

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



STATE LAW LIBRARY  
AUGUSTA, MAINE

# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

---

Legislative Document

No. 423

H.P. 311

House of Representatives, February 10, 2009

### **An Act To Provide a Safe Sleeping Environment for Children with Disabilities To Enable Them To Remain in Their Homes**

---

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CLARK of Millinocket.  
Cosponsored by Senator SMITH of Piscataquis and  
Representative: DAVIS of Sangerville.

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

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

3 **§3174-LL. MaineCare reimbursement for certain durable medical equipment**

4 **1. Reimbursement provided.** The department shall provide reimbursement under  
5 MaineCare for durable medical equipment that provides a safe sleeping environment for  
6 individuals under 18 years of age if:

7 A. The durable medical equipment is necessary to correct or ameliorate a behavioral  
8 health condition;

9 B. The durable medical equipment is the least restrictive alternative for the treatment  
10 of the behavioral health condition;

11 C. The durable medical equipment is approved on a case-by-case basis by a review  
12 team composed of the same representatives as the team conducting children's  
13 behavioral treatment reviews under Title 34-B, section 5605, subsection 13,  
14 paragraph B, subparagraph (3); and

15 D. The department determines that the durable medical equipment is cost-effective in  
16 comparison to the provision of other covered services or equipment that can  
17 sufficiently correct or ameliorate the behavioral health condition.

18 **2. Rules.** The department may adopt rules as necessary to implement this section.  
19 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
20 chapter 375, subchapter 2-A.

21 **SUMMARY**

22 This bill requires the Department of Health and Human Services to provide  
23 MaineCare reimbursement for durable medical equipment that will provide a safe  
24 sleeping environment for individuals under 18 years of age if the equipment is: necessary  
25 to correct or ameliorate a behavioral health condition; the least restrictive alternative for  
26 the treatment of that condition; approved on a case-by-case basis by a review team  
27 specified in the bill; and cost-effective in comparison to other covered services or  
28 equipment for correction or amelioration of the condition. The bill authorizes the  
29 department to adopt routine technical rules as necessary to implement this proposed  
30 section of law.