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Karen Saylor, MD, President | Jeffrey S. Barkin, MD, President-Elect | Erik N. Steele, DO, FAAFP, Chair, Board of Directors  
Andrew B. MacLean, JD, CEO | Dan Morin, Director of Communications & Government Affairs

TO: The Honorable Heather Sanborn, Chair  
The Honorable Denise Tepler, Chair  
Members, Joint Standing Health Coverage, Insurance and Financial Services

FM: Dan Morin, Director of Communications and Government Affairs

DATE: February 9, 2021

RE: **Neither for Nor Against**  
LD 46—An Act To Further Protect Consumers from Surprise Medical Bills

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The Maine Medical Association is the state's largest professional physician organization representing more than 4300 physicians, residents, and medical students in Maine whose mission is to support Maine physicians, advance the quality of medicine in Maine and promote the health of all Maine residents.

The bill amends [24-A MRSA §4303-C, sub-§2, ¶B](#) and [24-A MRSA §4303-E, sub-§1, ¶G](#). The former bases the amount a carrier must reimburse an out-of-network provider or enrollee on the rate paid for a health care service in the geographic area where the service is provided rather than on the rate paid for a health care service in an enrollee's geographic area. The MMA supports that change. The MMA is neither for nor against changes to PL 2019, c. 668, §3, signed into law in 2020 covering the dispute resolution process for surprise bills and bills for out-of-network emergency services.

The Maine Health Data Organization (MHDO) is supported by a state-mandated annual assessment on health care providers and health plans. Industry stakeholders are major users of MHDO data, and the Maine Medical Association realizes its value. The bill clearly makes a needed change to incorporate MHDO data into the dispute resolution process. We, however, strongly recommend a documented and clearly identified process for the Bureau of Insurance to select another independent medical claims database should available MHDO data be insufficient or

inapplicable as outlined in the bill—specifically, that such a database be independent of both provider and carrier influence as intended when the Legislature passed PL 2019, c. 668, §3.

Thank you for your acceptance and review of our comments. We will be available to work on any potential amendments before the work session and intend to be in virtual attendance for the discussion.