



Testimony in Opposition to

LD 899, An Act to Strengthen the Requirements for Medical Payments Coverage

HCIFS Committee, March 18, 2024

Senator Bailey, Representative Gramlich and Honorable Members of the HCIFS Committee:

My name is Gwen Simons. I am the lobbyist for the Maine Chapter of the American Physical Therapy Association (“MEAPTA”). I am a physical therapist myself and a healthcare lawyer in Scarborough. The Maine APTA represents over 2500 physical therapists (PTs) and physical therapist assistants (PTAs) in Maine.

We have great concerns about potential unintended consequences of LD 899.

First, it requires someone involved in an auto accident – whether it was their fault *or not* – to use their limited health insurance benefits *before* they can access their auto insurance benefits. This is unfair to the injured insured.

A typical health plan in Maine only pays for 20 PT and OT visits/year. **If the patient is forced to use some or all of those visits on treatment for an auto accident, they will not have those benefits available for other injuries or medical problems that they may need PT for.**

This bill also appears to require the provider to bill the patient’s health insurance *even when the patient has* already exhausted their benefits. This will create **unnecessary administrative burdens on providers and health plans** who have to process claims just to get a denial for the casualty insurer.

This bill may also restrict the patient’s choice of provider since out of network providers don’t typically bill health plans. Casualty insurers don’t have provider networks and claim coverage is not conditioned on seeing in-network providers. **A patient should be able to use their auto insurance to see the provider of their choice before using their health insurance – especially since the insured is paying out of pocket for those casualty benefits and the casualty insurer will ultimately be responsible anyway.**

And what if the patient has MaineCare - or no insurance at all? If a supplemental budget is not passed and immediately enacted so providers can be timely paid, access to MaineCare providers will be severely compromised. Conditioning the auto claim payment on billing MaineCare first will only serve to limit the insured’s access to care. **If the casualty insurer is**

responsible for the claim and benefits are available, they should have to pay without the claim having to go MaineCare for delayed processing first.

In summary, the only thing this bill does is make auto insurers third party beneficiaries of MaineCare's and health insurers' network agreements with providers. It does not serve the insured person. It only interferes with the insured's ability to use their casualty insurance.

We urge you to vote "Ought Not To Pass" on LD 899.

Respectfully,

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