

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

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Legislative Document

No. 1938

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H.P. 1382

House of Representatives, January 8, 2020

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### An Act Concerning MaineCare Coverage for Donor Breast Milk

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative CRAVEN of Lewiston.  
Cosponsored by Senator MOORE of Washington and  
Representatives: CARNEY of Cape Elizabeth, DOUDERA of Camden, FARNSWORTH of  
Portland, GATTINE of Westbrook, Senators: CLAXTON of Androscoggin, MILLETT of  
Cumberland, SANBORN, L. of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §3174-EEE** is enacted to read:

3 **§3174-EEE. Reimbursement for donor breast milk**

4 **1. Reimbursement.** The department shall provide reimbursement under the  
5 MaineCare program for pasteurized donor breast milk provided to an infant receiving  
6 benefits under this chapter if a physician or physician assistant licensed under Title 32,  
7 chapter 36 or 48 or an advanced practice registered nurse licensed under Title 32, chapter  
8 31 signs an order stating that such milk is medically necessary and:

9 A. The infant is medically or physically unable to receive maternal breast milk or  
10 participate in breastfeeding; or

11 B. The infant's mother is medically or physically unable to produce maternal breast  
12 milk in quantities sufficient for the infant.

13 **2. Rulemaking.** The department shall adopt rules to implement this section. Rules  
14 adopted pursuant to this subsection are routine technical rules as defined by Title 5,  
15 chapter 375, subchapter 2-A.

16 **Sec. 2. Medicaid state plan amendment or waiver.** The Department of  
17 Health and Human Services shall prepare and submit a Medicaid state plan amendment or  
18 waiver as necessary to the United States Department of Health and Human Services,  
19 Centers for Medicare and Medicaid Services no later than January 1, 2021 that provides  
20 or requests, as appropriate, Medicaid coverage for medically necessary donor breast milk  
21 for infants.

22 **SUMMARY**

23 This bill requires that the Department of Health and Human Services provide  
24 reimbursement under the MaineCare program for pasteurized donor breast milk provided  
25 to an infant if a physician, physician assistant or advanced practice registered nurse signs  
26 an order stating that such milk is medically necessary and the infant is medically or  
27 physically unable to receive maternal breast milk or participate in breastfeeding or the  
28 infant's mother is medically or physically unable to produce maternal breast milk in  
29 quantities sufficient for the infant.