

MAINE STATE LEGISLATURE

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L.D. 85

Date: 3-24-21

(Filing No. H-45)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 51, L.D. 85, "An Act Concerning
MaineCare Coverage for Donor Breast Milk"

Amend the bill in section 1 in §3174-FFF by striking out all of subsection 1 (page 1,
lines 4 to 12 in L.D.) and inserting the following:

1. Reimbursement. The department shall provide reimbursement under the
MaineCare program for pasteurized donor breast milk provided to an infant receiving
benefits under this chapter if a physician or physician assistant licensed under Title 32,
chapter 36 or 48 or an advanced practice registered nurse licensed under Title 32, chapter
31 signs an order stating that:

A. The infant is medically or physically unable to receive maternal breast milk or
participate in breastfeeding or the infant's mother is medically or physically unable to
produce maternal breast milk in quantities sufficient for the infant; and

B. The infant:

- (1) Was born at a birth weight of less than 1,500 grams;
- (2) Has a gastrointestinal anomaly or metabolic or digestive disorder or is
recovering from intestinal surgery and the infant's digestive needs require
additional support;
- (3) Is not appropriately gaining weight or growing;
- (4) Has formula intolerance and is experiencing weight loss or difficulty feeding;
- (5) Has low blood sugar;
- (6) Has congenital heart disease;
- (7) Has received or will receive an organ transplant; or
- (8) Has another serious medical condition for which donor breast milk is medically
necessary.'

COMMITTEE AMENDMENT

ROS

COMMITTEE AMENDMENT "A" to H.P. 51, L.D. 85

1 Amend the bill in section 2 in the last line (page 1, line 20 in L.D.) by inserting after
2 the following: "coverage" the following: 'consistent with this Act'

3 Amend the bill in section 2 in the last line (page 1, line 20 in L.D.) by striking out the
4 following: "medically necessary"

5 Amend the bill by inserting after section 2 the following:

6 **Sec. 3. Appropriations and allocations.** The following appropriations and
7 allocations are made.

8 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

9 **Medical Care - Payments to Providers 0147**

10 Initiative: Provides appropriations and allocations to the Department of Health and Human
11 Services to provide reimbursement under the MaineCare program for pasteurized donor
12 breast milk provided to an infant if a physician, physician assistant or advanced practice
13 registered nurse signs an order stating that such milk is necessary.

14	GENERAL FUND	2021-22	2022-23
15	All Other	\$157,872	\$157,522
16			
17	GENERAL FUND TOTAL	<u>\$157,872</u>	<u>\$157,522</u>

18			
19	FEDERAL EXPENDITURES FUND	2021-22	2022-23
20	All Other	\$279,690	\$280,040
21			
22	FEDERAL EXPENDITURES FUND TOTAL	<u>\$279,690</u>	<u>\$280,040</u>

23
24 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
25 number to read consecutively.

26 **SUMMARY**

27 This amendment amends the bill to change the criteria by which an infant receiving
28 MaineCare benefits may receive pasteurized donor breast milk to be consistent with the
29 current coverage of donor breast milk under the federal TRICARE program providing
30 health insurance to uniformed service members and their families. The amendment also
31 adds an appropriations and allocations section.

32
33 **FISCAL NOTE REQUIRED**

34 (See attached)

COMMITTEE AMENDMENT



130th MAINE LEGISLATURE

LD 85

LR 662(02)

An Act Concerning MaineCare Coverage for Donor Breast Milk

Fiscal Note for Bill as Amended by Committee Amendment *A(CH-45)*

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$157,872	\$157,522	\$157,522	\$157,522
Appropriations/Allocations				
General Fund	\$157,872	\$157,522	\$157,522	\$157,522
Federal Expenditures Fund	\$279,690	\$280,040	\$280,040	\$280,040
Revenue				
Federal Expenditures Fund	\$279,690	\$280,040	\$280,040	\$280,040

Fiscal Detail and Notes

The bill includes General Fund appropriations to the Department of Health and Human Services of \$157,872 beginning in fiscal year 2021-22 to provide reimbursement under the MaineCare program for pasteurized donor breast milk provided to an infant if a physician, physician assistant or advanced practice registered nurse signs an order stating that such milk is necessary. Federal Expenditures Fund allocations are also included for the FMAP match.