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HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

132ND LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 343, L.D. 784, “An Act to Require Health Insurance Coverage for Specialized Risk Screening for First Responders”

Amend the bill by striking out the title and substituting the following:

'An Act to Create a Rebuttable Presumption Related to Specialized Risk Screening for First Responders'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 24-A MRSA §4301-A, sub-§5-B is enacted to read:

5-B. First responder. "First responder" means an employee or occasional employee of a state, county or municipal government entity or volunteer of a state, county or municipal government entity that provides or has the authority to provide fire, emergency medical, emergency communications, correctional or police services.

Sec. 2. 24-A MRSA §4301-A, sub-§19-A is enacted to read:

19-A. Specialized risk screening. "Specialized risk screening" means any of the following standard, medically accepted tests:

A. Tests for evidence of any cancer with a known employment-related risk of exposure for a first responder;

B. Blood tests, including tests conducted for a complete blood count, comprehensive metabolic panel, renal panel and hepatic panel;

C. Mammography, colonoscopy or prostate examinations regardless of the age of the person who is the subject of the examination;

D. Tests of any measure of serum activity of lipoprotein-associated phospholipase enzyme A2, oxidized low-density lipoprotein or additional indicators of endovascular inflammation; or

E. Tests to measure vitamin deficiencies, nutritional deficits and mineral levels.

Sec. 3. 24-A MRSA §4313, sub-§15 is enacted to read:

15. Rebuttable presumption. In a cause of action under this section or under Title 18-C, section 2-807 as permitted under subsection 14, there is a rebuttable presumption that a carrier has failed to exercise ordinary care when making an adverse health care treatment decision to deny coverage under a health plan for covered specialized risk screening for an enrollee who is a first responder and whose provider has determined the enrollee's receipt of specialized risk screening is medically appropriate and has meaningful potential for preventive clinical benefit to the enrollee.

Sec. 4. Application. This Act applies to an adverse health care treatment decision made by a carrier, as defined in the Maine Revised Statutes, Title 24-A, section 4301-A, subsection 3, on or after the effective date of this Act.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the majority report, changes the title and replaces the bill. The amendment establishes a rebuttable presumption in a cause of action that a health insurance carrier has failed to exercise ordinary care when making a health care treatment decision to deny coverage under a health plan for covered specialized risk screening for an enrollee who is a first responder and whose provider has determined the enrollee's receipt of specialized risk screening is medically appropriate and has meaningful potential for preventive clinical benefit to the enrollee. The amendment also clarifies that the rebuttable presumption applies if an enrollee files a wrongful death action instead of an action under the Maine Revised Statutes, Title 24-A, section 4313. The requirements of the amendment apply to health care treatment decisions made by a health insurance carrier on or after the effective date of this legislation.

FISCAL NOTE REQUIRED

(See attached)