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| **Maine Bureau of Insurance** |
| Form Filing Review Requirements Checklist |
| TOI -  |
| Variable Annuities |
| Revised – 11/21/2019 |
| Carriers must confirm compliance and IDENTIFY the LOCATION (Form number, Page number, Section, Paragraph, etc.) of the standard in the form in the last column. Any response of N/A requires that a carrier explain why the requirement is not applicable. |
| This checklist is intended to provide a summary of State and Federal requirements for the TOI listed above. Please see the laws/rules referenced in the checklist below for the full requirement. |

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| **REVIEW REQUIREMENTS** | **REFERENCES** |  | **COMPLIANCE** |
| **GENERAL SUBMISSION REQUIREMENTS** |  |  |  |
| Electronic (SERFF) Filing Requirements: | [Title 24-A § 2412](https://legislature.maine.gov/statutes/24-A/title24-Asec2412.html)(2) [Bulletin 360](https://www.maine.gov/pfr/insurance/sites/maine.gov.pfr.insurance/files/inline-files/360_0.pdf) | All filings must be filed electronically, using the NAIC System for Electronic Rate and Form Filing (SERFF). See http://www.serff.com. |  |
| FILING FEES | [Title 24-A § 6](https://legislature.maine.gov/statutes/24-A/title24-Asec601.html)01 (17) | $20.00 for Rate filings, rating rules filings, insurance policy, forms, riders, endorsements and certificates. See General Instructions page in SERFF for additional information on filing fee structure. Filing fees must be submitted by EFT in SERFF at the time of submission of the filing. All filings require a filing fee unless specifically excluded per 24-A M.R.S.A. §4222(1), and/or are a required annual report. |  |
| Grounds for disapproval | [Title 24-A § 2413](https://legislature.maine.gov/statutes/24-A/title24-Asec2413.html) | Seven categories of the grounds for disapproving a filing. |  |
| Readability | [Title 24-A § 2441](https://legislature.maine.gov/statutes/24-A/title24-Asec2441.html) | Minimum of 50.  Riders, endorsements, applications all must be scored. They may be scored either individually or in conjunction with the policy/certificate to which they will be attached. Exceptions: Federally mandated forms/language, Groups > 1000, Group Annuities as funding vehicles. Scores must be entered on form schedule tab in SERFF. |  |
| Variability of Language | [Title 24-A § 2412](https://legislature.maine.gov/statutes/24-A/title24-Asec2412.html)  [Title 24-A § 2413](https://legislature.maine.gov/statutes/24-A/title24-Asec2413.html) | Forms with variable bracketed information must include all the possible language that might be placed within the brackets. The use of too many variables will result in filing disapproval as Bureau staff may not be able to determine whether the filing is compliant with Maine laws and regulations. |  |
| **ADDITIONAL RATE FILING REQUIREMENTS** |  |  |  |
| Notice of Rate Increase | [Title 24-A § 2839](https://legislature.maine.gov/statutes/24-A/title24-Asec2839-A.html)-A | Requires that insurers provide a minimum of 60 days written notice to policyholders prior to a rate filing for individual health insurance or a rate increase for group health insurance. See statute for the requirements for the notice. |  |
| **GENERAL POLICY PROVISIONS** |  |  |  |
| AIDS and Medical Lifestyle Standards | [Rule 490](https://www.maine.gov/sos/cec/rules/02/031/031c490.doc) | The purpose of this rule is to clarify the standards applicable to written informed consent forms required to be completed by persons required to take a test for the presence of the antibody to the Human Immunodeficiency Virus (HIV) or for the Human Immunodeficiency Antigen by an insurer, nonprofit hospital service organization, nonprofit medical service organization, or a nonprofit health care plan, to establish standards for pretest and post-test counseling required to be provided to persons subject to testing as required by 5 M.R.S.A. Section 19203-A, and to establish standards for medical and lifestyle application questions and underwriting. |  |
| Annual Contract Charge | [Rule 310](https://www.maine.gov/sos/cec/rules/02/031/031c310.doc) Article VI § 3(d)(e) | Annual Contract Charge $30.  The annual contract charge may be more than $30.00.  See this section for exceptions. |  |
| Childhood Immunizations | [Title 24-A § 4](https://legislature.maine.gov/statutes/24-A/title24-Asec4302.html)302(1)(A)(5) [Title 24-A § 4](https://legislature.maine.gov/statutes/24-A/title24-Asec4320-A.html)320-A | Childhood immunizations must be expressly covered or expressly excluded in all policies. If childhood immunizations are a covered benefit it must be expressly stated in the benefit section. If childhood immunizations are not a covered benefit then this must be expressly stated as an exclusion in the policy. |  |
| Classification, Disclosure, and Minimum Standards | [Rule 755](https://www.maine.gov/sos/cec/rules/02/031/031c755.doc) | Must comply with all applicable provisions of [Rule 755](https://www.maine.gov/sos/cec/rules/02/031/031c755.doc) including, but not limited to, Sections 4, 5, 6(A), 6(C), 7(A), 7(B), 7(D), and 8. |  |
| Continuation of group coverage | [Title 24-A § 2809](https://legislature.maine.gov/statutes/24-A/title24-Asec2809-A.html)-A(11) | If the termination of an individual's group insurance coverage is a result of the member or employee being temporarily laid off or losing employment because of an injury or disease that the employee claims to be compensable under Workers Compensation, the insurer shall allow the member or employee to elect to continue coverage under the group policy at no higher level than the level of benefits or coverage received by the employee immediately before termination and at the member's or employee's expense or, at the member's or employee's option, to convert to a policy of individual coverage without evidence of insurability in accordance with this section. See complete details in §2809-A(11). |  |
| Continuity for individual who changes groups | [Title 24-A § 2849](https://legislature.maine.gov/statutes/24-A/title24-Asec2849-B.html)-B | A person is provided continuity of coverage if the person was covered under a prior policy and the prior policy terminated within 180 days before the date the person enrolls or is eligible to enroll in the succeeding policy, or within 90 days before the date the person enrolls or is eligible to enroll in the succeeding contract. The succeeding carrier must waive any medical underwriting or preexisting conditions exclusion to the extent that benefits would have been payable under a prior contract or policy if the prior contract or policy were still in effect. |  |
| Continuity of coverage | [Title 24-A § 2849](https://legislature.maine.gov/statutes/24-A/title24-Asec2849.html)[Title 24-A § 2849](https://legislature.maine.gov/statutes/24-A/title24-Asec2849.html)-B(7) | This section provides continuity of coverage to persons who were covered under the replaced contract or policy at any time during the 90 days before the discontinuance of the replaced contract or policy. Must certify in the cover letter and/or filing description that the underlying plan will comply with Maine’s continuity law. |  |
| Coordination of Benefits provisions (requirement applicable only if policy contains a coordination of benefits provision)Coordination of Benefits with Medicare and Medicaid | [Title 24-A § 2844](https://legislature.maine.gov/statutes/24-A/title24-Asec2844.html)(1-A)(B)(4) [Rule 191](https://www.maine.gov/sos/cec/rules/02/031/031c191.docx) § 9(A)[Rule 191](https://www.maine.gov/sos/cec/rules/02/031/031c191.docx) § 9(D)[Rule 790](https://www.maine.gov/sos/cec/rules/02/031/031c790.doc) [Bulletin 440](https://www.maine.gov/pfr/insurance/themes/insurance/pdf/440.pdf) | Provisions relating to coordination of benefits payable under the contract and under other plans of insurance or of health care coverage under which a certificate holder or the certificate holder's dependents may be covered must conform to Bureau of Insurance [Rule 790](https://www.maine.gov/sos/cec/rules/02/031/031c790.doc).The statute also sets forth how coordination with Medicare and Medicaid is governed. Medicaid (MaineCare) is always secondary payer to the insurer. |  |
| Death with Dignity | [Title 22 § 2140](https://legislature.maine.gov/statutes/22/title22sec2140.html)(19) | The sale, procurement or issuance of any health or accident insurance or the rate charged for any health or accident policy may not be conditioned upon or affected by the making or rescinding of a request by a qualified patient for medication that the patient may self-administer to end the patient's life in accordance with the Maine Death With Dignity Act. |  |
| Definition of Medically Necessary | [Title 24-A § 4](https://legislature.maine.gov/statutes/24-A/title24-Asec4301-A.html)301-A(10-A) | Forms that use the term "medically necessary" or similar terms must include the following definition verbatim: A. Consistent with generally accepted standards of medical practice; B. Clinically appropriate in terms of type, frequency, extent, site and duration; C. Demonstrated through scientific evidence to be effective in improving health outcomes; D. Representative of "best practices" in the medical profession; and E. Not primarily for the convenience of the enrollee or physician or other health care practitioner. |  |
| Definition of UCR | [Title 24-A § 4](https://legislature.maine.gov/statutes/24-A/title24-Asec4303.html)303 (8) | The data used to determine this charge must be Maine specific and relative to the region where the claim was incurred. |  |
| Designation of Classification of Coverage | [Rule 755](https://www.maine.gov/sos/cec/rules/02/031/031c755.doc) § 6 | The heading of the cover letter of any form filing subject to this rule shall state the category of coverage set forth in [Title 24-A § 2694](https://legislature.maine.gov/statutes/24-A/title24-Asec2694.html) that the form is intended to be in. |  |
| Disclosure of All Charges | [Rule 310](https://www.maine.gov/sos/cec/rules/02/031/031c310.doc) Article VIII § 7 | An insurer must disclose in writing, prior to or contemporaneously with delivery of the policy, all charges that may be made to against the separate account such as taxes, brokerage fees, acquisition and sales costs, cost of insurance, administrative and investment management expenses, M&E guarantees, cost of incidental benefits. |  |
| Explanations for any Exclusion of Coverage for work related sicknesses or injuries | [Title 24-A § 2413](https://legislature.maine.gov/statutes/24-A/title24-Asec2413.html) | If the policy excludes coverage for work related sicknesses or injuries, clearly explain whether the coverage is excluded if the enrollee is exempt from requirements from state workers compensation requirements or has filed an exemption from the workers compensation laws. |  |
| Extension of Benefits | [Title 24-A § 2849](https://legislature.maine.gov/statutes/24-A/title24-Asec2849-A.html)-A[Rule 590](https://www.maine.gov/sos/cec/rules/02/031/031c590.doc) | Provide an extension of benefits of 6 months for a person who is totally disabled on the date the group or subgroup policy is discontinued. For a policy providing specific indemnity during hospital confinement, "extension of benefits" means that discontinuance of the policy during a disability has no effect on benefits payable for that confinement. For purposes of determining eligibility for extension of benefits, "total disability" shall be defined no more restrictively than: A.in the case of an insured who was gainfully employed prior to disability, "the inability to engage in any gainful occupation for which he or she is reasonably suited by training, education, and experience;" or B.in the case of an insured who was not gainfully employed prior to disability, "the inability to engage in most normal activities of a person of like age in good health." |  |
| Genetic Information Protections | [Title 24-A § 2159](https://legislature.maine.gov/statutes/24-A/title24-Asec2159-C.html)-C(3)[Title 24-A § 2159](https://legislature.maine.gov/statutes/24-A/title24-Asec2159.html)-C(4) | An insurer may not make or permit any unfair discrimination against an individual in the application of genetic information or the results of a genetic test in the issuance, withholding, extension or renewal of an insurance policy. An insurer may not request, require, purchase or use information obtained from an entity providing direct-to-consumer genetic testing without the informed written consent of the individual who has been tested. |  |
| Guaranteed Issue & Renewal | [Title 24-A § 2808](https://legislature.maine.gov/statutes/24-A/title24-Asec2808-B.html)-B[Title 24-A § 2850](https://legislature.maine.gov/statutes/24-A/title24-Asec2850-B.html)-B | Renewal must be guaranteed to all individuals, to all groups and to all eligible members and their dependents in those groups except for failure to pay premiums, fraud or intentional misrepresentation. Small group plans are guaranteed issue and renewed, community rated, and standardized plans. |  |
| Guaranteed Renewal | [Title 24-A § 2850](https://legislature.maine.gov/statutes/24-A/title24-Asec2850.html)-BPHSA § 2702 ([45 CFR § 148.122](https://www.ecfr.gov/cgi-bin/text-idx?SID=985c38eeddaa13128929637cc7ec919e&pitd=20180719&node=pt45.1.148&rgn=div5#se45.1.148_1122)) | Renewal must be guaranteed to all individuals, to all groups and to all eligible members and their dependents in those groups except for failure to pay premiums, fraud or intentional misrepresentation. May only non-renew or cancel coverage for nonpayment of premiums, fraud, market exit, movement outside of service area, or cessation of bona-fide association membership. |  |
| Health plan accountability | [Rule 850](https://www.maine.gov/sos/cec/rules/02/031/031c850.docx) | Standards in this rule include, but are not limited to, required provisions for grievance and appeal procedures, emergency services, and utilization review standards. |  |
| Health Plan Improvement Act | [Title 24-A Chapter 56-A](https://legislature.maine.gov/statutes/24-A/title24-Ach56-Asec0.html) | These sections describe requirements for health plans offered in Maine. The requirements include, but are not limited to: access to clinical trials, access to prescription drugs, utilization review standards, and independent external review |  |
| HIV/AIDS/ARC | [Title 24-A § 2846](https://legislature.maine.gov/statutes/24-A/title24-Asec2846.html) | No insurance policy may provide more restrictive coverage for death resulting from AIDS, ARC, or HIV-related diseases that the death resulting from any other disease or sickness or exclude coverage for death resulting from AIDS, ARC, or HIV-related diseases, except through an exclusion under which deaths resulting from all sicknesses and diseases are treated the same. See also [Title 24-A § 2159](https://legislature.maine.gov/statutes/24-A/title24-Asec2159.html)(4) for further information on unfair discrimination. |  |
| Lifetime Limits and Annual Dollar Limits Prohibited - Lifetime or annual limits on the dollar value of Essential Health Benefits (EHB): \*2023 Plan Year Limits: Use current maximum out-of-pocket limits as prescribed by CMS final rule. | [Title 24-A § 4](https://legislature.maine.gov/statutes/24-A/title24-Asec4.html)320 PHSA § 2711 ([75 Fed Reg 37188](https://www.federalregister.gov/documents/2010/06/28/2010-15278/patient-protection-and-affordable-care-act-preexisting-condition-exclusions-lifetime-and-annual),[45 CFR § 147](https://www.ecfr.gov/cgi-bin/text-idx?SID=985c38eeddaa13128929637cc7ec919e&pitd=20180719&node=pt45.1.147&rgn=div5#se45.1.147_1126).126) | A carrier offering an individual, small group or large group health plan, may not establish lifetime limits on the dollar value of benefits for any participant or beneficiary; or annual limits on the dollar value of essential benefits. Plans may not establish lifetime limits on the dollar value of essential health benefits: Ambulatory patient services, Emergency services, Hospitalization Maternity and newborn care, Mental health, and substance use disorder services, including behavioral health treatment, Prescription drugs Rehabilitative and habilitative services and devices, Laboratory services, Preventive and wellness services and chronic disease management, Pediatric services, including oral and vision care Issuers are not prohibited from using lifetime limits for specific covered benefits that are not EHB; issuers are not prohibited from excluding all benefits for a non-covered condition for all covered people, but if any benefits are provided for a condition, then no lifetime limit requirements apply. |  |
| Limits on priority liens/Subrogation | [Title 24-A § 2836](https://legislature.maine.gov/statutes/24-A/title24-Asec2836.html)[Title 24-A § 2729](https://legislature.maine.gov/statutes/24-A/title24-Asec2729-A.html)-A | No policy shall provide for priority over the insured if the insured is entitled to receive reimbursement as a result of legal action or claim, except if that provision is approved by the superintendent, requires the prior written approval of the insured, and allows such payments only on a just and equitable basis and not on the basis of a priority lien. |  |
| Mandatory Design | [Rule 310](https://www.maine.gov/sos/cec/rules/02/031/031c310.doc) Article VI § 2 | Statement of essential features of the procedures to be followed by the insurer in determining the dollar amount of any variable benefits required. A statement is required on the first page that the benefits are on a variable basis. Projections of past investment experience into the future investment experience are not allowed in the contract.Grace period of thirty (30) days or one (1) month is required for stipulated payments. Contract must remain in force during the grace period. Policy may be reinstated within one year from the date of default unless the cash value has been paid out.Insurer may require overdue payments and indebtedness including interest. Contract shall stipulate investment factors to be used in computing the dollar amount of variable benefits and any guarantee that expense and/or mortality results shall not adversely affect such dollar amounts. In the case of an individual VA contract where the M&E results may adversely affect the dollar amount of benefits, the assumed M&E factors shall be stipulated in the contract. In computing the dollar amount of variable benefits or other contractual payments or values under an individual VA contract (1) The annual net investment increment assumption shall not exceed 6% except with the approval of the superintendent; and (2) to the extent that the level of benefits may be affected by future mortality results, the mortality factor shall be determined from the Annuity Mortality Tables mandated for the valuation of individual annuities contained in the Standard Valuation Law. |  |
| Non-forfeiture Benefits | [Rule 310](https://www.maine.gov/sos/cec/rules/02/031/031c310.doc) Article VI § 3 | Non forfeiture BenefitsPolicies issued after January 1, 1985 will be granted a paid-up annuity benefit.For further information, please refer to Article VI § 3 with regard to standard non forfeiture benefits. Provisions of this section shall not apply to any reinsurance, group annuity contract purchased in connection with one or more retirement plans or plans of deferred compensation established or maintained by or for one or more employers (including partnerships or sole proprietorships), employee organizations, or any combination thereof See Section 3b for full exemptions |  |
| Penalty for failure to notify of hospitalization | [Title 24-A § 2847](https://legislature.maine.gov/statutes/24-A/title24-Asec2847-A.html)-A[45 CFR § 147](https://www.ecfr.gov/cgi-bin/text-idx?SID=a3bb635afd7624f532acfe878eec552b&pitd=20180719&node=pt45.1.147&rgn=div5#se45.1.147_1138).138(b) | No penalty allowed for failure to notify the insurer of insured's hospitalization for emergency treatment. (There is no specific HMO requirement for this benefit/provision, but it is a benchmark plan requirement.) |  |
| PPOs – Payment for Non-preferred Providers (as applicable) | [Title 24-A § 2677-A](https://legislature.maine.gov/statutes/24-A/title24-Asec2677-A.html) | There cannot be more than a 20% differential in benefits between preferred and non-preferred providers. Superintendent can grant waiver for the 20%, in particular for designated providers for cost or quality. |  |
| Prohibition against Absolute Discretion Clauses | [Title 24-A § 4](https://legislature.maine.gov/statutes/24-A/title24-Asec4.html)303 (11) | Carriers are prohibited from including or enforcing absolute discretion provisions in health plan contracts, certificates, or agreements. |  |
| Rebates | [Title 24-A § 2160](https://legislature.maine.gov/statutes/24-A/title24-Asec2160.html)[Title 24-A § 2163-A](https://legislature.maine.gov/statutes/24-A/title24-Asec2163-A.html)[Bulletin 426](https://www.maine.gov/pfr/insurance/sites/maine.gov.pfr.insurance/files/inline-files/426.pdf)[Bulletin 382](https://www.maine.gov/pfr/insurance/themes/insurance/pdf/382.pdf) | Are there any provisions that give the insured a benefit not associated with indemnification or loss? Yes \_\_\_No \_\_\_ |  |
| Reports to Policyholders | [Rule 310](https://www.maine.gov/sos/cec/rules/02/031/031c310.doc) Article IX | Reports to Policyholders: Each contract year after the first including Report of Accumulation Units |  |
| Required provisions | [Title 24-A § 2816](https://legislature.maine.gov/statutes/24-A/title24-Asec2816.html)[Title 24-A § 2817](https://legislature.maine.gov/statutes/24-A/title24-Asec2817.html)[Title 24-A § 2818](https://legislature.maine.gov/statutes/24-A/title24-Asec2818.html)[Title 24-A § 2819](https://legislature.maine.gov/statutes/24-A/title24-Asec2819.html) [Title 24-A § 2820](https://legislature.maine.gov/statutes/24-A/title24-Asec2820.html)[Title 24-A § 2821](https://legislature.maine.gov/statutes/24-A/title24-Asec2821.html)[Title 24-A § 2822](https://legislature.maine.gov/statutes/24-A/title24-Asec2822.html)[Title 24-A § 2823](https://legislature.maine.gov/statutes/24-A/title24-Asec2823.html)[Title 24-A § 2824](https://legislature.maine.gov/statutes/24-A/title24-Asec2824.html)[Title 24-A § 2825](https://legislature.maine.gov/statutes/24-A/title24-Asec2825.html)[Title 24-A § 2826](https://legislature.maine.gov/statutes/24-A/title24-Asec2826.html)[Title 24-A § 2827](https://legislature.maine.gov/statutes/24-A/title24-Asec2827.html)[Title 24-A § 2828](https://legislature.maine.gov/statutes/24-A/title24-Asec2828.html) | Application statements, notice of claim, proof of loss, assignment of benefits, renewal provisions |  |
| Separate Accounts – Full Payment of Annuity Death Benefits | [Title 24-A § 2537](https://legislature.maine.gov/statutes/24-A/title24-Asec2537.html)(10) | This section of Maine insurance law permits a variable annuity contract to include as an incidental benefit a provision for payment on death during the deferred period of an amount equal to the greater of the sum of the premiums or stipulated payments paid under the contract and the value of the contract at the time of death. Payment of any other amount to the beneficiary is prohibited. Payment on death must be made in accordance with the prompt pay law. |  |
| Standards of Suitability | [Rule 310](https://www.maine.gov/sos/cec/rules/02/031/031c310.doc) Article V § 3 | No insurer or agent shall recommend to an applicant a VA policy if, on the basis of information furnished after reasonable inquiry of such applicant, that such policy is unsuitable to applicant. (Insurance, investment objectives, affordability, risk aversion, etc.) |  |
| Third Party 10 Day Notification prior to cancellation; restrictions on cancellation, termination or lapse due to cognitive impairment or functional incapacity | [Title 24-A § 2847](https://legislature.maine.gov/statutes/24-A/title24-Asec2847-C.html)-C[Title 24-A § 2707](https://legislature.maine.gov/statutes/24-A/title24-Asec2707-A.html)-A[Rule 580](https://www.maine.gov/sos/cec/rules/02/031/031c580.doc) | An insurer shall provide for notification of the insured person and another person, if designated by the insured, prior to cancellation of a health insurance policy for nonpayment of premium. FOR INDIVIDUAL PLANS: Insurers must provide the following disclosure, notice and reinstatement rights:1. Insured has the right to elect a third party to receive notice and that the insurer will send them a third party notice request form to make that selection.2. Insured and designated individual will receive a 10 day notice of cancellation.3. Insured has the right to reinstatement of the contract if the insured suffers from cognitive impairment or functional incapacity and the ground for cancellation was the insured’s nonpayment of premium or other lapse or default on the part of the insured.4. Notice that if a request for reinstatement of coverage because of cognitive impairment or functional incapacity is denied, notice of denial shall be provided to the insured and to the person making the request, if different. The notice of denial shall include notification of the 30 day period following receipt of the notice during which a hearing before the Superintendent may be requested. FOR GROUP PLANS: Third Party Notice of Cancellation for group plans must be applied as follows: 1. If the entire cost of the insurance coverage is paid by the Policyholder, there is no requirement to send the Third Party Notice of Cancellation. 2. If the entire cost of the insurance coverage is paid by the Certificate holder and is direct billed, the insurer must include notification in the policy/certificate to advise the member of their rights. 3. If the entire cost of the insurance coverage is paid by the Certificate holder and is made via payroll deduction, then [Rule 580](https://www.maine.gov/sos/cec/rules/02/031/031c580.doc), § 5 (3) would apply and the insurer must include this notification in the policy/certificate to advise the member of their rights. 4. If a portion of the cost of the insurance coverage is paid by the Policyholder and the remainder is paid by the Certificate holder and is made via payroll deduction, then [Rule 580](https://www.maine.gov/sos/cec/rules/02/031/031c580.doc), § 5 (3) would apply and the insurer must include this notification in the policy/certificate to advise the member of their rights. Please review [Rule 580](https://www.maine.gov/sos/cec/rules/02/031/031c580.doc) and add the required language to the certificate. Additionally, pursuant to [Rule 580](https://www.maine.gov/sos/cec/rules/02/031/031c580.doc) § 6(A)(7), the requirement may be satisfied by including the notice of reinstatement right in an application that is incorporated into the contract. |  |
| UCR Required Disclosure | [Title 24-A § 4](https://legislature.maine.gov/statutes/24-A/title24-Asec4303.html)303 (8)(A) | Clearly disclose that the insured or enrollee may be subject to balance billing as a result of claims adjustment and provide a toll-free number that an insured or enrollee may call prior to receiving services to determine the maximum allowable charge permitted by the carrier for a specified service. |  |
| **ELIGIBILITY / ENROLLMENT** |  |  |  |
| Coverage for Dependent Children Up to Age 26 | [Title 24-A § 2833](https://legislature.maine.gov/statutes/24-A/title24-Asec2833-B.html)-B | A group health insurance policy that offers coverage for dependent children must offer such coverage until the dependent child is 26 years of age. |  |
| Definition of Dependent | [Title 24-A § 2833](https://legislature.maine.gov/statutes/24-A/title24-Asec2833.html) | Defined as under 19 years of age and are children, stepchildren or adopted children of, or children placed for adoption with the policyholder, member or spouse of the policyholder or member, no financial dependency requirement, court ordered coverage |  |
| Dependent children with mental or physical illness. | [Title 24-A § 2833](https://legislature.maine.gov/statutes/24-A/title24-Asec2833-A.html)-A[Title 24-A § 4](https://legislature.maine.gov/statutes/24-A/title24-Asec4320-B.html)320-B | Requires health insurance policies to continue coverage for dependent children up to 26 years of age who are unable to maintain enrollment in college due to mental or physical illness if they would otherwise terminate coverage due to a requirement that dependent children of a specified age be enrolled in college to maintain eligibility. |  |
| Dependent Coverage | [Title 24-A § 2809](https://legislature.maine.gov/statutes/24-A/title24-Asec2809.html) | Coverage for family members or dependents of an individual in the insured group may not exclude those minor children of the individual who do not reside with that individual.Coverage for family members or dependents of an individual in the insured group may provide for the continuation of benefit provisions after the death of the such individual. |  |
| Dependent special enrollment period | [Title 24-A § 2834](https://legislature.maine.gov/statutes/24-A/title24-Asec2834-B.html)-B[Title 24-A § 4](https://legislature.maine.gov/statutes/24-A/title24-Asec4222-B.html)222-B (11) | Enrollment for qualifying events. |  |
| Domestic partner benefits | [Title 24-A § 2832](https://legislature.maine.gov/statutes/24-A/title24-Asec2832-A.html)-A | Contracts must make available to group policyholders the option for additional benefits for the domestic partner of a certificate holder at appropriate rates and under the same terms and conditions as are provided to spouses of married certificate holders under a group policy. This section provides criteria defining "domestic partner" for purposes of this requirement and what evidence may be required as a condition of eligibility. |  |
| Newborn coverage | [Title 24-A § 2834](https://legislature.maine.gov/statutes/24-A/title24-Asec2834.html) | Newborns must be automatically covered under the plan from the moment of birth for the first 31 days. An adopted child is deemed to be newly born to the adoptive parents from the date of the signed placement agreement. |  |
| **CLAIMS** |  |  |  |
| Calculation of health benefits based on actual cost | [Title 24-A § 2185](https://legislature.maine.gov/statutes/24-A/title24-Asec2185.html) | If the insurer has negotiated discounts with providers, the insurer must provide for the calculation of all covered health benefits, including without limitation all coinsurance, deductibles and lifetime maximum benefits, on the basis of the net negotiated cost and must fully reflect any discounts or differentials from charges otherwise applicable to the services provided. With respect to policies involving risk-sharing compensation arrangements, net negotiated costs may be calculated at the time services are rendered on the basis of reasonably anticipated compensation levels and are not subject to retrospective adjustment at the time a cost settlement between a provider and the insurer or organization is finalized. |  |
| Credit toward Deductible | [Title 24-A § 2844](https://legislature.maine.gov/statutes/24-A/title24-Asec2844.html)(3) | When an insured is covered under more than one expense-incurred health plan, payments made by the primary plan, payments made by the insured and payments made from a health savings account or similar fund for benefits covered under the secondary plan must be credited toward the deductible of the secondary plan. This subsection does not apply if the secondary plan is designed to supplement the primary plan. |  |
| Explanations Regarding Deductibles | [Title 24-A § 2413](https://legislature.maine.gov/statutes/24-A/title24-Asec2413.html) | All policies must include clear explanations of all of the following regarding deductibles: Whether it is a calendar or policy year deductible. Clearly advise whether non-covered expenses apply to the deductible. Clearly advise whether it is a per person or family deductible or both. |  |
| Penalty for noncompliance with utilization review | [Title 24-A § 2847](https://legislature.maine.gov/statutes/24-A/title24-Asec2847-D.html)-D | A policy may not have a penalty of more than $500 for failure to provide notification under a utilization review program. |  |
| **GRIEVANCES & APPEALS** |  |  |  |
| Timeline for second level grievance review decisions | [Title 24-A § 4](https://legislature.maine.gov/statutes/24-A/title24-Asec4.html)303(4) | Decisions for second level grievance reviews must be issued within 30 calendar days if the insured has not requested to appear in person before authorized representatives of the health carrier. |  |
| **PROVIDERS / NETWORKS** |  |  |  |
| Certified nurse practitioners, certified midwives, and certified nurse (aka: Advanced midwives Practice Registered Nurse) | [Title 24-A § 2847](https://legislature.maine.gov/statutes/24-A/title24-Asec2847-H.html)-H [Title 24-A § 4](https://legislature.maine.gov/statutes/24-A/title24-Asec4303.html)303(5) | Coverage for services provided by nurse practitioners, certified midwives, and certified nurse midwives and allows nurse practitioners to serve as primary care providers. |  |
| Chiropractic Services | [Title 24-A § 2840-A](https://legislature.maine.gov/statutes/24-A/title24-Asec2840-A.html) | Benefits must be included for the services of chiropractors, to the extent that the services are within the lawful scope of practice of a chiropractor licensed in this State, if the same services would be covered if provided by a physician. Therapeutic, adjustive and manipulative services shall be covered whether performed by an allopathic, osteopathic or chiropractic doctor. |  |
| Coverage for Services Provided by Certified Registered Nurse Anesthetists | [Title 24-A § 4](https://legislature.maine.gov/legis/statutes/24-A/title24-Asec4320-Q.html)320-Q | Coverage for services provided by certified registered nurse anesthetists (CRNA) is required. |  |
| Coverage of Optometrists | [Title 24-A § 2841](https://legislature.maine.gov/statutes/24-A/title24-Asec2841.html) | Benefits must be made available for the services of optometrists if the same services would be covered if performed by physician. |  |
| Independent Practice Dental Hygienists | [Title 24-A § 2847](https://legislature.maine.gov/statutes/24-A/title24-Asec2847-Q.html)-Q | Coverage must be provided for dental services performed by a licensed independent practice dental hygienist when those services are covered services under the contract and when they are within the lawful scope of practice of the independent practice dental hygienist. |  |
| Mental health services provided by certain professionals | [Title 24-A § 2835](https://legislature.maine.gov/statutes/24-A/title24-Asec2835.html) | A covered person is entitled to reimbursement for services performed by one of the following professionals if the policy reimburses for those services and those services are within the professional’s lawful scope of practice:• Psychologist licensed to practice in Maine;• Certified social worker licensed for independent practice of social work in Maine;• Licensed clinical professional counselor licensed for independent practice of counseling in Maine;• Licensed nurse certified by the American Nurses’ Association as a clinical specialist in adult psychiatric and mental health nursing or as a clinical specialist in child and adolescent psychiatric and mental health nursing;• Marriage and family therapist licensed as such in Maine;• Licensed pastoral counselor licensed as such in Maine. |  |
| Registered nurse first assistants | [Title 24-A § 2847](https://legislature.maine.gov/statutes/24-A/title24-Asec2847-I.html)-I | Benefits must be provided for coverage for surgical first assisting benefits or services shall provide coverage and payment under those contracts to a registered nurse first assistant who performs services that are within the scope of a registered nurse first assistant's qualifications. |  |
| **GENERAL HEALTH CARE TREATMENT / COVERAGE** |  |  |  |
| Anesthesia for Dentistry | [Title 24-A § 2847](https://legislature.maine.gov/statutes/24-A/title24-Asec2847-K.html)-K | Anesthesia & associated facility charges for dental procedures are mandated benefits for certain vulnerable persons. |  |
| Breast reduction and symptomatic varicose vein surgery | [Title 24-A § 2847](https://legislature.maine.gov/statutes/24-A/title24-Asec2847-L.html)-L | Coverage must be offered for breast reduction surgery and symptomatic varicose vein surgery determined to be medically necessary. |  |
| Coverage for Breast Cancer Treatment and Reconstructive Surgery | [Title 24-A § 2837](https://legislature.maine.gov/statutes/24-A/title24-Asec2837-C.html)-C | Coverage with for inpatient breast cancer treatment must be provided for the duration determined by the attending physician.Must provide coverage for reconstruction of both breasts to produce symmetrical appearance according to patient and physician wishes. |  |
| Preventive health services Preventive health services without cost-sharing requirements including deductibles, co-payments, and co-insurance. | [Title 24-A § 4](https://legislature.maine.gov/statutes/24-A/title24-Asec4320.html)320-A[Rule 191](https://www.maine.gov/sos/cec/rules/02/031/031c191.docx) § 9(M)PHSA § 2713 ([75 Fed Reg 41726](https://www.federalregister.gov/documents/2010/07/19/2010-17242/interim-final-rules-for-group-health-plans-and-health-insurance-issuers-relating-to-coverage-of), [45 CFR § 147](https://www.ecfr.gov/cgi-bin/text-idx?SID=a3bb635afd7624f532acfe878eec552b&pitd=20180719&node=pt45.1.147&rgn=div5#se45.1.147_1130).130) | Must, at a minimum, provide coverage for, and may not impose cost-sharing requirements for, the following preventive services: The evidence-based items or services that have a rating of A or B in the recommendations of the USPSTF or equivalent rating from a successor organization; With respect to the individual insured, immunizations that have a recommendation from the federal DHHS, CDC, Advisory Committee on Immunization Practices; With respect to infants, children and adolescents, evidence-informed preventive care and screenings provided for in the most recent version of the comprehensive guidelines supported by the federal DHHS, HRSA; and With respect to women, such additional preventive care and screenings not described in paragraph A, provided for in the comprehensive guidelines supported by the federal DHHS, HRSA women's preventive services guidelines. If one of the recommendations referenced above is changed during a plan year, a carrier is not required to make changes to that health plan during the plan year. SEE SEPARATE CHECKLIST FOR SPECIFIC SERVICES. |  |
| Telehealth Services | [Title 24-A § 4](https://legislature.maine.gov/statutes/24-A/title24-Asec4316.html)316 | Carrier must provide coverage for telehealth services if the service would be covered if it were provided through in-person consultation and as long as the provider is acting within the scope of practice of the provider’s license with regard to telehealth services. Can’t put any restriction on the prescribing of medication through telehealth that could otherwise be prescribed in-person. The availability of health care services may not be considered for the purposes of demonstrating provider network adequacy. |  |
| **WOMEN & MATERNITY** |  |  |  |
| Maternity and newborn care; newborn children coverage | [Title 24-A § 2834](https://legislature.maine.gov/statutes/24-A/title24-Asec2834.html)[Title 24-A § 2834](https://legislature.maine.gov/statutes/24-A/title24-Asec2834-A.html)-A[Title 24-A § 4](https://legislature.maine.gov/statutes/24-A/title24-Asec4320-A.html)320-A[45 CFR § 148.170](https://www.ecfr.gov/cgi-bin/text-idx?SID=985c38eeddaa13128929637cc7ec919e&pitd=20180719&node=pt45.1.148&rgn=div5#se45.1.148_1170) | Benefits must be provided for maternity (length of stay) and newborn care, in accordance with "Guidelines for Perinatal Care" as determined by attending provider and mother. Benefits may not be restricted to less than 48 hours following a vaginal delivery/96 hours following a cesarean section. An issuer is required to provide notice unless state law requires coverage for 48/96-hour hospital stay, requires coverage for maternity and pediatric care in accordance with an established professional medical association, or requires that decisions about the hospital length of stay are left to the attending provider and the mother. Policies and certificates providing coverage on an expense-incurred basis must provide that benefits are payable for a newly born child of the insured or subscriber from the moment of birth for the first 31 days. This must include coverage of injury or sickness or other benefits provided by the policy, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities. If payment of premium is required to provide coverage for a child, the policy may require that notice of birth and payment of the premium be furnished within 31 days after the date of birth in order to have coverage continue beyond the 31-day period. The payment may be required to be retroactive to the date of birth. |  |
| **INFANTS & CHILDREN** |  |  |  |
| Autism Spectrum Disorders | [Title 24-A § 2847](https://legislature.maine.gov/statutes/24-A/title24-Asec2847-T.html)-T | Group health insurance policies and certificates must provide coverage for autism spectrum disorders, as defined in this section, for a covered individual who is 10 years of age or under in accordance with the requirements set forth in this section. |  |
| Early Childhood Intervention | [Title 24-A § 2847](https://legislature.maine.gov/statutes/24-A/title24-Asec2847-S.html)-S | Group health insurance policies and certificates must provide coverage for children's early intervention services in accordance with the requirements of this section. "Children's early intervention services" is defined in this section. |  |
| **MENTAL HEALTH & SUBSTANCE ABUSE SERVICES / COVERAGE** |  |  |  |
| Mental health coverage | [Title 24-A § 2843](https://legislature.maine.gov/statutes/24-A/title24-Asec2843.html)[Title 24-A § 4](https://legislature.maine.gov/statutes/24-A/title24-Asec4320-D.html)320-D[Rule 330](https://www.maine.gov/sos/cec/rules/02/031/031c330.doc) | The contract must provide coverage for treatment of certain mental illnesses (including substance use disorders), as diagnosed by specific providers, and the coverage must meet the following parity requirements:• benefits for treatment and diagnosis of mental illnesses must be provided under terms and conditions that are no less extensive than the benefits provided for medical treatment for physical illness;• providers may be required to furnish data substantiating that initial/continued treatment is medically necessary, and in determining medical necessity, the same criteria must be used for medical treatment for mental illness as for physical illness under the policy;• if benefits for physical illness are provided on an expense-incurred basis, the benefits required for mental illness may be delivered separately under a managed care system;• contracts may not have separate maximums, deductibles, coinsurance amounts, out-of-pocket limits in a benefit period of not more than 12 months, or separate office visit limits, for physical illness and mental illness;• contracts may not impose a limitation on benefits for mental illness unless the same limitation is also imposed for physical illness;• copayments for mental illness must be actuarially equivalent to any coinsurance requirements or, if there are no coinsurance requirements, may not be greater than any copayment or coinsurance for physical illness; and• a medication management visit associated with a mental illness must be covered in the same manner as a medication management visit for treatment of a physical illness and may not be counted in the calculation of any maximum outpatient treatment visit limits.The contract must provide for medically necessary health care for a person suffering from mental illness, and such medically necessary health care must include, but is not limited to: • inpatient care; • day treatment services; • outpatient services; and • home health care services. |  |
| Mental health services provided by certain professionals | [Title 24-A § 2835](https://legislature.maine.gov/statutes/24-A/title24-Asec2835.html) | A covered person is entitled to reimbursement for services performed by one of the following professionals if the policy reimburses for those services and those services are within the professional’s lawful scope of practice:• Psychologist licensed to practice in Maine;• Certified social worker licensed for independent practice of social work in Maine;• Licensed clinical professional counselor licensed for independent practice of counseling in Maine;• Licensed nurse certified by the American Nurses’ Association as a clinical specialist in adult psychiatric and mental health nursing or as a clinical specialist in child and adolescent psychiatric and mental health nursing;• Marriage and family therapist licensed as such in Maine;• Licensed pastoral counselor licensed as such in Maine. |  |
| Substance Abuse Disorder Treatment | [Title 24-A § 2842](https://legislature.maine.gov/statutes/24-A/title24-Asec2842.html)[Rule 320](https://www.maine.gov/sos/cec/rules/02/031/031c320.doc) | If the contract provides coverage for hospital care, the contract must provide coverage for the treatment of substance use disorder pursuant to a treatment plan, which must, at a minimum, include: 1) residential treatment at a hospital or free-standing residential treatment center that is licensed, certified or approved by the State; and 2) outpatient care rendered by state licensed, certified or approved providers. Treatment or confinement at a facility may not preclude further/additional treatment at another eligible facility if the benefit days used do not exceed the total number of benefit days provided for under the contract. (not required for contracts issued to employers with 20 or fewer employees insured under the contract) |  |
| **PRESCRIPTION DRUGS** |  |  |  |
| Continuity of Prescription Drugs | [Title 24-A § 4](https://legislature.maine.gov/statutes/24-A/title24-Asec4.html)303(7)(A) | If an enrollee has been undergoing a course of treatment with a prescription drug by prior authorization of a carrier and the enrollee’s coverage with one carrier is replaced with coverage from another carrier pursuant to section 2849-B, the replacement carrier shall honor the prior authorization for that prescription drug and provide coverage in the same manner as the previous carrier until the replacement carrier conducts a review of the prior authorization for that prescription drug with the enrollee’s prescribing provider. Policies must include a notice of the carrier’s right to request a review with the enrollee’s provider, and the replacing carrier must honor the prior carrier’s authorization for a period not to exceed 6 months if the enrollee’s provider participates in the review and requests the prior authorization be continued. The replacing carrier is not required to provide benefits for conditions or services not otherwise covered under the replacement policy, and cost sharing may be based on the copayments and coinsurance requirements of the replacement policy. |  |
| Coverage for HIV Prevention Drugs | [Title 24-A § 4](https://legislature.maine.gov/statutes/24-A/title24-Asec4317-D.html)317-D | A. If the FDA has approved one or more HIV prevention drugs that use the same method of administration, a carrier must cover at least one approved drug for each method of administration with no out-of-pocket cost. B. A carrier is not required to cover pre- or post-exposure prophylaxis drug dispensed or administered by an out-of-network pharmacy provider unless the enrollee's health plan provides an out-of-network pharmacy benefit. C. A carrier may not prohibit a pharmacy from dispensing or administering any HIV prevention drugs. |  |
| No Prior Authorization or step therapy for mental illness drugs | [Title 24-A § 4](https://legislature.maine.gov/statutes/24-A/title24-Asec4304.html)304(2-C)[Title 24-A § 4](https://legislature.maine.gov/statutes/24-A/title24-Asec4320-N.html)320-N | Carrier must approve all prior authorizations for drugs to treat serious mental illness. No step therapy for such drugs. Serious mental illness means mental illness must result in serious functional impairment that substantially interferes with or limits one or more major life activities. |  |
| Prosthetic devices to replace an arm or leg. | [Title 24-A § 4](https://legislature.maine.gov/statutes/24-A/title24-Asec4315.html)315[42 USC 1395m](https://www.law.cornell.edu/uscode/text/42/1395m) | Coverage must be provided, at a minimum, for prosthetic devices to replace, in whole or in part, an arm or leg to the extent that they are covered under the Medicare program. Coverage for repair or replacement of a prosthetic device must also be included. Exclusion for micro-processors was removed effective 1/2011.1. Definition. As used in this section, "prosthetic device" means an artificial device to replace, in whole or in part, an arm or a leg. 2. Required coverage. A carrier shall provide coverage for prosthetic devices in all health plans that, at a minimum, equals, except as provided in subsection 8, the coverage and payment for prosthetic devices provided under federal laws and regulations for the aged and disabled pursuant to 42 United States Code, Sections 1395k, 1395l and 1395m and 42 Code of Federal Regulations, Sections 414.202, 414.210, 414.228 and 410.100. Covered benefits must be provided for a prosthetic device determined by the enrollee's provider, in accordance with section 4301-A, subsection 10-A, to be the most appropriate model that adequately meets the medical needs of the enrollee. 8. Health savings accounts. Benefits for prosthetic devices under health plans issued for use in connection with health savings accounts as authorized under Title XII of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 may be subject to the same deductibles and out-of-pocket limits that apply to overall benefits under the contract.(h) Payment for prosthetic devices and orthotics and prosthetics (1) General rule for payment (A) In general Payment under this subsection for prosthetic devices and orthotics and prosthetics shall be made in a lump-sum amount for the purchase of the item in an amount equal to 80 percent of the payment basis described in subparagraph (B). (B) Payment basis Except as provided in subparagraphs (C), (E), and (H)(i), the payment basis described in this subparagraph is the lesser of— (ii) the actual charge for the item; or (iii) the amount recognized under paragraph (2) as the purchase price for the item. Coverage should be applied as follows:1. Coinsurance shall NOT exceed 20%, AFTER deductible in the plan. 2. HSA’s are NOT subject to the 20% requirement but coinsurance may not exceed that for other services. 3. DME and other prosthetic devices are NOT subject to the 20%, so it would be helpful to clarify in the schedule of benefits, summary of benefits and coverage, and the plan and benefits template how each category is paid out. 4. Out Of Network is NOT subject to 20%, unless there is no in-network available then OON should be billed as in-network i.e. 20%. |  |