

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 85

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H.P. 51

House of Representatives, January 13, 2021

### An Act Concerning MaineCare Coverage for Donor Breast Milk

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Received by the Clerk of the House on January 11, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative CRAVEN of Lewiston.  
Cosponsored by Representatives: BROOKS of Lewiston, CLOUTIER of Lewiston,  
McCREIGHT of Harpswell, MEYER of Eliot, SACHS of Freeport, Senators: CLAXTON of  
Androscoggin, LIBBY of Androscoggin, MOORE of Washington.

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

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

3 **§3174-FFF. Reimbursement for donor breast milk**

4 **1. Reimbursement.** The department shall provide reimbursement under the  
5 MaineCare program for pasteurized donor breast milk provided to an infant receiving  
6 benefits under this chapter if a physician or physician assistant licensed under Title 32,  
7 chapter 36 or 48 or an advanced practice registered nurse licensed under Title 32, chapter  
8 31 signs an order stating that such milk is medically necessary and:

9 A. The infant is medically or physically unable to receive maternal breast milk or  
10 participate in breastfeeding; or

11 B. The infant's mother is medically or physically unable to produce maternal breast  
12 milk in quantities sufficient for the infant.

13 **2. Rulemaking.** The department shall adopt rules to implement this section. Rules  
14 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter  
15 375, subchapter 2-A.

16 **Sec. 2. Medicaid state plan amendment or waiver.** The Department of Health  
17 and Human Services shall prepare and submit a Medicaid state plan amendment or waiver  
18 as necessary to the United States Department of Health and Human Services, Centers for  
19 Medicare and Medicaid Services no later than January 1, 2022 that provides or requests, as  
20 appropriate, Medicaid coverage for medically necessary donor breast milk for infants.

21 **SUMMARY**

22 This bill requires that the Department of Health and Human Services provide  
23 reimbursement under the MaineCare program for pasteurized donor breast milk provided  
24 to an infant if a physician, physician assistant or advanced practice registered nurse signs  
25 an order stating that such milk is medically necessary and the infant is medically or  
26 physically unable to receive maternal breast milk or participate in breastfeeding or the  
27 infant's mother is medically or physically unable to produce maternal breast milk in  
28 quantities sufficient for the infant.