

**02-031**  
**MAINE BUREAU OF INSURANCE**  
Rulemaking Agenda  
August 2020

AGENCY UMBRELLA-UNIT NUMBER: **02-031**

AGENCY NAME: Department of Professional and Financial Regulation, **Bureau of Insurance**

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**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**CONSENSUS-BASED RULE DEVELOPMENT:** None anticipated

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

**Health Insurance:**

**New Rule: Chapter 210, Standards for Prescription Benefit Managers**

**STATUTORY AUTHORITY:** 24-A M.R.S. §§ 212 and 4348(8)

**PURPOSE:** to establish requirements applicable to pharmacy benefit managers consistent with legislation enacted as PL 2019, ch. 469, An Act To Protect Consumers from Unfair Practices Related to Pharmacy Benefits Management

**ANTICIPATED SCHEDULE:** summer 2020

**AFFECTED PARTIES:** health insurers and prescription benefit managers

**New Rule: Chapter 365, Standards for Independent Dispute Resolution of Emergency Medical Service Bills**

**STATUTORY AUTHORITY:** 24-A M.R.S. §§ 212 and 4303-E

**PURPOSE:** to implement the independent dispute resolution process established in PL 2019, ch. 668, An Act To Protect Consumers from Surprise Emergency Medical Bills

**ANTICIPATED SCHEDULE:** fall 2020

**AFFECTED PARTIES:** consumers, health care providers, health insurers, and others eligible to participate in the independent resolution process

**Amended Rule: Chapter 425, Long Term Care Insurance**

**STATUTORY AUTHORITY:** 24 M.R.S.A. § 2316 and 24-A M.R.S.A. §§ 212 and 5078

**PURPOSE:** to increase the prior notice to policyholders of rate increases from 60 to 90 days prior to the approved rate increase, to amend reporting requirements and to reflect changes in rating standards consistent with June 2014 amendments to the National Association of Insurance Commissioners Model Regulation

**ANTICIPATED SCHEDULE:** fall 2020

**AFFECTED PARTIES:** long term care insurers and policyholders

**New Rule: Chapter 820, Explanation of Benefits****STATUTORY AUTHORITY:** 24-A M.R.S. §§ 212 and 4303(13)**PURPOSE:** to establish the minimum information and standards for explanation of benefits forms used by carriers that offer health plans in Maine**ANTICIPATED SCHEDULE:** fall 2020**AFFECTED PARTIES:** health insurers**New Rule: Ch. 851, Clear Choice Designs for Individual and Small Group Health Plans****STATUTORY AUTHORITY:** 24-A M.R.S. §§ 212, 2793**PURPOSE:** to develop health plan designs for individual and small group health plans as set out in 24-A M.R.S. § 2792, taking into consideration the ability of plans to conform to actuarial value ranges, consumer needs and promotion of benefits with high value and return on investment**ANTICIPATED SCHEDULE:** late Fall 2020**AFFECTED PARTIES:** individuals and small businesses buying health insurance, health insurance carriers**New Rule: Ch. 856, Combination of the Individual and Small Business Health Insurance Risk Pools****STATUTORY AUTHORITY:** 24-A M.R.S. §§ 212, 2792(5)**PURPOSE:** to establish the necessary conditions and procedures for implementation of the pooled individual and small group health insurance market, and the extension of Maine Guaranteed Access Reinsurance Association (MGARA) coverage to small group health insurance**ANTICIPATED SCHEDULE:** late Fall 2020**AFFECTED PARTIES:** individuals and small businesses buying health insurance, health insurance carriers, MGARA**Amended Rule: Chapter 917, Suitability in Annuity Transactions****STATUTORY AUTHORITY:** 24-A M.R.S. §§ 212 and 2517**PURPOSE:** to establish a best interest standard of conduct for producers and insurers when recommending annuity products for consumers and to comply with the Harkins-Meek amendment to the Dodd-Frank Act by adopting standards that meet or exceed the minimum requirements of the Suitability in Annuity Transactions Model Regulation adopted by the National Association of Insurance Commissioners**ANTICIPATED SCHEDULE:** winter 2021**AFFECTED PARTIES:** producers, insurers, and persons buying annuity products**New Rule: Chapter 942, Rating Factors and Loss Ratio Requirements for Health Plans****STATUTORY AUTHORITY:** 24-A M.R.S. §§ 212, 2736-C(2)(D), 2808-B(2)(D), and 4319(4)**PURPOSE:** to establish standards for age rating and for compliance with medical loss ratio requirements for health plans**ANTICIPATED SCHEDULE:** fall 2020**AFFECTED PARTIES:** health insurers and policyholders

**Amended Rule: Chapter 945, Annual Report Supplement for Health Insurers**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212 and 423-D

PURPOSE: to coordinate with the recently developed Supplemental Exhibit filed with Annual Statements as part of the Affordable Care Act data collection efforts

ANTICIPATED SCHEDULE: fall 2020

AFFECTED PARTIES: health insurers

**New Rule: Chapter 950, Navigator Certification and Training for Health Benefit Marketplaces**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212 and 2188

PURPOSE: sets standards and procedures for the certification of navigators to perform the activities and duties identified in 24-A M.R.S. §2188 and Subsection 1311(i) of the federal Affordable Care Act.

ANTICIPATED SCHEDULE: fall 2020

AFFECTED PARTIES: marketplace navigators

**Financial Regulation of Insurers:****New Rule: Chapter 735, Term and Universal Life Insurance Reserve Financing**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212 and 731-B(2-B) and (7)

PURPOSE: to implement uniform national standards governing reserve financing arrangements pertaining to life insurance policies containing guaranteed nonlevel gross premiums, life insurance policies containing guaranteed nonlevel benefits, and universal life insurance policies with secondary guarantees; and to ensure that there is adequate security as to each such financing arrangement as set out in the rule

ANTICIPATED SCHEDULE: fall 2020

AFFECTED PARTIES: Maine domestic life insurers

**New Rule: Requirements for Eligibility to Operate a Multiple Employer Welfare Arrangement**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212 and 6616

PURPOSE: to establish standards and procedures for employers to follow to establish and maintain eligibility to operate a multiple employer welfare arrangement in Maine

ANTICIPATED SCHEDULE: winter 2021

AFFECTED PARTIES: self-insured employers and stop-loss insurers

**Property and Casualty Insurance:****New Rule: Chapter 175, “Private Passenger Motor Vehicle Definition” for Rental Vehicle Coverage**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212 and 2927

PURPOSE: to clarify the types of vehicles that a personal motor vehicle policy must cover when the vehicle is rented by an authorized driver under the policy

ANTICIPATED SCHEDULE: fall 2020

AFFECTED PARTIES: personal lines motor vehicle insurers and producers

**Amended Rule: Chapter 250, Requirements of Eligibility to Self-Insure Workers' Compensation Benefits**

STATUTORY AUTHORITY: 24-A M.R.S. § 212 and 39-A M.R.S. § 403

PURPOSE: to update standards and procedures for employers to establish and maintain eligibility to self-insure their Maine workers' compensation risks

ANTICIPATED SCHEDULE: spring 2021

AFFECTED PARTIES: employers self-insured for workers' compensation