Medical Payments Written Agreement Form FAQs

Is a written agreement for assignment of medical payments benefits in an automobile insurance policy a new legal requirement in Maine?

Maine law has required an agreement for the assignment of medical benefits since 2019. The 2025 change to the law added a requirement that the assignment agreement be in writing on a form prescribed or approved by the Superintendent.

When is the effective date of the written assignment agreement requirement?

The effective date of the amendment to 24-A M.R.S. § 2910-A(4) is September 24, 2025. However, the Bureau does not intend to enforce this agreement until December 1, 2025 to allow insurers sufficient time to implement this requirement.

Do insurers need to file the form with the Bureau for approval?

No, the form does not need to be filed so long as the insurer is using the form prescribed by the Superintendent or a form substantially similar to the prescribed form. A "substantially similar" form will include an option for medical payments to be paid to a provider only after an insured covered by a private, non-ERISA health plan provides the insurer with a provider's bill showing the amount owed by the insured after the health insurer has paid its contracted benefit amount. Insurers may file the form for information only, and may contact the Bureau's Property and Casualty Division with any questions about the form.

Does an insurer have to use the form if it pays the insured directly and does not make a payment to a provider?

If the insured is paid directly, there is not an "assignment" of the benefit, so the form is not required. Insurers may still wish to use the form for their records, but it is not required.

Does an insurer have to use the form if the insured is covered by an ERISA health plan or by a governmental health plan such as Medicare or MaineCare?

Insurers may choose to use the Maine form for their records, but Maine's requirement does not pre-empt the claims handling and benefit assignment requirements of Medicare, MaineCare, or other health plans exempt from state regulation, including ERISA plans. Insurers should continue to follow the legal requirements of those federally regulated health plans.