|  |
| --- |
| **Maine Bureau of Insurance** |
| Form Filing Review Requirements Checklist |
| TOI - H07I |
| Individual Specified Disease |
| Revised – 3/17/2021 |
| 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. |

|  |  |  |  |
| --- | --- | --- | --- |
| **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. |  |
| **GENERAL POLICY PROVISIONS** |  |  |  |
| Classification of Coverage, Disclosure, and Minimum Standards | [Title 24-A § 2694](https://legislature.maine.gov/statutes/24-A/title24-Asec2694.html) [Rule 755](https://www.maine.gov/sos/cec/rules/02/031/031c755.doc) | These rules establish minimum standards for benefits under individual and group health insurance. These rules clarify the meaning of limited benefits health insurance as referred to in chapters 33, 35 and 56-A. The rules also set minimum standards for benefits for specified disease coverage. |  |
| 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. |  |
| 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. |  |
| Examination, autopsy | [Title 24-A § 2714](https://legislature.maine.gov/statutes/24-A/title24-Asec2714.html)[Title 24-A § 2826](https://legislature.maine.gov/statutes/24-A/title24-Asec2826.html) | The following must be included:Physical examination and autopsy: The insurer at its own expense shall have the right and opportunity to examine the person of the insured when and as often as it may reasonably require during the pendency of a claim hereunder and to make an autopsy in case of death where it is not forbidden by law. |  |
| 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. |  |
| Format of Policy | [Title 24-A § 2703](https://legislature.maine.gov/statutes/24-A/title24-Asec2703.html) | Time, place, and amount of premium payment required, Effective and Termination Date required, Name of Insured(s) required. Each form, including riders and endorsements, which comprise the contract, shall be identified by a form number in the lower left hand corner of the first page thereof. |  |
| General Outline of Coverage Requirements | [Rule 755](https://www.maine.gov/sos/cec/rules/02/031/031c755.doc) Sec. 7(B) | This subsection contains general requirements and disclosures for Outlines of Coverage. |  |
| 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 | [Title 24-A § 2707](https://legislature.maine.gov/statutes/24-A/title24-Asec2707.html) | The policy must include a “Grace period” of not less than 7 days for weekly premium, 10 days for monthly premium, and 31 days for all other policies. |  |
| Legal Actions | [Title 24-A § 2715](https://legislature.maine.gov/statutes/24-A/title24-Asec2715.html) | There shall be a provision as follows:Legal actions: No action at law or in equity shall be brought to recover on this policy prior to the expiration of sixty days after written proof of loss has been furnished in accordance with the requirements of this policy. No such action shall be brought after the expiration of 3 years after the time written proof of loss is required to be furnished. |  |
| Limitations and Exclusions | [Rule 755](https://www.maine.gov/sos/cec/rules/02/031/031c755.doc) § 5(E) | A policy shall not limit or exclude coverage except as provided in this subsection. |  |
| Misstatement of age | [Title 24-A § 2720](https://legislature.maine.gov/statutes/24-A/title24-Asec2720.html) | f the age of the insured has been misstated, all amounts payable under this policy shall be such as the premium paid would have purchased at the correct age. |  |
| Notice Regarding Policies or Certificates Which are Not Medicare Supplement Policies | [Title 24-A § 5013](https://legislature.maine.gov/statutes/24-A/title24-Asec5013.html)[Rule 275](https://www.maine.gov/sos/cec/rules/02/031/031c275.docx) § 17(E) | The notice shall either be printed or attached to the first page of the outline of coverage delivered to insureds under the policy, or if no outline of coverage is delivered, to the first page of the policy or certificate delivered to insureds. The notice shall be in no less than twelve (12) point type and shall contain the following language: “THIS [POLICY OR CERTIFICATE] IS NOT A MEDICARE SUPPLEMENT [POLICY OR CONTRACT]. If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the company. If you have a Medicare Supplement policy or major medical policy, this coverage may be more than you need. For information call the Bureau of Insurance at 1-800-300-5000.” |  |
| Notification prior to cancellation; restrictions on cancellation, termination or lapse due to cognitive impairment or functional incapacity | [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. 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. |  |
| 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.) |  |
| Prohibited practices Rescissions prohibited | [Title 24-A § 2736](https://legislature.maine.gov/statutes/24-A/title24-Asec2736-C.html)-C(3)(A)[Title 24-A § 2850](https://legislature.maine.gov/statutes/24-A/title24-Asec2850-B.html)-B(3) PHSA § 2712([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_1128).128) | An enrollee may not be cancelled or denied renewal except for fraud or material misrepresentation and/or failure to pay premiums for coverage. Coverage may not be rescinded for an individual, a group or eligible members and their dependents in those groups once an individual, a group or eligible members and their dependents in those groups are covered under an individual or group health plan, except for an act or practice that constitutes fraud or made an intentional misrepresentation of material fact as prohibited by the terms of the health plan to the extent consistent with [Title 24-A § 2411](https://legislature.maine.gov/statutes/24-A/title24-Asec2411.html).Rescissions are prohibited except in cases of fraud or intentional misrepresentation of material fact. Coverage may not be cancelled except with 30 days prior notice to each enrolled person who would be affected. |  |
| Rate Filing | [Title 24-A § 2736](https://legislature.maine.gov/statutes/24-A/title24-Asec2736.html) | Every insurer shall file for approval by the superintendent every rate, rating formula, classification of risks and every modification of any formula or classification that it proposes to use in connection with individual health insurance policies and certain group policies specified in section 2701. If the filing applies to individual health plans as defined in section 2736-C, the insurer shall simultaneously file a copy with the Attorney General. Every such filing must state the effective date of the filing. Every such filing must be made not less than 60 days in advance of the stated effective date, unless the 60-day requirement is waived by the superintendent, and the effective date may be suspended by the superintendent for a period of time not to exceed 30 days. A filing required under this section must be made electronically in a format required by the superintendent unless exempted by rule adopted by the superintendent. PLEASE NOTE: Rates must be filed simultaneously with the forms. Forms submitted in advance of rates, will not be approved until rates have been filed, reviewed and approved. If forms are being revised and there is no effect on current rates, please indicate so in the filing cover letter. |  |
| 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 | [Title 24-A § 2708](https://legislature.maine.gov/statutes/24-A/title24-Asec2708.html) | There shall be a provision that if any renewal premium be not paid within the time granted the insured for payment, a subsequent acceptance of premium by the insurer or by any agent duly authorized by the insurer to accept such premium, without requiring in connection therewith an application for reinstatement, shall reinstate the policy. |  |
| Renewal provision | [Title 24-A § 2738](https://legislature.maine.gov/statutes/24-A/title24-Asec2738.html)[Title 24-A § 2820](https://legislature.maine.gov/statutes/24-A/title24-Asec2820.html) | Policy must contain the terms under which it can/ cannot be renewed. Must be placed prominently on the first page. |  |
| Representations in Application | [Title 24-A § 2411](https://legislature.maine.gov/statutes/24-A/title24-Asec2411.html) | All statements and descriptions in any application for insurance, by or in behalf of the insured, are deemed to be representations and not warranties. |  |
| Right to Examine and Return Policy ("free look period") | [Title 24-A § 2717](https://legislature.maine.gov/statutes/24-A/title24-Asec2717.html) | The policy, or a separate rider attached thereto when delivered, must include a provision stating that the person being issued the policy must be permitted to return the policy within 10 days of delivery to such person and to have a refund of premium paid if not satisfied with the policy for any reason after examining it. The policy may be returned to the insurer at its home or branch office to the agent through whom it was applied for, and shall be void from the beginning, as if the policy had not been issued. The provision must be under an appropriate caption in the policy, and if it’s not printed on the face page, adequate notice of the provision must be printed or stamped conspicuously on the face page. |  |
| Time Limit on Certain Defenses | [Title 24-A § 2706](https://legislature.maine.gov/statutes/24-A/title24-Asec2706.html)   | After 3 years from the date of issue of policy no misstatements, except fraudulent misstatements, made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability, commencing after the expiration of such 3-year period. |  |
| **EXCEPTED BENEFIT REQUIREMENTS** |  |  |  |
| New Sales Application Materials Notice | [45 CFR § 148.220](https://www.ecfr.gov/cgi-bin/text-idx?SID=a3bb635afd7624f532acfe878eec552b&pitd=20180719&node=pt45.1.148&rgn=div5#se45.1.148_1220) b)(4)(iv) | A notice is displayed prominently in the application materials in at least 14 point type that has the following language: “THIS IS A SUPPLEMENT TO HEALTH INSURANCE AND IS NOT A SUBSTITUTE FOR MAJOR MEDICAL COVERAGE. LACK OF MAJOR MEDICAL COVERAGE (OR OTHER MINIMUM ESSENTIAL COVERAGE) MAY RESULT IN AN ADDITIONAL PAYMENT WITH YOUR TAXES.” This notice can be a separate sheet in the application package. It does not need to be in the application or in the policy or certificate. |  |
| Renewal Notice | [45 CFR § 148.220](https://www.ecfr.gov/cgi-bin/text-idx?SID=a3bb635afd7624f532acfe878eec552b&pitd=20180719&node=pt45.1.148&rgn=div5#se45.1.148_1220)(b)(4)(iv) | This applies to all insurers writing hospital indemnity policies or other fixed indemnity policies sold in the individual market in Maine, including association coverage and other coverage that is issued through non-employer groups. A notice is displayed prominently in the application materials in at least 14 point type that has the following language: “THIS IS A SUPPLEMENT TO HEALTH INSURANCE AND IS NOT A SUBSTITUTE FOR MAJOR MEDICAL COVERAGE OR OTHER MINIMUM ESSENTIAL COVERAGE." This notice can be a separate sheet in the application package. It does not need to be in the application or in the policy or certificate. |  |
| Required Disclosures | [45 CFR § 148.220](https://www.ecfr.gov/cgi-bin/text-idx?SID=a3bb635afd7624f532acfe878eec552b&pitd=20180719&node=pt45.1.148&rgn=div5#se45.1.148_1220)(b)(4)(v)[Bulletin 396](https://www.maine.gov/pfr/insurance/themes/insurance/pdf/396.pdf) | The requirement of paragraph (b)(4)(iv) of this section applies to all hospital or other fixed indemnity insurance policy years beginning on or after January 1, 2015, and the requirement of paragraph (b)(4)(i) of this section applies to hospital or other fixed indemnity insurance policies issued on or after January 1, 2015, and to hospital or other fixed indemnity policies issued before that date, upon their first renewal occurring on or after October 1, 2016.This applies to all insurers writing hospital indemnity policies or other fixed indemnity policies sold in the individual market in Maine, including association coverage and other coverage that is issued through non-employer groups. |  |
| **CLASSIFICATION OF COVERAGE, DISCLOSURE, AND MINIMUM STANDARDS –** [**RULE 755**](https://www.maine.gov/sos/cec/rules/02/031/031c755.doc) |  |  |  |
| Definitions | [Rule 755](https://www.maine.gov/sos/cec/rules/02/031/031c755.doc) Sec. 4 | A. Except as provided in this rule, an individual health insurance policy or group health insurance policy or certificate delivered or issued for delivery to any person in this state and to which this rule applies shall contain definitions respecting the matters set forth below that comply with the requirements of this section. Definitions may need to be modified to comply with other requirements specified in Section 3(D). Including but not limited to: C. “Accident,” “accidental injury,” and "accidental means” shall be defined to employ "result” language and shall not include words that establish an accidental means test or use words such as “external, violent, visible wounds” or similar words of description or characterization. The definition shall not be more restrictive than the following: “accident,” “accidental injury,” or "accidental means” means accidental bodily injury sustained by the insured person that is the direct cause of the condition for which benefits are provided and that occurs while the insurance is in force. M. “Sickness” shall not be defined to be more restrictive than the following: “Sickness means illness or disease of an insured person.” |  |
| Minimum standards for benefits | [Title 24-A § 2694](https://legislature.maine.gov/statutes/24-A/title24-Asec2694.html) | These rules establish minimum standards for benefits under individual and group health insurance. These rules clarify the meaning of limited benefits health insurance as referred to in chapters 33, 35 and 56-A. The rules also set minimum standards for benefits for specified disease coverage. |  |
| Minimum StandardsGuaranteed Renewable or NoncancellableGuaranteed renewable or noncancellableProbationary periodPreexisting condition Minimum benefits | [Rule 755](https://www.maine.gov/sos/cec/rules/02/031/031c755.doc) 6(A) | General Rules:(1) A “noncancellable,” “guaranteed renewable,” or “noncancellable and guaranteed renewable” individual health insurance policy shall not provide for termination of coverage of the spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than nonpayment of premium. In addition, the policy shall provide that in the event of the insured’s death, the spouse of the insured, if covered under the policy, shall become the insured.(2)(d)A policy that is subject to the renewal requirements of [Title 24-A § 2850](https://legislature.maine.gov/statutes/24-A/title24-Asec2850.html)-B and that permits the insurer to nonrenew for any reason other than nonpayment of premiums must be labeled “guaranteed renewable with limited exceptions.”(7) A policy may contain a provision relating to recurrent disabilities, but a provision relating to recurrent disabilities shall not specify that a recurrent disability be separated by a period greater than six months.J. Specified Disease Coverage(1) “Specified disease coverage” pays benefits based on diagnosis and/or treatment of a specifically named disease or diseases. A specified disease policy must meet the following rules and one of the following sets of minimum standards for benefits:(a) Insurance covering cancer only or cancer in conjunction with other conditions or diseases must meet the standards of Paragraph (4), (5) or (6) of this subsection.(b) Insurance covering only specified diseases other than cancer must meet the standards of Paragraph (3) or (6) of this subsection.(2) General RulesThe following rules shall apply to specified disease coverages in addition to all other rules imposed by this Rule. In cases of conflict between the following and other rules, the following rules shall govern.(a) Policies covering a single specified disease or combination of specified diseases may not be sold or offered for sale other than as specified disease coverage under this section.(b) Any policy issued pursuant to this section that conditions payment upon pathological diagnosis of a covered disease shall also provide that if the pathological diagnosis is medically inappropriate, a clinical diagnosis will be accepted instead.(c) Notwithstanding any other provision of this rule, specified disease policies shall provide benefits, with the exception of any lump-sum benefit based on diagnosis of a specified disease, to any covered person not only for the specified diseases but also for any other conditions or diseases, directly caused or aggravated by the specified diseases or the treatment of the specified disease.(d) Individual specified disease coverage shall be guaranteed renewable or noncancellable.(e) A specified disease policy may contain a waiting or probationary period of no more than 30 days following the issue or reinstatement date of the policy or certificate.(f) An application or enrollment form for specified disease coverage shall contain a statement above the signature of the applicant or enrollee that a person to be covered is not covered also by any Title XIX program (Medicaid). The statement may be combined with any other statement for which the insurer may require the applicant’s or enrollee’s signature.(h) Except as permitted under Title 24-A §§ 2722 and 2723, benefits for specified disease coverage shall be paid regardless of other coverage.(i) After the effective date of the coverage (or applicable waiting period, if any) benefits based on care or confinement shall begin with the first day of care or confinement if the care or confinement is for a covered disease even though the diagnosis is made at some later date.(j) Policies providing expense benefits shall not use the term “actual” when the policy pays up to only a limited amount of expenses. Instead, the policy should use language that does not have the misleading or deceptive effect of the phrase “actual charges.”(k) “Preexisting condition” shall not be defined more broadly than the following: “Preexisting condition means a condition for which medical advice, diagnosis, care, or treatment was recommended or received from a physician within the six (6) month period preceding the effective date of coverage of an insured person.”(l) Coverage for specified diseases will not be excluded due to a preexisting condition for a period greater than six (6) months following the effective date of coverage of an insured person.(3) Expense-incurred non-cancer coverages must provide the minimum benefits specified in either subparagraph (a) or subparagraph (b):(a) Coverage for each insured person for a specifically named disease (or diseases) with a deductible amount not in excess of $250 and an overall aggregate benefit limit of no less than $10,000 and a benefit period of not less than two years. The policy may provide coverage for any expenses necessarily incurred in the treatment of the disease but must cover at least the following incurred expenses:(i) Hospital room and board and any other hospital furnished medical services or supplies;(ii) Treatment by a legally qualified physician or surgeon;(iii) Private duty services of a registered nurse;(iv) X-ray, radium, and other therapy procedures used in diagnosis and treatment;(v) Professional ambulance for local service to or from a local hospital;(vi) Blood transfusions, including expense incurred for blood donors;(vii) Drugs and medicines prescribed by a physician;(viii) The rental of an iron lung or similar mechanical apparatus;(ix) Braces, crutches, and wheel chairs as are deemed necessary by the attending physician for the treatment of the disease; and(x) Emergency transportation if in the opinion of the attending physician it is necessary to transport the insured to another locality for treatment of the disease.(b) Coverage for each insured person for a specifically named disease (or diseases) with no deductible amount, and an overall aggregate benefit limit of not less than $25,000 payable at the rate of not less than $50 a day while confined in a hospital and a benefit period of not less than 500 days.(4) A policy that provides coverage for cancer-only coverage or in combination with one or more other specified diseases on an expense incurred basis shall cover at least the usual, customary, and reasonable charges, as determined consistent with § 7(A)(7) or a maximum allowance based on the Medicare Resource Based Relative Value Scale with appropriate adjustments for market conditions, for the following services and supplies for the care and treatment of cancer. The policy may provide for a deductible amount not in excess of $250 for each insured person, an overall aggregate benefit limit of not less than $10,000 for each insured person, and a benefit period of not less than three years. With the exception of subparagraphs (c) and (f), services and supplies provided on an outpatient basis may be subject to copayment by the insured person not to exceed 20% of covered charges. The requirements of this paragraph apply unless the Superintendent approves different minimum benefits based on a determination that the minimum benefits provided by the insurer are in the interest of the consumer.(a) Treatment by, or under the direction of, a legally qualified physician or surgeon;(b) X-ray, radium chemotherapy and other therapy procedures used in diagnosis and treatment;(c) Hospital room and board and any other hospital furnished medical services or supplies;(d) Blood transfusions and their administration, including expense incurred for blood donors;(e) Drugs and medicines prescribed by a physician;(f) Professional ambulance for local service to or from a local hospital;(g) Private duty services of a registered nurse provided in a hospital;(h) Braces, crutches, and wheelchairs deemed necessary by the attending physician for the treatment of the disease;(i) Emergency transportation if in the opinion of the attending physician it is necessary to transport the insured to another locality for treatment of the disease;(j) (i) Home health care, which is necessary care and treatment provided at the insured person’s residence by a home health care agency or by others under arrangements made with a home health care agency. The policy may require that the program of treatment be prescribed in writing by the insured person’s attending physician and that the physician approve the program prior to its start. The policy also may require that the physician certify that confinement in a hospital or a skilled nursing facility would be otherwise required. A “home health care agency” is an entity that (1) is an agency approved under Medicare, (2) is licensed to provide home health care under applicable state law, or (3) meets all of the following requirements:(I) It is primarily engaged in providing home health care services;(II) Its policies are established by a group of professional personnel (including at least one physician and one registered nurse);(III) It is available to provide the care needed in the home seven days a week and has telephone answering service available 24 hours per day;(IV) It provides, either directly or through contract, the services of a coordinator responsible for case discovery and planning and for assuring that the covered person receives the services ordered by the physician;(V) It has under contract the services of a physician-advisor licensed by the State or a physician; and(VI) It maintains clinical records on all patients.(ii) Home health care includes, but is not limited to:(I) Part-time or intermittent skilled nursing services provided by a registered nurse or a licensed practical nurse;(II) Part-time or intermittent home health aide services that provide supportive services in the home under the supervision of a registered nurse or a physical, speech or hearing occupational therapists;(III) Physical, occupational or speech and hearing therapy; and(IV) Medical supplies, drugs and medicines prescribed by a physician and related pharmaceutical services, and laboratory services, to the extent the charges or costs would have been covered if the insured person had remained in the hospital.(k) Physical, speech, hearing and occupational therapy;(l) Special equipment including hospital bed, toilette, pulleys, wheelchairs, aspirator, chux, oxygen, surgical dressings, rubber shields, and colostomy and eleostomy appliances;(m) Prosthetic devices including wigs and artificial breasts;(n) Nursing home care for noncustodial services; and(o) Reconstructive surgery when deemed necessary by the attending physician.(p) Policies that offer transportation and lodging benefits for an insured person may not condition those benefits on hospitalization.(5) The requirements of this paragraph apply unless the Superintendent approves different minimum benefits based on a determination that the minimum benefits provided by the insurer are in the interest of the consumer.(a) The following minimum benefits standards apply to cancer coverages written on a per diem indemnity basis. These coverages shall offer insured persons:(i) A fixed-sum payment of at least $100 for each day of hospital confinement for at least 365 days;(ii) A fixed-sum payment equal to one half the hospital inpatient benefit for each day of hospital or nonhospital outpatient surgery, chemotherapy, and radiation therapy, for at least 365 days of treatment; and(iii) A fixed-sum payment of at least $50 per day for blood and plasma, which includes their administration whether received as an inpatient or outpatient for at least 365 days of treatment.6) The following minimum benefits standards apply to lump-sum indemnity coverage of any specified disease:(a) These coverages must pay indemnity benefits on behalf of insured persons of a specifically named disease or diseases. The benefits are payable as a fixed, one-time payment made within 30 days of submission to the insurer of proof of diagnosis of the specified disease.(b) Where coverage is advertised or otherwise represented to offer generic coverage of a disease or diseases, the same dollar amounts shall be payable regardless of the particular subtype of the disease with one exception. In the case of clearly identifiable subtypes with significantly lower treatments costs, lesser amounts may be payable so long as the policy clearly differentiates that subtype and its benefits. |  |
| Pre-existing Condition Exclusions | [Rule 755](https://www.maine.gov/sos/cec/rules/02/031/031c755.doc) § 5(B)[Rule 755](https://www.maine.gov/sos/cec/rules/02/031/031c755.doc) § 7(A)(8) | A policy shall not exclude coverage for a loss, due to a preexisting condition, that occurs beyond the 12 months following the issuance of the policy or certificate where the application or enrollment form for the insurance does not seek disclosure of prior illness, disease, physical conditions, medical care, or treatment and where the preexisting condition is not specifically excluded by the terms of the policy or certificate. If a policy or certificate contains any limitations with respect to preexisting conditions, the limitations shall appear as a separate paragraph of the policy or certificate and be labeled as “Preexisting Condition Limitations.” |  |
| Probationary or Waiting Periods | [Rule 755](https://www.maine.gov/sos/cec/rules/02/031/031c755.doc) Sec. 5 | A policy shall not contain provisions establishing a probationary or waiting period during which no coverage is provided under the policy, except: A policy may specify a probationary or waiting period for sickness not to exceed 30 days from the effective date of the coverage of the insured person; and A policy may specify a probationary or waiting period not to exceed six months for specified diseases or conditions and losses resulting from disease or condition related to hernia, disorder of reproduction organs, varicose veins, adenoids, appendix, and tonsils. However, the permissible six-month exception shall not be applicable where the specified diseases or conditions are treated on an emergency basis. |  |
| Required Disclosure Provisions | [Rule 755](https://www.maine.gov/sos/cec/rules/02/031/031c755.doc) 7(A) | 4) Each policy of individual health insurance and group health insurance shall include a renewal, continuation, or nonrenewal provision. The language or specification of the provision shall be consistent with the type of contract to be issued. The provision shall be appropriately captioned, shall appear on the first page of the policy, and shall clearly state the duration, where limited, of renewability and the duration of the term of coverage for which the policy is issued and for which it may be renewed.(5) The following requirements apply to riders or endorsements added to a policy after date of issue, except as provided in subparagraph (e).(a) Except for riders or endorsements by which the insurer effectuates a request made in writing by the policyholder or exercises a specifically reserved right under the policy, all riders or endorsements added to a policy after date of issue or at reinstatement or renewal that reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the policyholder.(13) (a) Outlines of coverage delivered in connection with policies defined in this rule as hospital confinement indemnity (Section 6E), specified disease (Section 6J), or supplemental health coverages (Section 6L) to persons eligible for Medicare by reason of age shall contain, in addition to the requirements of Subsections F and J, the following language, which shall be printed on or attached to the first page of the outline of coverage: This IS NOT A MEDICARE SUPPLEMENT policy. If you are eligible for Medicare, review the Guide to Health Insurance for People With Medicare available from the company. (b)An insurer shall deliver to persons eligible for Medicare any notice required under Bureau of Insurance Rule Chapter 275(17)(D).(13) (a) Outlines of coverage delivered in connection with policies defined in this rule as hospital confinement indemnity (Section 6E), specified disease (Section 6J), or supplemental health coverages (Section 6L) to persons eligible for Medicare by reason of age shall contain, in addition to the requirements of Subsections F and J, the following language, which shall be printed on or attached to the first page of the outline of coverage: "This IS NOT A MEDICARE SUPPLEMENT policy. If you are eligible for Medicare, review the Guide to Health Insurance for People With Medicare available from the company.”(b)An insurer shall deliver to persons eligible for Medicare any notice required under Bureau of Insurance Rule Chapter 275(17)(D).(14) Insurers, except direct response insurers, shall give a person applying for specified disease insurance that covers cancer the NAIC Buyer’s Guide to Cancer Insurance at the time of application enrollment and shall obtain the recipient’s written acknowledgement of the guide’s delivery. Direct response insurers shall provide the Buyer’s Guide upon request, but not later than the time that the policy or certificate is delivered.(15) All specified disease policies and certificates shall contain on the first page or attached to it in either contrasting color or in boldface type at least equal to the size type used for headings or captions of sections in the [policy][certificate], a prominent statement as follows: Notice to Buyer: This is a specified disease [policy] [certificate].This [policy] [certificate] provides limited benefits. Benefits provided are supplemental and are not intended to cover all medical expenses. [If the policy covers cancer, include the following sentence.] Read your [policy] [certificate] carefully with the outline of coverage and the Buyer’s Guide to Cancer Insurance. |  |
| Requirements for Replacement of Individual Health Insurance and Notice | [Rule 755](https://www.maine.gov/sos/cec/rules/02/031/031c755.doc) § 8 | An application form for individual health insurance shall include a question designed to elicit information as to whether the insurance to be issued is intended to replace any other health insurance presently in force. A supplementary application or other form to be signed by the applicant containing the question may be used. Upon determining that a sale will involve replacement, prior to issuance or delivery of the policy, the insurer shall furnish the applicant with a notice to regarding replacement of health insurance. |  |
| Specified Disease Coverage (Outline of Coverage) | [Rule 755](https://www.maine.gov/sos/cec/rules/02/031/031c755.doc) Sec. 7(K) | This subsection describes the required provisions and disclosures for the Outline of Coverage for Specified Disease coverage. |  |
| **ELIGIBILITY / ENROLLMENT** |  |  |  |
| Definition of Dependent | [Title 24-A § 2742](https://legislature.maine.gov/statutes/24-A/title24-Asec2742.html) | This coverage must provide unmarried women policyholders with the coverage or option of coverage for dependent children under the same terms and conditions and at appropriate rates as are extended to married policyholders with dependents. This includes adopted children. Financial dependency of dependent children may not be required as condition for coverage eligibility. |  |
| Dependent children coverage to age 26 | [Title 24-A § 2742](https://legislature.maine.gov/statutes/24-A/title24-Asec2742-B.html)-B | An individual health insurance policy that offers coverage for dependent children must offer such coverage until the dependent child is 26 years of age. |  |
| Dependent children with mental or physical illness | [Title 24-A § 2742](https://legislature.maine.gov/statutes/24-A/title24-Asec2742-A.html)-A PHSA § 2728([45 CFR § 147](https://www.ecfr.gov/cgi-bin/text-idx?SID=985c38eeddaa13128929637cc7ec919e&pitd=20180719&node=pt45.1.147&rgn=div5#se45.1.147_1145).145) | Requires health insurance policies to continue coverage for dependent children up to 24 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. Issuer cannot terminate coverage of dependent student due to a medically necessary leave of absence before: The date that is 1 year after the first day of the leave; or The date on which coverage would otherwise terminate under the terms of the coverage. “Medically necessary leave of absence” means: a leave of absence or change of enrollment of a dependent child from a post-secondary education institution that: Commences while the child is suffering from a serious illness or injury; Is medically necessary; and Causes the child to lose student status for purposes of coverage under the terms of coverage. Issuer must include with any notice regarding a requirement for certification of student status for coverage, a description of the terms for continued coverage during medically necessary leaves of absence. |  |
| **CLAIMS** |  |  |  |
| Assignment of benefits | [Title 24-A § 2755](https://legislature.maine.gov/statutes/24-A/title24-Asec2755.html) | All policies providing benefits for medical or dental care on an expense-incurred basis must contain a provision permitting the insured to assign benefits for such care to the provider of the care. An assignment of benefits under this section does not affect or limit the payment of benefits otherwise payable under the policy. |  |
| 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. |  |
| Claim Forms | [Title 24-A § 2710](https://legislature.maine.gov/statutes/24-A/title24-Asec2710.html) | The policy must include the “Claim forms” provision set forth in Section 2710. |  |
| 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. |  |
| Limits on priority liens/subrogation | [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 member of payment for any hospital, nursing, medical or surgical services, or of any expenses paid or reimbursed under the policy, in the event the insured member is entitled to receive payment reimbursement from any other person as a result of legal action or claim, except as provided in this section. A policy may contain a provision that allows such payments, if that provision is approved by the superintendent, and if that provision 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. A just and equitable basis shall mean that any factors that diminish the potential value of the insured's claim shall likewise reduce the share in the claim for those claiming payment for services or reimbursement. |  |
| Notice of claim | [Title 24-A § 2709](https://legislature.maine.gov/statutes/24-A/title24-Asec2709.html) | There shall be a provision that written notice of claim must be given to the insurer within 20 days after the occurrence or commencement of any loss covered by the policy, or as soon thereafter as is reasonably possible. Notice given by or on behalf of the insured or the beneficiary to the insurer at (insert the location of such office as the insurer may designate for the purpose), or to any authorized agent of the insurer, with information sufficient to identify the insured, shall be deemed notice to the insurer.In a policy providing a loss-of-time benefit which may be payable for at least 2 years, an insurer may, at its option, add additional language to the required “Notice of claim” provision, as provided in Section 2709. |  |
| Timely Payment of Undisputed Insurance Claims | [Title 24-A § 2436](https://legislature.maine.gov/statutes/24-A/title24-Asec2436.html)[Title 24-A § 4207](https://legislature.maine.gov/statutes/24-A/title24-Asec4207.html)[Title 24-A § 4222-B](https://legislature.maine.gov/statutes/24-A/title24-Asec4222-B.html)(13)[Rule 191](https://www.maine.gov/sos/cec/rules/02/031/031c191.docx)(9)(C)(4) | An undisputed claim for payment of benefits under a policy or certificate of insurance delivered or issued for delivery in this State is payable within 30 days after proof of loss is received by the insurer An ”undisputed claim” means a manually or electronically submitted claim from a health care provider or health care facility that:A. Contains all the required data elements necessary for accurate adjudication without the need for additional information;B. Is not materially deficient or improper, including lacking substantiating documentation required by the carrier; andC. Has no particular or unusual circumstances requiring special treatment that prevent payment from being made by the carrier. |  |
| **GRIEVANCES & APPEALS** |  |  |  |
| Grievance and Appeal Procedures | [Title 24-A § 2747](https://legislature.maine.gov/statutes/24-A/title24-Asec2747.html)[Title 24-A § 4303](https://legislature.maine.gov/statutes/24-A/title24-Asec4303.html)(4)[Title 24-A § 4312](https://legislature.maine.gov/statutes/24-A/title24-Asec4312.html)[Rule 850](https://www.maine.gov/sos/cec/rules/02/031/031c850.docx) § 8 [Rule 850](https://www.maine.gov/sos/cec/rules/02/031/031c850.docx) § 9 | All policies must specify all grievance and appeals procedures contained in [Rule 850](https://www.maine.gov/sos/cec/rules/02/031/031c850.docx), including 1) procedures for review decisions; 2) requests for reconsideration; 3) the first and second level appeals of adverse health care treatment decisions, including expedited first level appeals; 4) the first and second level appeals of adverse benefit determinations not involving heath care treatment decisions, 5) the right to external review, and 6) the right to file a grievance regarding policy provisions or denial of benefits. PLEASE REFER TO [RULE 850](https://www.maine.gov/sos/cec/rules/02/031/031c850.docx) FOR FULL COMPLIANCE CRITERIA. |  |
| **WOMEN & MATERNITY** |  |  |  |
| Maternity benefits for unmarried women; dependent children | [Title 24-A § 2741](https://legislature.maine.gov/statutes/24-A/title24-Asec2741.html)[Title 24-A § 2742](https://legislature.maine.gov/statutes/24-A/title24-Asec2742.html) | Applicable only if maternity and dependent child coverage provided: must provide, at appropriate rates, the same maternity benefits for unmarried women policyholders and the minor dependents of policyholders with dependent or family coverage under the same terms and conditions as is provided to married policyholders or the wives of policyholders with maternity coverage. |  |
| **PRESCRIPTION DRUGS** |  |  |  |
| Off-label use of prescription drugs for cancer and HIV or AIDS | [Title 24-A § 2745](https://legislature.maine.gov/statutes/24-A/title24-Asec2745-E.html)-E[Title 24-A § 2745](https://legislature.maine.gov/statutes/24-A/title24-Asec2745-F.html)-F | If providing coverage for prescription drugs, must provide coverage for off-label use of prescription drugs for treatment of cancer, HIV, or AIDS. |  |