Maine Bureau of Insurance

Consensus-Based Rule Development Committee

Rule Chapter 850, Health Plan Accountability

COMMITTEE GROUND RULES

Pursuant to 5 M.R.S.A. §8051-B(2)(B), the following Ground Rules have been adopted for the operation of the Rule 850 Consensus-Based Rule Development Committee as mutually acceptable to the Acting Superintendent and the participants.

I. Mission Statement

Following public notice provided by the Acting Superintendent on February 12, 2007, a Committee was established to consider development of draft amendments to Rule Chapter 850, specifically subsections 7(A), 7(B), 7(C), 7(D), 7(E), and 7(H). The consensus-based process is initiated in response to the Final Report of the Blue Ribbon Commission on Dirigo Health. The Blue Ribbon Commission was created by Executive Order issued by Governor Baldacci on May 24, 2006. One of the recommendations in the Final Report of the Commission is that, regarding making health care coverage more affordable overall, Bureau of Insurance Rule Chapter 850 be reviewed "to allow insurers to design plans in such a way as to increase incentives for use of high quality providers." Final Report of the Blue Ribbon Commission at page 5.

Neither repeal of Rule 850 in its entirety nor consideration of sections of Rule 850 other than those identified above are topics for discussion during Committee meetings.

II. Chair

A. The Acting Superintendent has selected Deputy Superintendent Judith M. Shaw to serve as the chair of the Committee. In this capacity, the Deputy Superintendent is responsible for:

(1) Giving prior notice of all meetings to Committee Members and Designated Interested Persons. 5 M.R.S.A. §8051-B(2)(D).

(2) Distributing a summary and submitted materials from all meetings to Committee Members and Designated Interested Persons. 5 M.R.S.A. §8051-B(2)(F).

(3) Maintaining the record of the Committee. 5 M.R.S.A. §8051-B(3)(A)-(C).

(4) Otherwise ensuring that the rule development process runs smoothly, including taking such action as is necessary to keep committee meetings focused on the topic at hand.

B. The Chair must remain neutral and maintain impartiality toward all persons. Impartiality means freedom from favoritism or bias either by word or by action and a commitment to serve all persons and interests as opposed to a single person or interest.

III. Participation

A. The Committee will consist of members of organizations or stakeholder groups selected by the Deputy Superintendent in her sole discretion, including but not limited to selection from among the persons or organizations who expressed interest in the subject matter and filed an application with the Deputy Superintendent of Insurance to become a Committee Member pursuant to the procedures set forth in the February 12, 2007 public notice. Committee Member selection by the Deputy Superintendent is not limited to persons or organizations who make application to be participants. The Deputy Superintendent will establish a Committee Member list.

B. Each Committee Member that is an organization or stakeholder group shall be represented by one (1) principal person. The principal person or an alternate shall represent the organization or group in Committee meetings. The Chair may permit participation by subject matter experts and others as deemed necessary by her to address relevant issues at hand. The Chair may also permit telephonic participation in Committee meetings as she deems appropriate in her sole discretion.

C. Representation on the Committee is voluntary and Committee Members will not be compensated.

D. Membership on the Committee will be finalized at the first meeting of the Committee. Requests for additional membership shall be approved by the Deputy Superintendent in her sole discretion. Participation in Committee discussions by new Committee Members may begin immediately upon the Deputy Superintendent's decision to include the person or organization as a Committee Member.

E. Any Committee Member may withdraw from the consensus rule development process at any time by notifying the Chair in writing.

IV. Designated Interested Persons

As established in the public notice provided by the Acting Superintendent on February 12, 2007, persons or organizations who want to be Designated Interested Persons to receive notice and information regarding all meetings of the Committee, and to receive summaries and submitted materials from all meetings, may make a written request with the Deputy Superintendent at any time. The Deputy Superintendent will establish a Designated Interested Persons list.

V. Rule Development

A. The goal of the Committee is to develop draft amendments to Rule Chapter 850, Sections 7(A), (B), (C), (D), (E), and (H) for implementing. 5 M.R.S.A. §2382-D(4).

B. When the Committee has concluded its work, the Chair will circulate the draft rule amendments to Committee Members and Interested Persons for information purposes.

C. The Acting Superintendent of Insurance retains the sole discretion over whether to submit the draft as a proposed rule and to the final language of any proposed rule. 5 M.R.S.A. §8051-B(1).

VI. Committee Meetings

A. The Chair will be responsible for developing an agenda for all meetings of the Committee, as he deems necessary.

B. The Committee will meet each Friday from March 16, 2007 through May 25, 2007, unless otherwise modified by the Chair.

C. Meetings will be held from 9:00 AM to 11:00 AM in the Kennebec Room at the Bureau of Insurance offices in Gardiner, Maine, unless otherwise modified by the Chair.

D. All meetings of the Committee will be open to the public, including Designated Interested Persons.

E. Summaries of Committee meetings will be prepared by the Chair and will be made available to Committee Members, Designated Interested Persons, and the public.

VII. Responsibilities of Committee Members

A. All Committee Members must act in good faith in all aspects of the process.

B Among other matters, Committee Members agree to:

(1) Keep their constituencies informed about the Committee's progress and to actively seek their input;

(2) Attend all of the scheduled meetings, and arrive at the meetings prepared to discuss the issues on the agenda, having reviewed any documents distributed in advance; and

(3) Strive throughout the process to bridge gaps in understanding and to seek resolution of differences.

C. In order to facilitate an open and collaborative discussion, Committee Members also agree, among other matters, to abide by the following rules:

(1) Only one person will speak at a time and no one will interrupt when another person is speaking;

(2) Each person will express his or her organization's and constituents' views rather than speaking for other Committee Members;

(3) Each person will refrain from making personal attacks, will make every effort to stay on track with the agenda, and avoid digressions in order to move the process forward; and

(4) Each person will recognize the Chair as the final arbiter on all matters of disagreement and otherwise.