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| **Maine Bureau of Insurance** |
| Form Filing Review Requirements Checklist |
| TOI - |
| Variable Life |
| Revised – 12/9/2020 |
| 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 § 601](https://legislature.maine.gov/statutes/24-A/title24-Asec601.html) (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. |  |
| Assignment | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 3(i) | Assignment conditions or requirements. |  |
| Beneficiary Designation | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 3(h) | Beneficiary designation conditions or requirements. |  |
| Changes in Variable Death Benefits | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 2(e) | Any changes in the variable death benefits of each VL policy shall be determined at least annually. |  |
| Childhood Immunizations | [Title 24-A § 4302](https://legislature.maine.gov/statutes/24-A/title24-Asec4302.html)(1)(A)(5)  [Title 24-A § 4320](https://legislature.maine.gov/statutes/24-A/title24-Asec4320-A.html)-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(G), 7(A), 7(B), 7(G), and 8. |  |
| Computation of Values | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 2(g) | The computation of values required for each VL policy may be based upon reasonable and necessary approximations. |  |
| Conditions for Deferral of Death Benefit Payment | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 3(l) | A provision that payment of any death benefits in excess of the minimum DB, CV, loan or partial withdrawals (except when used to pay premiums) or partial surrenders may be deferred:1) For up to six (6) months from the date of request, if such payments are based on policy values which do not depend on the investment performance of the separate account; or2) Otherwise, for any period during which the NYSE is closed for trading (except normal holiday closing) or when the SEC has determined that a state of emergency exists which may such payment impractical. |  |
| Contents of Cover Page | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 3(a) | The cover page shall contain:1) A prominent statement in either contrasting color or in boldface type that the amount or duration of death may be variable or fixed under specified conditions:2) A prominent statement in either contrasting color or in boldface type that cash values may increase or benefit may be variable or fixed under specified conditions; decrease in accordance with the experience of the separate account subject to any specified minimum guarantees;3) A statement describing any minimum death benefit required;4) The method, or reference to the policy provision which describes the method, for determining the amount of insurance payable at death;5) A captioned provision that the policyholder may return the policy within ten (10) days of receipt and receive a refund equal to the sum of (A) the difference between the premiums paid including any policy fees or other charges and the amounts allocated to any separate accounts and (B) the value of the amounts allocated to any separate accounts under the policy, on the date the returned policy is received by the insurer or its agent, to the extent permitted by Maine law.6) Such other items as currently required for fixed benefit life insurance policies which are not inconsistent with this rule. |  |
| 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. |  |
| CSV Provisions and Requirements | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 4 | At least 75% of the policy's CSV may be borrowed. Interest may not exceed that permitted by Title 24-A § 2552 and § 2553.For scheduled premium policies, when the indebtedness exceeds the CSV, the insurer shall give notice to cancel at least thirty-one (31) days from date of mailing of notice for repayment of indebtedness.Amounts paid to the policyholder upon exercise of a policy loan shall be withdrawn from the separate account and shall be returned to the separate account upon repayment, except that a stock insurer may provide the amounts for policy loans from the general account.For flexible premium policies, whenever the total charges authorized by the policy that are necessary to keep the policy in force until the next following policy processing day exceed the amounts available under the policy to pay such charges a report must be sent to the policy holder containing the information specified by Section 3 of Article XI |  |
| 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 § 4301](https://legislature.maine.gov/statutes/24-A/title24-Asec4301-A.html)-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 § 4303](https://legislature.maine.gov/statutes/24-A/title24-Asec4303.html) (8) | The data used to determine this charge must be Maine specific and relative to the region where the claim was incurred. |  |
| Description of benefit base & method of calculation and application of factors used to adjust variable benefits | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 3(d) | Full description of the benefit base and the method of calculation and application of any factors used to adjust the variable benefits under the policy. |  |
| Description of the Basis for Computing Cash Value & the CSV | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 3(n) | A description of the basis for computing the cash value and the CSV under the policy shall be included. |  |
| Designating Separate Accounts | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 3(e) | Provision designating the separate accounts. See also Article VIII and 24-A § 2537 with regard to the establishment and administration of separate accounts as defined by the Investment Act of 1940. |  |
| 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. |  |
| Designation of Officers & statements made by the insured are considered representations and not warranties | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 3(f) | A designation of the officers empowered to make an agreement on behalf of the insurer and that statements made by the insured are considered representations and not warranties. |  |
| Designation of Owner of Insurance Contract | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 3(g) | Ownership provision |  |
| Determination of Cash Value | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 2(f) | The cash value of each VL policy shall be determined at least monthly. |  |
| Disclosure of all charges | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.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. |  |
| Discrimination Against FDA Approved Opioid Overdose-reversing Medication | [Title 24-A § 2159](https://legislature.maine.gov/statutes/24-A/title24-Asec2159-E.html)-E | An insurer may not limit coverage or refuse to issue or renew coverage or consider due to the fact that the individual has been issued a prescription for FDA approved opioid overdose reversing medication. The insurer may also not consider the purchase or prescription of FDA approved opioid overdose reversing medication in determining rates without any additional actuarial information. The exception is when an individual has a demonstrated history of opioid use disorder. |  |
| 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." |  |
| Full amount of the net investment return applied to the benefit base | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 2(d) | Each VL policy shall be created with the full amount of the net investment return applied to the benefit base. |  |
| 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. |  |
| Grace Period | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 3(b) | 1) For scheduled premium policies, a provision for grace period of not less than 31 days from the premium due date which shall provide that where the premium is paid within the grace period, policy values will be the same, except for the deduction of any overdue premium.  2) For flexible premium policies, a provision for a grace period beginning on the policy processing day when the total charges authorized by the policy that are necessary to keep the policy in force until the next policy processing day exceed the amounts available under the policy to pay such charges in accordance with the terms of the contract. Such grace period will end on a date not less than 61 days aver the mailing date of the Report to Policyholders. |  |
| 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)-B  PHSA § 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. |  |
| Incontestestability | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 3(j) | A provision that the policy shall be incontestable after it has been in force for two (2) years during the lifetime of the insured. Any increase in coverage subject to E of I is incontestable from the date of issue of the increase. |  |
| Investment Experience | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 2(c) | The policy shall reflect the investment experience of one or more separate accounts established and maintained by the insurer. The insurer must demonstrate that the reflection of investment experience in the VL policy is actuarially sound. |  |
| Investment Policy of Separate Accounts | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 3(k) | The investment policy of the separate accounts shall not be changed without the approval of the insurance supervisory official of the state of domicile of the insurer and that they insurer will notify the policyholder not less than 30 days prior to such planned change. |  |
| 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 § 4320](https://legislature.maine.gov/statutes/24-A/title24-Asec4320.html)  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. |  |
| Live Organ Donation Prohibition | [Title 24-A § 2159](https://legislature.maine.gov/statutes/24-A/title24-Asec2159-D.html)-D | Notwithstanding any other provision of law, an insurer authorized to do business in this State may not: A. Limit coverage or refuse to issue or renew coverage of an individual under any life insurance, disability insurance or long-term care insurance policy due to the status of that individual as a living organ donor; B. Preclude an individual from donating all or part of an organ as a condition of receiving coverage under a life insurance, disability insurance or long-term care insurance policy; C. Consider the status of an individual as a living organ donor in determining the premium rate for coverage of that individual under a life insurance, disability insurance or long-term care insurance policy; or D. Otherwise discriminate in the offering, issuance, cancellation, amount of coverage, price or any other condition of a life insurance, disability insurance or long-term care insurance policy based solely and without any additional actuarial justification upon the status of an individual as a living organ donor. |  |
| Minimum Death Benefit | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 2(b) | For scheduled premium policies, a minimum death benefit shall be provided in an amount at least equal to the initial face amount of the policy as long as premiums are duly paid. |  |
| Mortality and Expense Risks | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 2(a) | Mortality and expense risks shall be borne by the insurer |  |
| Non-Forfeiture Benefits | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 3(r) | A provision for non-forfeiture benefits. The insurer may establish a reasonable minimum cash value below which any nonforfeiture insurance options will not be available. |  |
| Obstetrical and gynecological care | [Title 24-A § 2847](https://legislature.maine.gov/statutes/24-A/title24-Asec2847-F.html)-F  [Title 24-A § 4320](https://legislature.maine.gov/statutes/24-A/title24-Asec4320.html)-A | Benefits must be provided for annual gynecological exam without prior approval of primary care physician. A group health plan, or health insurance issuer offering group orindividual health insurance coverage, described in paragraph (2) may not require authorization or referral by the plan, issuer, or any person (including a primary care provider described in paragraph (2)(B)) in the case of a female participant, beneficiary, or enrollee who seeks coverage for obstetrical or gynecological care provided by a participating health care professional who specializes in obstetrics or gynecology. |  |
| 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 § 4303](https://legislature.maine.gov/statutes/24-A/title24-Asec4303.html) (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 \_\_\_ |  |
| Reinstatement Provision | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 3(c) | For scheduled premium policies, a provision that the policy will be reinstated at any time within 2 years from the date of default: written application, E of I satisfactory to the insurer, payment of any outstanding indebtedness together with accrued interest. See this section of the Rule for calculations on premiums/cash value repayment. |  |
| Reports to Policyholders | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article XI | Reports to Policyholders: Within thirty (30) days after each anniversary of the policy; Annually |  |
| 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 |  |
| Settlement Options | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 3(m) | If settlement options are provided, at least one such option shall be provided on a fixed basis only. |  |
| Standards of Suitability | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article V § 3  [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article X § 2 | No insurer or agent shall recommend to an applicant a VL 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.) |  |
| Statement of Premium/Charges for Incidental Insurance Benefits | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 3(o) | Premiums or charges for incidental insurance benefits shall be stated separately. |  |
| Stranger Originated Life Insurance | [Title 24-A § 6802-A](https://legislature.maine.gov/statutes/24-A/title24-Asec6802-A.html)(6)  [Title 24-A § 6802-A](https://legislature.maine.gov/statutes/24-A/title24-Asec6802-A.html)(12-A) | It is a fraudulent act for an insurance company or viatical settlement provider to commit, or permit its employees or its agents to engage in entering into stranger-originated life insurance."Stranger-originated life insurance" means an act or practice to initiate a life insurance policy for the benefit of a person who, at the time of the origination of the policy, has no insurable interest in the insured. "Stranger-originated life insurance" includes, but is not limited to, cases in which life insurance is purchased with resources or guarantees from or through a person who, at the time of the inception of the policy, could not lawfully initiate the policy and when, at the time of policy inception, there is an arrangement or agreement to directly or indirectly transfer the ownership of the policy or the policy benefits to another person. A trust that is created to give the appearance of insurable interest and is used to initiate policies for investors violates insurable interest laws and the prohibition against wagering on life.” |  |
| Suicide | [Rule 300](https://www.maine.gov/sos/cec/rules/02/031/031c300.doc) Article VI § 5(a) | An exclusion for suicide within two (2) years of the date of issue of the policy.Policies issued on a participating basis shall offer to pay dividend amounts in cash and may off dividend options as outlined in this section. |  |
| 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. |  |
| Third Party 21 Day Notice of Cancellation; Reinstatement for Cognitive Impairment or Functional Incapacity | [Title 24-A § 2556](https://legislature.maine.gov/statutes/24-A/title24-Asec2556.html)  [Rule 585](https://www.maine.gov/sos/cec/rules/02/031/031c585.doc) | All policies shall include notice of the right to seek reinstatement after cancellation, termination, or lapse, if loss of coverage is attributable to the policyholder’s affliction with Cognitive Impairment or Functional Incapacity. Policies must include notice of the right to: 1. receive notification that an individual life insurance policy that has been in force for at least one year may not be terminated for nonpayment of premium, unless at least 21 days prior to the expiration of the policy’s grace period, the insurer has mailed a notice of cancellation to the policyholder and any third party designated by the policyholder by name and address in writing; 2. designate a third party to receive notification pursuant to Section 4 of the Rule; and 3. change the designation. |  |
| Third-Party Notice Request Form(For individual policies only) | [Rule 585](https://www.maine.gov/sos/cec/rules/02/031/031c585.doc) | Insurers shall provide each policyholder with a "Third-Party Notice Request Form". This form must comply with all requirements in [Rule 585](https://www.maine.gov/sos/cec/rules/02/031/031c585.doc). |  |
| UCR Required Disclosure | [Title 24-A § 4303](https://legislature.maine.gov/statutes/24-A/title24-Asec4303.html) (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** |  |  |  |
| 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 § 4320](https://legislature.maine.gov/statutes/24-A/title24-Asec4320-B.html)-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 § 4222-B](https://legislature.maine.gov/statutes/24-A/title24-Asec4222-B.html) (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. |  |
| **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 § 4303](https://legislature.maine.gov/statutes/24-A/title24-Asec4303.html)(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 § 4320](https://legislature.maine.gov/legis/statutes/24-A/title24-Asec4320-Q.html)-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. |  |
| Colorectal Cancer Screening | [Title 24-A § 2847](https://legislature.maine.gov/statutes/24-A/title24-Asec2847-N.html)-N | Coverage must be provided for colorectal cancer screening for asymptomatic individuals who are: At average risk for colorectal cancer according to the most recently published colorectal cancer screening guidelines of a national cancer society; or At high risk for colorectal cancer. “Colorectal cancer screening” means all colorectal cancer examinations and laboratory tests recommended by a health care provider in accordance with the most recently published colorectal cancer screening guidelines of a national cancer society. If a colonoscopy is recommended by a health care provider as the colorectal cancer screening test in accordance with this section and a lesion is discovered and removed during that colonoscopy, the health care provider must bill the insurance company for a screening colonoscopy as the primary procedure. |  |
| 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. |  |
| Eye Care Services | [Title 24-A § 4314](https://legislature.maine.gov/statutes/24-A/title24-Asec4314.html) | Patient access to eye care providers when the plan provides eye care services. |  |
| Hospice Care Services | [Title 24-A § 2847](https://legislature.maine.gov/statutes/24-A/title24-Asec2847-J.html)-J | Hospice care services must be provided to a person who is terminally ill (life expectancy of 12 months or less). Must be provided whether the services are provided in a home setting or an inpatient setting. See section for further requirements. |  |
| Preventive health services  Preventive health services without cost-sharing requirements including deductibles, co-payments, and co-insurance. | [Title 24-A § 4320](https://legislature.maine.gov/statutes/24-A/title24-Asec4320-A.html)-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. |  |
| Prostate cancer screening | [Title 24-A § 2837](https://legislature.maine.gov/statutes/24-A/title24-Asec2837-H.html)-H  [Title 24-A § 4320](https://legislature.maine.gov/statutes/24-A/title24-Asec4320.html)-A | Coverage required for prostate cancer screening: Digital rectal examinations and prostate-specific antigen tests covered if recommended by a physician, at least once a year for men 50 years of age or older until age 72. |  |
| Telehealth Services | [Title 24-A § 4316](https://legislature.maine.gov/statutes/24-A/title24-Asec4316.html) | 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 § 4320](https://legislature.maine.gov/statutes/24-A/title24-Asec4320-A.html)-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. |  |
| Obstetrical and gynecological care | [Title 24-A § 2847](https://legislature.maine.gov/statutes/24-A/title24-Asec2847.html)-F  [Title 24-A § 4320](https://legislature.maine.gov/statutes/24-A/title24-Asec4320.html)-A  PHSA § 2719A([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).138) | Benefits must be provided for annual gynecological exam without prior approval of primary care physician. A group health plan, or health insurance issuer offering group or individual health insurance coverage, described in paragraph (2) may not require authorization or referral by the plan, issuer, or any person (including a primary care provider described in paragraph (2)(B)) in the case of a female participant, beneficiary, or enrollee who seeks coverage for obstetrical or gynecological care provided by a participating health care professional who specializes in obstetrics or gynecology. |  |
| Pap tests | [Title 24-A § 2837](https://legislature.maine.gov/statutes/24-A/title24-Asec2837-E.html)-E  [Title 24-A § 4320](https://legislature.maine.gov/statutes/24-A/title24-Asec4320-A.html)-A  PHSA § 2713 (45 CFR 147)  ACA 1001 | Benefits must be provided for cervical cancer screening tests. |  |
| Screening Mammograms | [Title 24-A § 2837](https://legislature.maine.gov/statutes/24-A/title24-Asec2837-A.html)-A  [Title 24-A § 4320](https://legislature.maine.gov/statutes/24-A/title24-Asec4320.html)-A | If radiological procedures are covered. Benefits must be made available for screening mammography at least once a year for women 40 years of age and over. A screening mammogram also includes an additional radiologic procedure recommended by a provider when the results of an initial radiologic procedure are not definitive. |  |
| **COMPLIANCE WITH THE AFFORDABLE CARE ACT – See PPACA Uniform Compliance Summary for specific requirements.** |  |  |  |
| ACA (Affordable Care Act) | [Title 24-A § 4309](https://legislature.maine.gov/statutes/24-A/title24-Asec4309-A.html)-A  [Bulletin 394](https://www.maine.gov/pfr/insurance/themes/insurance/pdf/394.pdf) | A carrier shall comply with all applicable requirements of the ACA. |  |
| **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. |  |
| Child coverage | [Title 24-A § 2833](https://legislature.maine.gov/statutes/24-A/title24-Asec2833.html)-A  [Title 24-A § 4320](https://legislature.maine.gov/statutes/24-A/title24-Asec4320.html)-B | Extension of coverage for dependent children. |  |
| 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. |  |
| Infant Formula | [Title 24-A § 2847](https://legislature.maine.gov/statutes/24-A/title24-Asec2847-P.html)-P  [Title 24-A § 4256](https://legislature.maine.gov/statutes/24-A/title24-Asec4256.html) | Coverage of amino acid-based elemental infant formula must be provided when a physician has diagnosed and documented one of the following: Symptomatic allergic colitis or proctitis; Laboratory- or biopsy-proven allergic or eosinophilic gastroenteritis; A history of anaphylaxis Gastroesophageal reflux disease that is nonresponsive to standard medical therapies Severe vomiting or diarrhea resulting in clinically significant dehydration requiring treatment by a medical provider Cystic fibrosis; or Malabsorption of cow milk-based or soy milk-based formula Medical necessity is determined when a licensed physician has submitted documentation that the amino acid-based elemental infant formula is the predominant source of nutritional intake at a rate of 50% or greater and that other commercial infant formulas, including cow milk-based and soy milk-based formulas, have been tried and have failed or are contraindicated. Coverage for amino acid-based elemental infant formula under a policy, contract or certificate issued in connection with a health savings account may be subject to the same deductible and out-of-pocket limits that apply to overall benefits under the policy, contract or certificate. |  |
| Medical food coverage for inborn error of metabolism | [Title 24-A § 2837](https://legislature.maine.gov/statutes/24-A/title24-Asec2837-D.html)-D | Must provide coverage for metabolic formula and up to $3,000 per year for prescribed modified low-protein food products. |  |
| **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 § 4320](https://legislature.maine.gov/statutes/24-A/title24-Asec4320-D.html)-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 § 4303](https://legislature.maine.gov/statutes/24-A/title24-Asec4303.html)(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. |  |
| Contraceptives | [Title 24-A § 2847](https://legislature.maine.gov/statutes/24-A/title24-Asec2847-G.html)-G | If the plan provides coverage for prescription drugs or outpatient medical services, it must cover all prescription contraceptives approved by the federal FDA or for outpatient contraceptive services, respectively, to the same extent coverage is provided for other prescription drugs or outpatient medical services. The coverage must include coverage for contraceptive supplies in accordance with the requirements set forth in this section. "Outpatient contraceptive services" and "contraceptive supplies" are defined in this section.  Exclusion for religious employer: this section authorizes an exclusion for this coverage for a "religious employer," as defined in this section, and requires written notice of the exclusion to insureds and prospective insureds. |  |
| Coverage for HIV Prevention Drugs | [Title 24-A § 4317](https://legislature.maine.gov/statutes/24-A/title24-Asec4317-D.html)-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. |  |
| Diabetes supplies | [Title 24-A § 2847](https://legislature.maine.gov/statutes/24-A/title24-Asec2847-E.html)-E | Contracts and certificates must cover medically appropriate and necessary equipment, limited to insulin, oral hypoglycemic agents, monitors, test strips, syringes and lancets, and the out-patient self-management training and educational services used to treat diabetes, if a physician certifies that the equipment and services are necessary, and the diabetes out-patient self-management training and educational services are provided through ambulatory diabetes education facilities authorized by the State's Diabetes Control Project within the Bureau of Health. |  |
| No Prior Authorization or step therapy for mental illness drugs | [Title 24-A § 4304](https://legislature.maine.gov/statutes/24-A/title24-Asec4304.html)(2-C)  [Title 24-A § 4320](https://legislature.maine.gov/statutes/24-A/title24-Asec4320-N.html)-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. |  |
| Off-label use of prescription drugs for cancer and HIV or AIDS | [Title 24-A § 2837](https://legislature.maine.gov/statutes/24-A/title24-Asec2837-F.html)-F  [Title 24-A § 2837](https://legislature.maine.gov/statutes/24-A/title24-Asec2837-G.html)-G | If providing coverage for prescription drugs, must provide coverage for off-label use of prescription drugs for treatment of cancer, HIV, or AIDS. |  |
| Prosthetic devices to replace an arm or leg. | [Title 24-A § 4315](https://legislature.maine.gov/statutes/24-A/title24-Asec4315.html)  [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%. |  |