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L.D. 1938

Date: 3/3/20

(Filing No. H-706)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1382, L.D. 1938, Bill, "An Act Concerning MaineCare Coverage for Donor Breast Milk"

Amend the bill in section 1 in §3174-EEE by striking out all of subsection 1 and inserting the following:

1. Reimbursement. The department shall provide reimbursement under the MaineCare program for pasteurized donor breast milk provided to an infant receiving benefits under this chapter if a physician or physician assistant licensed under Title 32, chapter 36 or 48 or an advanced practice registered nurse licensed under Title 32, chapter 31 signs an order stating that:

A. The infant is medically or physically unable to receive maternal breast milk or participate in breastfeeding or the infant's mother is medically or physically unable to produce maternal breast milk in quantities sufficient for the infant; and

B. The infant:

- (1) Was born at a birth weight of less than 1,500 grams;
- (2) Has a gastrointestinal anomaly or metabolic or digestive disorder or is recovering from intestinal surgery and the infant's digestive needs require additional support;
- (3) Is not appropriately gaining weight or growing;
- (4) Has formula intolerance and is experiencing weight loss or difficulty feeding;
- (5) Has low blood sugar;
- (6) Has congenital heart disease;
- (7) Has received or will receive an organ transplant; or
- (8) Has another serious medical condition for which donor breast milk is medically necessary.'

COMMITTEE AMENDMENT

1 Amend the bill in section 2 in the 2nd to last line (page 1, line 20 in L.D.) by
2 inserting after the following: "coverage" the following: 'consistent with this Act'

3 Amend the bill in section 2 in the 2nd to last line (page 1, line 20 in L.D.) by striking
4 out the following: "medically necessary"

5 Amend the bill by adding after section 2 the following:

6 **Sec. 3. Appropriations and allocations.** The following appropriations and
7 allocations are made.

8 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

9 **Medical Care - Payments to Providers 0147**

10 Initiative: Provides appropriations and allocations to the Department of Health and
11 Human Services to provide reimbursement under the MaineCare program for pasteurized
12 donor breast milk provided to an infant if a physician, physician assistant or advanced
13 practice registered nurse signs an order stating that such milk is necessary.

14	GENERAL FUND	2019-20	2020-21
15	All Other	\$0	\$207,673
16			
17	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$207,673</u>

18	FEDERAL EXPENDITURES FUND	2019-20	2020-21
19	All Other	\$0	\$364,705
20			
21	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$364,705</u>
22			

23 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
24 section number to read consecutively.

25 **SUMMARY**

26 This amendment, which is the unanimous report of the committee, amends the bill to
27 change the criteria by which an infant receiving MaineCare benefits may receive
28 pasteurized donor breast milk to be consistent with the current coverage of donor breast
29 milk under the federal TRICARE program providing health insurance to uniformed
30 service members and veterans and their families.

31 **FISCAL NOTE REQUIRED**

32 (See attached)



129th MAINE LEGISLATURE

LD 1938

LR 2640(02)

An Act Concerning MaineCare Coverage for Donor Breast Milk

Fiscal Note for Bill as Amended by Committee Amendment *A(A-706)*

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
Net Cost (Savings)				
General Fund	\$0	\$207,673	\$207,831	\$207,831
Appropriations/Allocations				
General Fund	\$0	\$207,673	\$207,831	\$207,831
Federal Expenditures Fund	\$0	\$364,705	\$364,548	\$364,548
Revenue				
Federal Expenditures Fund	\$0	\$364,705	\$364,548	\$364,548

Fiscal Detail and Notes

The bill includes General Fund appropriations to the Department of Health and Human Services of \$207,673 in fiscal year 2020-21 to provide reimbursement under the MaineCare program for pasteurized donor breast milk provided to an infant if a physician, physician assistant or advanced practice registered nurse signs an order stating that such milk is necessary. Federal Expenditures Fund allocations will also be included for the FMAP match.