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STATE OF MAINE
ONE HUNDRED AND THIRTY-FIRST LEGISLATURE
COMMITTEE ON HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

April 11, 2024

Meg Garratt-Reed
Executive Director
Office of Affordable Health Care
221 State Street
Augusta, Maine 04330

Karynlee Harrington
Executive Director
Maine Health Data Organization
102 State House Station
Augusta, Maine 04333-0102

Dear Ms. Garratt-Reed and Ms. Harrington,

As you may know, the Joint Standing Committee on Health Coverage, Insurance and Financial Services recently considered proposed legislation to implement certain recommendations of the Task Force to Evaluate the Impact of Facility Fees on Patients. As drafted, LD 2271, An Act to Implement the Recommendations of the Task Force to Evaluate the Impact of Facility Fees on Patients to Improve Facility Fee Transparency and Notification and to Prohibit Facility Fees for Certain Services, included language requiring a health care entity to post notice in a location readily accessible to patients, including patient waiting areas, and on the entity's publicly accessible website if the health care entity is a hospital-based facility that is part of a hospital or health system and whether a facility fee will be charged for receiving services. The bill would also require the Maine Health Data Organization to post information on its publicly accessible website relating to facility fees to educate the public about what facility fees are and the circumstances when facility fees may or may not be charged in association with the delivery of health care services.

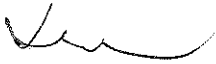
During the committee's consideration of LD 2271, committee members discussed the need for patients to be informed about facility fees and, in what circumstances, facility fees may be appropriately billed to patients. The committee also reviewed the first annual report prepared by MHDO on the payments made by payors for facility fees. Based on the discussion, it is the committee's understanding that MHDO intends to make changes to the manner in which facility fee payments are described and presented on the CompareMaine website to reduce confusion for consumers about facility fees. While committee members support policy changes that improve transparency related to facility fees, 7 members of the

committee voted "Ought Not to Pass" and 6 members voted "Ought to Pass as Amended" on LD 2271. However, all committee members agree that more information about facility fee payments and discussion of facility fees would be beneficial.

To that end, we are writing to ask that you come together over the next several months to continue the work begun by the Task Force to Evaluate the Impact of Facility Fees on Patients. We ask that you review the current data collection and reporting requirements related to facility fees to determine whether you would recommend any changes to those requirements to improve transparency related to facility fees to educate patients. We also ask that you review other state laws and policy options related to facility fees to determine whether statutory changes should be recommended for the protection of patients.

We request that you include any recommendations in the annual report required to be submitted to the committee by January 1, 2025 in accordance with the Maine Revised Statutes, Title 22, section 8712, subsection 2-A. If you have any questions, please do not hesitate to contact us or our legislative analyst, Colleen McCarthy Reid. Thank you for your consideration.

Sincerely,



Sen. Donna A. Bailey
Senate Chair



Rep. Anne C. Perry
House Chair

cc: Members, Joint Standing Committee on Health Coverage, Insurance and Financial Services