

# MAINE STATE LEGISLATURE

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2/16/18  
R. of 03

Date: 3-9-18

(Filing No. S-380)

Majority

**HEALTH AND HUMAN SERVICES**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**

**SENATE**

**128TH LEGISLATURE**

**SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 383, L.D. 1162, Bill, "An Act To Reduce the Incidence of Obesity and Chronic Disease in Maine"

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 22 MRSA §3174-AAA is enacted to read:

**§3174-AAA. Medical nutritional therapy; rules**

The department shall provide for the reimbursement under the MaineCare program for medical nutritional therapy services to treat obesity, unhealthy weight, hypertension, diabetes, prediabetes, disorders of lipid metabolism, HIV infection, unintended weight loss in older adults, chronic kidney disease, gastrointestinal conditions, malnutrition and inappropriate eating habits. Medical nutritional therapy services may be provided by physicians licensed pursuant to Title 32, chapter 36 or 48 or dietitians licensed pursuant to Title 32, chapter 104 who practice in hospitals, outpatient settings or private offices.

As used in this section, "medical nutritional therapy" means a therapeutic approach to treating medical conditions and their associated symptoms by use of counseling and a specifically tailored diet devised and monitored by a physician licensed pursuant to Title 32, chapter 36 or 48 or a dietitian licensed pursuant to Title 32, chapter 104.

The department shall adopt rules to implement this section. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Medical Care - Payments to Providers 0147**

Initiative: Provides allocations for reimbursement under the MaineCare program for medical nutritional therapy services provided by physicians or licensed dietitians.

**COMMITTEE AMENDMENT**

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 383, L.D. 1162

1	<b>FEDERAL EXPENDITURES FUND</b>	<b>2017-18</b>	<b>2018-19</b>
2	All Other	\$0	\$69,061
3			
4	FEDERAL EXPENDITURES FUND TOTAL	<hr/> \$0	<hr/> \$69,061
5	<b>FUND FOR A HEALTHY MAINE</b>	<b>2017-18</b>	<b>2018-19</b>
6	All Other	\$0	\$38,277
7			
8	FUND FOR A HEALTHY MAINE TOTAL	<hr/> \$0	<hr/> \$38,277
9			

10 **SUMMARY**

11 This amendment, which is the majority report of the committee, provides funding for  
12 reimbursing medical nutritional therapy services from the Fund for a Healthy Maine. It  
13 removes the requirement for MaineCare to reimburse for obesity treatment medication. It  
14 identifies the specific conditions for which medical nutritional therapy services are  
15 reimbursed and adds gastrointestinal conditions to the list. It removes dietitian  
16 nutritionists and clarifies that physicians and dietitians providing medical nutritional  
17 therapy services must be licensed by their professional licensing boards.

18 **FISCAL NOTE REQUIRED**

19 (See attached)



# 128th MAINE LEGISLATURE

LD 1162

LR 322(02)

An Act To Reduce the Incidence of Obesity and Chronic Disease in Maine

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-380)

Committee: Health and Human Services

Fiscal Note Required: Yes

## Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
<b>Net Cost (Savings)</b>				
Fund for a Healthy Maine	\$0	\$38,277	\$38,277	\$38,277
<b>Appropriations/Allocations</b>				
Federal Expenditures Fund	\$0	\$69,061	\$69,061	\$69,091
Fund for a Healthy Maine	\$0	\$38,277	\$38,277	\$38,277
<b>Revenue</b>				
Federal Expenditures Fund	\$0	\$69,061	\$69,061	\$69,061

### Fiscal Detail and Notes

The bill includes Fund for a Healthy Maine allocations to the Department of Health and Human Services of \$38,277 beginning in fiscal year 2018-19 to provide reimbursement under the MaineCare program for medical nutritional therapy provided by physicians or licensed dietitians. Federal Expenditures Fund allocations are also included for the FMAP match.