



March 4, 2021

Honorable Heather Sanborn, Senate Chair
Honorable Denise Tepler, House Chair
Joint Standing Committee on Health Coverage, Insurance and Financial Services
100 State House Station
Augusta, Maine 04333-0100

Re: L.D. 1, “An Act To Establish the COVID-19 Patient Bill of Rights”

Dear Senator Sanborn, Representative Tepler, and Members of the Joint Standing Committee on Health Coverage, Insurance and Financial Services:

I would like to offer some initial comments on the draft amendment that was circulated this morning with respect to L.D. 1, “An Act to Establish the COVID-19 Patient Bill of Rights.”

Part A, Section A-3

With respect to 24-A M.R.S.A. § 4320-P, we do not know what is meant by “all associated costs of administration.” If a provider establishes a mass vaccination site, can they pass on the costs associated with establishment of that site as “associated costs of administration”? We would suggest the following language:

For section 4320-P(1)(E):

E. A carrier shall reimburse a provider for the costs of COVID-19 screening and testing, including all associated costs of administration authorized under a contract between the carrier and the provider. provide coverage for any administrative or facility fees associated with the administration of any COVID-19 screening or testing that must be covered pursuant to the above sections, including all associated costs such as processing fees and clinical evaluations. For the purposes of this section, bills for out of network COVID-19 screening and testing are bills for out of network emergency services under shall be reimbursed in accordance with section 4303-C(2)(B).

This language is intended to limit the associated costs that may be charged to those agreed upon between the carrier and the provider. It also applies the surprise billing reimbursement requirements without giving rise to a right to access the IDR process applicable to out of network emergency services.

For 4320-P(2)(E):

E. A carrier shall reimburse a provider for the costs of COVID-19 vaccines, including all associated costs of administration authorized under a contract between the carrier and the provider. A carrier shall provide coverage for any administrative or facility fees associated with the administration of any COVID-19 vaccine that must be covered pursuant to the above sections, including all associated costs such as processing fees and clinical evaluations.

This language is intended to limit the associated costs that may be charged to those agreed upon between the carrier and the provider.

Part B, section B-1 (24-A M.R.S.A. § 4311(2-A)):

A State of Emergency may be declared for a number of reasons, many of which will not impact a member's ability to obtain prescription drugs. For example, States of Emergency are sometimes declared to allow for extended hours for delivery of heating oil and propane during periods of extreme cold resulting in unanticipated need. States of Emergency may also apply to only certain portions of the State--a member in Cumberland County should not be able to obtain an extended prescription simply because a State of Emergency has been declared in Aroostook County. As a result, we would suggest that the committee consider including the following provisions:

- that the duration of the prescription be limited to 90 days;
- that the extended fill cannot exceed the time period for which the prescription is valid (for example, there are only two months remaining on the prescription, the member cannot receive a six-month supply);
- that it be clarified that the carrier may assess multiples of the applicable cost share in order to determine the cost share applicable to a 90-day supply;
- that the application be limited to apply to members who reside in an area that is under a state of emergency expected to last more than 30 days;
- that it be limited to situations that may impact a member's ability to access medication as determined in a bulletin issued by the Superintendent; and
- that this provision take effect on a date certain, no sooner than January 1, 2022, as carriers will need time to comply if L.D. 1 is enacted as emergency legislation.

Thank you for the opportunity to share these comments. I would be happy to answer any questions you may have.

Sincerely,



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