**§3959. Designation for reinsurance**

**1. Designation.**  The association shall provide reinsurance to a member insurer for a person designated for reinsurance by a member insurer, if the designation was made:

A. By using the person's claims history or risk scores or any other reasonable means; [PL 2019, c. 653, Pt. B, §19 (AMD).]

B. As a mandatory designation pursuant to subsection 2 on the basis of the existence or history of any medical or health condition on the list developed by the board pursuant to subsection 2; or [PL 2011, c. 621, §6 (NEW).]

C. On the basis of an omission of material information from the health statement developed by the board pursuant to section 3955, subsection 1, paragraph E or misrepresentation of the person's health status on the health statement. [PL 2011, c. 621, §6 (NEW).]

[PL 2019, c. 653, Pt. B, §19 (AMD).]

**2. Mandatory designation.**  The board shall develop a list of medical or health conditions for which a person must be designated for reinsurance by a member insurer. If a person's health statement, claims history or risk scores demonstrate the existence or history of any medical or health conditions on the list developed by the board at the time the plan is issued or when the person is added to the plan, the member insurer shall designate the person for reinsurance. The board may amend the list from time to time as appropriate.

[PL 2011, c. 621, §6 (AMD).]

**3. Enrolling additional persons.**  A member insurer may designate a person for reinsurance pursuant to this section when the person is added to an individual health plan.

[PL 2011, c. 621, §6 (NEW).]

**4. Designation effective date and premium.**  The designation of a person for reinsurance is effective as of the effective date of the primary coverage provided by the member insurer, except that the earliest effective date for any reinsurance is July 1, 2012. A member insurer's premium for reinsurance begins to accrue as of the effective date of the designation.

[PL 2011, c. 621, §6 (NEW).]

**5. Inapplicability.**  This section does not apply to reinsurance with respect to any calendar year for which the association operates a retrospective reinsurance program under section 3958, subsection 1, paragraph A‑1.

[PL 2019, c. 653, Pt. B, §20 (NEW).]

SECTION HISTORY

PL 2011, c. 90, Pt. B, §8 (NEW). PL 2011, c. 621, §6 (AMD). PL 2019, c. 653, Pt. B, §§19, 20 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through October 15, 2024
. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.