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Date: (Filing No. H-)

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 387, L.D. 530, Bill, “An Act To Amend the Laws Governing Subrogation Rights for Medical Payments Coverage”

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

'An Act To Protect Medical Payments Coverage for Consumers'

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

'Sec. 1. 24-A MRSA §2910-A, sub-§4 is enacted to read:

4. Coordination of benefits and assignment of medical payments coverage. The following provisions apply to coordination of benefits and assignment of medical payments coverage in a casualty insurance policy.

A. A carrier, as defined in section 4301-A, subsection 3, may not coordinate benefits against medical payments coverage in a casualty insurance policy and may not require medical payments coverage to be primary coverage over any health insurance policy.

B. Medical payments coverage in a casualty insurance policy is assignable only by agreement between the insured and the casualty insurer. Benefits under medical payments coverage must be applied as directed by the insured.

C. The insured has the right to submit a claim for medical expenses under medical payments coverage in a casualty insurance policy. The insured may also submit a claim for medical expenses under a health insurance policy, except that an insured is not entitled to duplicate payment from medical payments coverage and a health insurance policy for the same medical expense.'

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

COMMITTEE AMENDMENT

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SUMMARY

This amendment replaces the bill. The amendment is based on a New Hampshire law. The amendment does the following.

1. It prohibits a health insurance carrier from coordinating benefits against medical payments coverage in a casualty insurance policy.

2. It provides that medical payments coverage is assignable only by agreement between the insured and the casualty insurer.

3. It provides that the insured has the right to submit a claim for medical expenses under medical payments coverage in a casualty insurance policy. It also provides that an insured may submit a claim under a health insurance policy, except that an insured is not entitled to duplicate payment from medical payments coverage and a health insurance policy for the same medical expense.