

MAINE STATE LEGISLATURE

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(EMERGENCY)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1063

H.P. 823 House of Representatives, March 4, 1983
Submitted by the Department of Human Services pursuant to Joint Rule
24.

On Motion of Representative Nelson of Portland, referred to the
Committee on Health and Institutional Services. Sent up for concurrence and
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Manning of Portland.

Cosponsors: Senator Gill of Cumberland and Representative Richard of
Madison.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

**AN ACT to Amend the Statutory Requirements
Pertaining to Medicaid Copayments.**

Emergency preamble. Whereas, Acts of the Legis-
lature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

Whereas, Public Law 1981, chapter 703, part A,
sections 22 to 24, passed during the Fourth Special
Session of the 110th Legislature, provided for the
imposition of certain copayment requirements on
recipients of Medicaid services; and

Whereas, these provisions of Public Law 1981,
chapter 703, are in conflict with federal law, as
amended by the "Tax Equity and Fiscal Responsibility
Act of 1982"; and

1 Whereas, these provisions of Public Law 1981,
2 chapter 703, will render the State of Maine's
3 Medicaid program in noncompliance with federal law if
4 not repealed or amended sooner than 90 days after ad-
5 journalment; and

6 Whereas, in the judgment of the Legislature,
7 these facts create an emergency within the meaning of
8 the Constitution of Maine and require the following
9 legislation as immediately necessary for the preser-
10 vation of the public peace, health and safety; now,
11 therefore,

12 Be it enacted by the People of the State of Maine as
13 follows:

14 22 MRSA §3173-C, as enacted by PL 1981, c. 703,
15 Pt. A, §24, is repealed and the following enacted in
16 its place:

17 §3173-C. Copayments

18 1. Authorization required. The department shall
19 not require any Medicaid recipient to make any pay-
20 ment toward the cost of an approved Medicaid service
21 unless that payment is specifically authorized by
22 this section.

23 2. Prescription drug services. Except as pro-
24 vided in subsections 3 and 4, a payment of 50¢ is to
25 be collected from the Medicaid recipient for each
26 drug prescription which is an approved Medicaid ser-
27 vice.

28 3. Exemptions. No copayment may be imposed with
29 respect to the following services:

30 A. Family planning services;

31 B. Services furnished to individuals under 21
32 years of age;

33 C. Services furnished to any individual who is
34 an inpatient in a hospital, skilled nursing
35 facility, intermediate care facility or other
36 medical institution, if that individual is re-

1 quired, as a condition of receiving services in
2 that institution, to spend for costs of medical
3 care all but a minimal amount of his income re-
4 quired for personal needs;

5 D. Services furnished to pregnant women;

6 E. Emergency services, as defined by the depart-
7 ment;

8 F. Services furnished to an individual by a
9 Health Maintenance Organization in which he is
10 enrolled; and

11 G. Any other service or services required to be
12 exempt under the provisions of the United States
13 Social Security Act, Title XIX and successors to
14 it.

15 4. Persons in state custody. Any copayment
16 imposed on a Medicaid recipient in the custody of the
17 State is to be collected from the state agency having
18 custody of the recipient.

19 Emergency clause. In view of the emergency
20 cited in the preamble, this Act shall take effect
21 when approved.

22 STATEMENT OF FACT

23 This bill is necessary to bring current state law
24 into conformance with federal law governing the
25 administration of the Medicaid program. Additional
26 exemptions to copayment requirements are mandated by
27 the United States Social Security Act, Section
28 1916. These include: All services furnished to
29 individuals under 18 years of age, or 21 years at the
30 option of the State, pregnancy-related services or,
31 at the option of the State all services furnished to
32 pregnant women, emergency services and Health Mainte-
33 nance Organization services. This bill reflects the
34 mandatory as well as permissive exemptions under fed-
35 eral law.

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