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House of Representatives, February 16, 2021

An Act To Ensure Choices in Health Insurance Markets

Received by the Clerk of the House on February 11, 2021. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative MORRIS of Turner.

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

2 **Sec. 1. 24-A MRSA §2793**, as enacted by PL 2019, c. 653, Pt. B, §2, is amended to
3 read:

4 **§2793. Clear choice designs**

5 The superintendent shall develop clear choice designs for the individual ~~and small~~
6 ~~group~~ health insurance ~~markets~~ market in order to reduce consumer confusion and provide
7 meaningful choices for consumers by promoting a level playing field on which carriers
8 compete on the basis of price and quality.

9 **1. Clear choice design.** For the purposes of this section, "clear choice design" means
10 a set of annual copayments, coinsurance and deductibles for all or a designated subset of
11 the essential health benefits. ~~An individual or small group health plan subject to section~~
12 ~~2792 must conform to one of the clear choice designs developed pursuant to this section~~
13 ~~unless an opt-out request is granted under subsection 4.~~

14 **2. Development of clear choice designs.** The superintendent shall develop clear
15 choice designs in consultation with working groups consisting of consumers, carriers,
16 health policy experts and other interested persons. The superintendent shall adopt rules for
17 clear choice designs, taking into consideration the ability of plans to conform to actuarial
18 value ranges, consumer needs and promotion of benefits with high value and return on
19 investment. The superintendent shall develop at least one clear choice design for each tier
20 of health insurance plan designated as bronze, silver, gold and platinum in accordance with
21 the federal Affordable Care Act. Rules adopted pursuant to this subsection are routine
22 technical rules as defined in Title 5, chapter 375, subchapter 2-A. Clear choice designs
23 apply only to all individual ~~and small group~~ health plans offered in this State with effective
24 dates of coverage on or after January 1, 2022 through the federally facilitated marketplace
25 pursuant to the federal Affordable Care Act or the Maine Health Insurance Marketplace
26 established in Title 22, chapter 1479.

27 **3. Annual review.** The superintendent shall consider annually whether to revise,
28 discontinue or add any clear choice designs for use by carriers in the following calendar
29 year, including but not limited to considering whether deductible and copayment levels
30 should be changed to reflect medical inflation and conform with actuarial value and annual
31 maximum out-of-pocket limits.

32 **4. Alternative plan designs.** In addition to one or more health plans that include cost-
33 sharing parameters consistent with a clear choice design developed pursuant to this section,
34 a carrier may offer ~~up to 3~~ health plans that modify one or more specific cost-sharing
35 parameters in a clear choice design if the carrier submits an actuarial certification to the
36 satisfaction of the superintendent that the alternative plan design offers significant
37 consumer benefits and does not result in adverse selection. An alternative plan design may
38 be offered only in a service area where the carrier offers at least one clear choice design
39 plan at the same tier.

40 **SUMMARY**

41 This bill limits the requirement for health insurance carriers to offer so-called clear
42 choice design plans to individual health plans offered through the federally facilitated
43 marketplace pursuant to the federal Affordable Care and Patient Protection Act or the

1 Maine Health Insurance Marketplace. The bill also expands the ability of carriers to offer
2 alternative plans to a clear choice design plan.