

MAINE STATE LEGISLATURE

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Date: 3/2/20

HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1401, L.D. 1957, Bill, "An Act To Provide Women Access to Affordable Postpartum Care"

Amend the bill in section 1 in paragraph A in the first line (page 1, line 4 in L.D.) by striking out the following: "12" and inserting the following: '6'

Amend the bill in section 2 in paragraph G in subparagraph (1) in the first line (page 1, line 11 in L.D.) by striking out the following: "12" and inserting the following: '6'

Amend the bill by inserting after section 2 the following:

Sec. 3. Federal Medicaid waivers or state plan amendments; cost neutrality. The Department of Health and Human Services shall, no later than January 1, 2021, submit requests for any waivers or state plan amendments to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services determined necessary in order to accomplish the purposes of this Act. The department shall take all reasonable and necessary steps to seek approval of the waiver or state plan amendment. The department shall demonstrate cost neutrality in the waiver or state plan amendment, including, but not limited to, using savings from premium tax credits on health insurance obtained through the health insurance marketplace for which MaineCare members receiving services under this Act would be eligible, savings on limited family planning coverage and any other source of savings.

Sec. 4. Funding. In order to implement those sections of this Act that amend the Maine Revised Statutes, Title 22, section 3174-G, subsection 1, paragraphs A and G, if the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services does not grant a waiver or state plan amendment under section 3, the Department of Health and Human Services shall use federal funds first, if allowable under federal law, and then shall use the General Fund.

Sec. 5. Rulemaking. Within 180 days of receiving a decision regarding coverage by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services pursuant to a request in accordance with section 3, the Department of Health and Human Services shall adopt rules to implement the Maine Revised Statutes,

1 Title 22, section 3174-G, subsection 1, paragraphs A and G. Rules adopted pursuant to
2 this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
3 Upon adoption of the rules, the Commissioner of Health and Human Services shall notify
4 the Secretary of State, the Secretary of the Senate, the Clerk of the House of
5 Representatives and the Revisor of Statutes.

6 **Sec. 6. Report.** The Department of Health and Human Services shall report
7 quarterly to the joint standing committee of the Legislature having jurisdiction over
8 health and human services matters, beginning April 1, 2021, on the department's progress
9 in seeking a waiver or state plan amendment under section 3 until the process is complete.
10 The joint standing committee of the Legislature having jurisdiction over health and
11 human services matters is authorized to report out a bill to the Legislature regarding each
12 report.

13 **Sec. 7. Effective date.** Those sections of this Act that amend the Maine Revised
14 Statutes, Title 22, section 3174-G, subsection 1, paragraphs A and G take effect upon the
15 adoption of rules pursuant to section 5.'

16 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
17 section number to read consecutively.

18 SUMMARY

19 This amendment, which is the unanimous report of the committee, amends the bill to
20 provide that the period of time following delivery of a baby for which a woman may be
21 eligible for services under MaineCare is 6 months. The amendment directs the
22 Department of Health and Human Services to submit a waiver or state plan amendment
23 request no later than January 1, 2021 to the United States Department of Health and
24 Human Services, Centers for Medicare and Medicaid Services to implement the
25 provisions of this legislation that extend MaineCare coverage to a woman following
26 delivery of a baby from 60 days to 6 months. The department is required to take all
27 reasonable and necessary steps to seek approval of the waiver or state plan amendment.
28 In the event the waiver or state plan amendment is not granted, the department is directed
29 to implement the coverage provisions using federal funds, if allowable, and then using the
30 General Fund. Upon approval or denial of the waiver or state plan amendment, the
31 department is directed to adopt rules no later than 180 days after the decision of the
32 United States Department of Health and Human Services, Centers for Medicare and
33 Medicaid Services. The department is required to report on a quarterly basis beginning
34 April 1, 2021 to the joint standing committee of the Legislature having jurisdiction over
35 health and human services matters its progress in seeking a waiver or state plan
36 amendment until the decision by the United States Department of Health and Human
37 Services, Centers for Medicare and Medicaid Services has been made. The committee is
38 authorized to report out legislation related to each report.

FISCAL NOTE REQUIRED
(See attached)



129th MAINE LEGISLATURE

LD 1957

LR 2915(02)

An Act To Provide Women Access to Affordable Postpartum Care

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-704)
 Committee: Health and Human Services
 Fiscal Note Required: Yes

Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
Net Cost (Savings)				
General Fund	\$0	\$0	\$577,084	\$577,084
Appropriations/Allocations				
General Fund	\$0	\$0	\$577,084	\$577,084
Federal Expenditures Fund	\$0	\$0	\$1,012,240	\$1,012,240

Fiscal Detail and Notes

The bill directs the Department of Health and Human Services (DHHS) to submit a waiver or state plan amendment request no later than January 1, 2021 to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) to extend MaineCare coverage to a woman following delivery of a baby from 60 days to 6 months. Upon approval or denial of the waiver or state plan amendment the department is directed to adopt rules no later than 180 days after the decision of the CMS. Since the CMS will only be able to approve the waiver after it's submittal on 01/01/21, the earliest the DHHS will be required to adopt rules for the program is in State Fiscal Year 2022. No appropriations are made at this time.