

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-ONE

—  
H.P. 12 - L.D. 46

**An Act To Further Protect Consumers from Surprise Medical Bills**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** it is critically important that this legislation to further protect consumers from surprise medical bills take effect before the expiration of the 90-day period; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 24-A MRSA §4303-C, sub-§2, ¶B,** as amended by PL 2019, c. 668, §2, is further amended to read:

B. Except as provided for ambulance services in paragraph D, unless the carrier and out-of-network provider agree otherwise, a carrier shall reimburse the out-of-network provider or enrollee, as applicable, for health care services rendered at the greater of:

- (1) The carrier's median network rate paid for that health care service by a similar provider in the ~~enrollee's~~ geographic area where the service was provided; and
- (2) The median network rate paid by all carriers for that health care service by a similar provider in the ~~enrollee's~~ geographic area where the service was provided as determined by the all-payer claims database maintained by the Maine Health Data Organization or, if Maine Health Data Organization claims data is insufficient or otherwise inapplicable, another independent medical claims database specified by the superintendent;

**Sec. 2. 24-A MRSA §4303-E, sub-§1, ¶G,** as enacted by PL 2019, c. 668, §3, is repealed.

**Sec. 3. 24-A MRSA §4303-E, sub-§1, ¶I** is enacted to read:

I. Following a determination by an independent dispute resolution entity of a reasonable fee for a particular health care service, an out-of-network provider may not

initiate the dispute resolution process under this subsection for that same health care service for a period of 90 days.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.