

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 2218  
6

7 H.P. 1673

House of Representatives, March 9, 1984

8 Submitted by the Department of Human Services pursuant to Joint Rule  
9 24.

10 Referred to the Committee on Health and Institutional Services. Sent up  
for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Nelson of Portland.

11 Cosponsors: Representative McCollister of Canton and Senator Gill of  
Cumberland.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FOUR  
16

17 AN ACT Authorizing an Adoption  
18 Assistance Compact and Procedures  
19 for Interstate Services Payments.  
20

21 Be it enacted by the People of the State of Maine as  
22 follows:

23 22 MRSA c. 1152-A is enacted to read:

24 CHAPTER 1152-A

25 ADOPTION ASSISTANCE COMPACT

26 §4171. Findings and purposes

27 1. Findings. The Legislature finds that:

28 A. Finding adoptive families for children for  
29 whom state assistance is desirable, pursuant to  
30 Title 19, chapter 10, the Adoption Subsidy Act,  
31 and assuring the protection of the interests of

1 the children affected during the entire assist-  
2 ance period, require special measures when the  
3 adoptive parents move to other states or are res-  
4 idents of another state; and

5 B. Provision of medical and other necessary ser-  
6 vices for children with state assistance encoun-  
7 ters special difficulties when the provision of  
8 services takes place in other states.

9 2. Purposes. The purposes of this chapter are  
10 to:

11 A. Authorize the department to enter into inter-  
12 state agreements with agencies of other states  
13 for the protection of children on behalf of whom  
14 adoption assistance is being provided by the de-  
15 partment; and

16 B. Provide procedures for interstate children's  
17 adoption assistance payments, including medical  
18 payments.

19 §4172. Compacts authorized; definitions

20 1. Authorization. The department may develop,  
21 participate in the development of, negotiate and en-  
22 ter into one or more interstate compacts on behalf of  
23 this State with other states to implement one or more  
24 of the purposes set forth in this chapter. When so  
25 entered into, and for so long as it shall remain in  
26 force, such a compact shall have the force and effect  
27 of law.

28 2. Definitions. As used in this chapter, unless  
29 the context indicates otherwise, the following terms  
30 have the following meanings.

31 A. "Adoption assistance state" means the State  
32 that is signatory to an adoption assistance  
33 agreement in a particular case.

34 B. "State" means a State of the United States,  
35 the District of Columbia, the Commonwealth of  
36 Puerto Rico, the Virgin Islands, Guam, the Com-  
37 monwealth of the Northern Mariana Islands or a  
38 territory or possession of or administered by the  
39 United States.

1           C. "Residence state" means the State of which  
2           the child is a resident by virtue of the resi-  
3           dence of the adoptive parents.

4           §4173. Contents of compacts

5           1. Content. A compact entered into pursuant to  
6           the authority conferred by this chapter shall have  
7           the following content:

8           A. A provision making it available for joinder  
9           by all states;

10          B. A provision or provisions for withdrawal from  
11          the compact upon written notice to the parties,  
12          but with a period of one year between the date of  
13          the notice and the effective date of the with-  
14          drawal;

15          C. A requirement that the protection afforded by  
16          or pursuant to the compact continue in force for  
17          the duration of the adoption assistance and be  
18          applicable to all children and their adoptive  
19          parents who, on the effective date of the with-  
20          drawal, are receiving adoption assistance from a  
21          party state other than the one in which they are  
22          resident and have their principal place of abode;

23          D. A requirement that each instance of adoption  
24          assistance to which the compact applies be cov-  
25          ered by an adoption assistance agreement in writ-  
26          ing between the adoptive parents and the state  
27          child welfare agency of the State which under-  
28          takes to provide the adoption assistance and that  
29          any such agreement be expressly for the benefit  
30          of the adopted child and enforceable by the adop-  
31          tive parents and the state agency providing the  
32          adoption assistance; and

33          E. Such other provisions as may be appropriate  
34          to implement the proper administration of the  
35          compact.

36          §4174. Optional contents of compacts

37          1. Optional content. A compact entered into  
38          pursuant to the authority conferred by this chapter

1 may contain provisions in addition to those required  
2 pursuant to section 4173, as follows:

3 A. Provisions establishing procedures and  
4 entitlements to medical, developmental, child  
5 care or other social services for the child in  
6 accordance with applicable laws, even though the  
7 child and the adoptive parents are in a state  
8 other than the one responsible for or providing  
9 the services or the funds to defray part or all  
10 of the costs thereof; and

11 B. Such other provisions as may be appropriate  
12 or incidental to the proper administration of the  
13 compact.

14 §4175. Medical assistance

15 1. Medical assistance identification. A child  
16 with special needs resident in this State who is the  
17 subject of an adoption assistance agreement with an-  
18 other state shall be entitled to receive a medical  
19 assistance identification from this State, upon the  
20 filing in the department of a certified copy of the  
21 adoption assistance agreement obtained from the adop-  
22 tion assistance state. In accordance with regula-  
23 tions of the department, the adoptive parents shall  
24 be required at least annually to show that the agree-  
25 ment is still in force or has been renewed.

26 2. Processing and payment of claims. The de-  
27 partment shall consider the holder of a medical as-  
28 sistance identification pursuant to this section as  
29 any other holder of a medical assistance identifica-  
30 tion under the laws of this State and shall process  
31 and make payment on claims on account of that holder  
32 in the same manner and pursuant to the same condi-  
33 tions and procedures as for other recipients of medi-  
34 cal assistance.

35 3. Coverage; benefits. The department shall  
36 provide coverage and benefits for a child who is in  
37 another state and who is covered by an adoption as-  
38 sistance agreement made by the department for the  
39 coverage or benefits, if any, not provided by the  
40 residence state. The adoptive parents acting for the  
41 child may submit evidence of payment for services or

1 benefit amounts not payable in the residence state  
2 and shall be reimbursed. There shall be no reim-  
3 bursement for services or benefit amounts covered un-  
4 der any insurance or other 3rd party medical contract  
5 or arrangement held by the child or the adoptive par-  
6 ents. The department shall make regulations imple-  
7 menting this subsection. The additional coverage and  
8 benefit amounts provided pursuant to this subsection  
9 shall be for services to the cost of which there is  
10 no federal contribution, or which, if federally  
11 aided, are not provided by the residence state.  
12 Among other things, the regulations shall include  
13 procedures to be followed in obtaining prior approv-  
14 als for services in those instances where required  
15 for the assistance.

16 4. False claims. The submission of any claim  
17 for payment or reimbursement for services or bene-  
18 fits, pursuant to this section or the making of any  
19 statement in connection therewith, which claim or  
20 statement the maker knows or should know to be false,  
21 misleading or fraudulent shall be punishable as per-  
22 jury and subject to the provisions of the Maine Crim-  
23 inal Code and other applicable laws.

24 5. Application. The provisions of this section  
25 shall apply only to medical assistance for children  
26 under adoption assistance agreements from states that  
27 have entered into a compact with this State under  
28 which the other state provides medical assistance to  
29 children with special needs under adoption assistance  
30 agreements made by this State. All other children  
31 entitled to medical assistance, pursuant to adoption  
32 assistance agreements entered into by this State,  
33 shall be eligible to receive it in accordance with  
34 the laws and procedures applicable thereto.

35 §4176. Federal participation

36 1. Federal payments and aid. Consistent with  
37 federal law, the department, in connection with the  
38 administration of this chapter and any compact pursu-  
39 ant to this chapter, shall include in any state plan  
40 made pursuant to the Adoption Assistance and Child  
41 Welfare Act of 1980, Public Law 96-272, Titles IV-E  
42 and XIX of the United States Social Security Act, and  
43 any other applicable federal laws, the provision of

1 adoption assistance and medical assistance for which  
2 the Federal Government pays some or all of the cost.  
3 The department shall apply for and administer all  
4 relevant federal aid, in accordance with law.

5 STATEMENT OF FACT

6 The United States Social Security Act, Public Law  
7 96-272, the Adoption Assistance and Child Welfare Act  
8 of 1980 requires an interstate compact or other means  
9 of providing for the protection of the interests of  
10 children who are adopted with assistance (subsidy)  
11 and are placed in or move to another state. This  
12 provision must be met in order to qualify for federal  
13 funding under the United States Social Security Act,  
14 Title IV-E.

15 This bill authorizes the Maine Department of Hu-  
16 man Services to enter into adoption assistance com-  
17 pacts with other states which have enacted similar  
18 legislation. Such a compact allows any child placed  
19 for adoption with subsidy who is eligible for  
20 Medicaid, to be issued a Medicaid card from the state  
21 in which the child lives and have Medicaid bills paid  
22 by that state program.

23 The State which entered into the adoption assist-  
24 ance agreement would be responsible for only those  
25 medical services covered in the adoption assistance  
26 agreement which were not included in the Medicaid  
27 program of the state where the child and adoptive  
28 family reside.

29 Nonmedical services or maintenance costs would  
30 continue to be the responsibility of the state which  
31 entered into the adoption assistance agreement.

32 Enactment of this bill removes significant diffi-  
33 culties experienced by families who have adopted and  
34 who will adopt Maine children with assistance who re-  
35 side in or move to other states and find that they  
36 are unable to get medical services from providers who  
37 are reluctant to or refuse to accept the Maine  
38 Medicaid card.

1           Furthermore, once the compacts become functional,  
2           this will eliminate time-consuming administrative  
3           procedures which are necessary now dealing with prior  
4           approval requests, dealing with failures to secure  
5           policy-required prior approvals and acquiring docu-  
6           mentation of credentials and licensure of out-  
7           of-state providers of medical services.

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