shall submit annual reports no later than February 15th of each year beginning in 2020 to the joint standing committees of the Legislature having jurisdiction over health and human services matters and insurance matters regarding the numbers of individuals participating in the MaineCare purchase option under subsection 1, premium levels, the fiscal health of the MaineCare purchase option and any actuarial information related to the MaineCare purchase option.

Sec. 2. Waiver report. No later than January 1, 2020, the Commissioner of Health and Human Services shall submit to the joint standing committees of the Legislature having jurisdiction over health and human services matters and insurance matters a progress report on the request for the federal waiver pursuant to the Maine Revised Statutes, Title 22, section 3173-J and the results from actuarial and economic analyses that are necessary for a waiver proposal as well as any recommendations for legislation necessary to implement the MaineCare purchase option under Title 22, section 3173-J.

SUMMARY

This bill requires the Commissioner of Health and Human Services to submit a waiver under Section 1332 of the federal Patient Protection and Affordable Care Act to establish a MaineCare purchase option so that residents of Maine who are not otherwise eligible for the MaineCare program may participate in the program. The waiver must include authority for individuals who qualify for advance tax credits and cost-sharing credits to use them to purchase coverage through the MaineCare program. Individuals participating in the MaineCare purchase option may access the same services as other MaineCare members. The commissioner is required to implement mechanisms to ensure the long-term sustainability of the MaineCare purchase option. Rates are set by the Department of Health and Human Services and determined actuarially, and the open enrollment period is the same as the period for individuals purchasing insurance on the federal exchange. The department is required to submit a progress report on the request for the waiver as well as annual reports to the joint standing committees of the Legislature having jurisdiction over health and human services matters and insurance matters.