



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1354

H.P. 868

House of Representatives, March 28, 2023

**An Act to Protect Medicare Beneficiaries from Surprise Bills and to
Inform Medicare Beneficiaries About Medicare Part B Excess
Charges**

Reference to the Committee on Health Coverage, Insurance and Financial Services
suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BELL of Yarmouth.
Cosponsored by Representative: ARFORD of Brunswick.

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

2 **Sec. 1. 24-A MRSA §5005, sub-§2**, as amended by PL 1991, c. 740, §7, is further
3 amended to read:

4 **2. Format; content or outline.** The superintendent shall prescribe the format and
5 content of the outline of coverage required by subsection 1. For purposes of this section,
6 "format" means style, arrangements and overall appearance, including such items as the
7 size, color and prominence of type and the arrangement of text and captions. The outline
8 of coverage must include:

9 A. A description of the principal benefits and coverage provided in the policy;

10 C. A statement of the renewal provisions, including any reservation by the issuer of a
11 right to change premiums; and disclosure of the existence of any automatic renewal
12 premium increases based on the policyholder's age; ~~and~~

13 D. A statement that the outline of coverage is a summary of the policy issued or applied
14 for and that the policy should be consulted to determine governing contractual
15 provisions; and

16 E. A statement disclosing whether the standardized Medicare supplement policy or
17 certificate provides coverage for Medicare Part B excess charges.

18 **Sec. 2. 32 MRSA §2600-G** is enacted to read:

19 **§2600-G. Balance billing of Medicare beneficiaries prohibited**

20 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
21 following terms have the following meanings.

22 A. "Balance bill" means to charge to or collect from a Medicare beneficiary any amount
23 in excess of the Medicare-approved amount for a service, procedure or treatment paid
24 to a physician.

25 B. "Medicare" means the federal Health Insurance for the Aged Act, Title XVIII of the
26 Social Security Amendments of 1965, as amended.

27 C. "Medicare beneficiary" means a person who is a beneficiary of health insurance
28 under Medicare.

29 **2. Balance billing prohibited.** A physician licensed under this chapter may not
30 balance bill a Medicare beneficiary for any service, procedure or treatment provided to the
31 Medicare beneficiary.

32 **3. Notice; posting.** A physician who treats Medicare beneficiaries shall post a
33 summary of the provisions of this section in a conspicuous place in the physician's office.
34 The summary must include the statement that any person aggrieved by a physician's failure
35 to comply with the provisions of this section may file a complaint with the board and must
36 include toll-free telephone numbers to be used for this purpose.

37 **4. Complaints; violations.** An individual may file a complaint with the board seeking
38 disciplinary action concerning a violation of this section. The board shall investigate or
39 cause to be investigated and shall resolve a complaint on its own motion or upon receipt of
40 a written complaint. The board shall conduct its actions in accordance with the Maine
41 Administrative Procedure Act.

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Sec. 3. 32 MRSA §3300-J is enacted to read:

§3300-J. Balance billing of Medicare beneficiaries prohibited

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Balance bill" means to charge to or collect from a Medicare beneficiary any amount in excess of the Medicare-approved amount for a service, procedure or treatment paid to a physician.

B. "Medicare" means the federal Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965, as amended.

C. "Medicare beneficiary" means a person who is a beneficiary of health insurance under Medicare.

2. Balance billing prohibited. A physician licensed under this chapter may not balance bill a Medicare beneficiary for any service, procedure or treatment provided to the Medicare beneficiary.

3. Notice; posting. A physician who treats Medicare beneficiaries shall post a summary of the provisions of this section in a conspicuous place in the physician's office. The summary must include the statement that any person aggrieved by a physician's failure to comply with the provisions of this section may file a complaint with the board and must include toll-free telephone numbers to be used for this purpose.

4. Complaints; violations. An individual may file a complaint with the board seeking disciplinary action concerning a violation of this section. The board shall investigate or cause to be investigated and shall resolve a complaint on its own motion or upon receipt of a written complaint. The board shall conduct its actions in accordance with the Maine Administrative Procedure Act.

SUMMARY

This bill requires an insurer offering Medicare supplement insurance in this State to disclose whether the Medicare supplement insurance plan covers the costs of Medicare Part B excess charges.

The bill also prohibits physicians from balance billing Medicare beneficiaries for any amount in excess of the Medicare-approved amount for a service, procedure or treatment paid to that physician under the Medicare program.