

# MAINE STATE LEGISLATURE

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Date: 4/11/22

(Filing No. S-531)

MAJORITY

HEALTH AND HUMAN SERVICES

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

STATE OF MAINE

SENATE

130TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 156, L.D. 811, "An Act To Protect the Reproductive Rights and Freedoms of Maine People"

Amend the bill by striking out everything after the enacting clause and inserting the following:

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

**§3174-III. Reimbursement for comprehensive sexual and reproductive health care services**

Notwithstanding any provision of law to the contrary, the department shall provide reimbursement for sexual and reproductive health care providers for activities and services to address the health of MaineCare members in accordance with this section.

**1. Definition.** For purposes of this section, "sexual and reproductive health care provider" means an enrolled MaineCare provider engaged primarily in the delivery of services described in 42 United States Code, Section 1396d(a)(4)(C).

**2. Comprehensive sexual and reproductive health care services payment.** The department shall determine and pay each sexual and reproductive health care provider an amount based on the total number of MaineCare-covered patient encounters per month, to include patient encounters taking place on or after July 1, 2022. The payment must include compensation for the difference between the payment for services described in subsection 1 and 100% of the reasonable costs of operation, including without limitation the costs of all services. In determining the payment, the department may exclude only those incremental operating costs directly attributable to specific items and services that federal law explicitly prohibits Medicaid programs from reimbursing. The payment required by this subsection must be made for all encounters with a sexual and reproductive health care provider by any MaineCare member, regardless of the category or other basis for the member's eligibility for MaineCare coverage.

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

**COMMITTEE AMENDMENT**

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The department shall pursue all opportunities to maximize available federal reimbursement, including available Medicaid match rates for or other opportunities to maximize state resources for family planning services.

**Sec. 2. Rulemaking.** The Department of Health and Human Services shall propose rules to implement the comprehensive sexual and reproductive health care services payment required by the Maine Revised Statutes, Title 22, section 3174-III, subsection 2 no later than October 1, 2022. The final rule adopted following publication of the proposed rule required by this section must make the comprehensive services payment effective retroactively to July 1, 2022. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

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

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

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

Initiative: Provides funding for an additional payment to sexual and reproductive health care providers for each MaineCare-covered patient encounter.

| <b>GENERAL FUND</b>       | <b>2021-22</b> | <b>2022-23</b>   |
|---------------------------|----------------|------------------|
| All Other                 | \$0            | \$628,551        |
| <b>GENERAL FUND TOTAL</b> | <b>\$0</b>     | <b>\$628,551</b> |

| <b>FEDERAL EXPENDITURES FUND</b>       | <b>2021-22</b> | <b>2022-23</b>     |
|--|----------------|--------------------|
| All Other                              | \$0            | \$1,083,656        |
| <b>FEDERAL EXPENDITURES FUND TOTAL</b> | <b>\$0</b>     | <b>\$1,083,656</b> |

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

#### **SUMMARY**

This amendment replaces the bill, which is a concept draft, and provides that:

1. Beginning July 1, 2022, a payment must be made to sexual and reproductive health care providers primarily providing family planning services for each MaineCare-covered patient encounter to compensate for the additional services delivered by these providers in providing the family planning services. This payment must cover the difference between total operating costs and the payments made for billed services;

2. Rules implementing this requirement must be proposed by October 1, 2022, and payments must be retroactive for services provided on or after July 1, 2022; and

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COMMITTEE AMENDMENT "A" to S.P. 156, L.D. 811 (S-534)

1           3. The Department of Health and Human Services must pursue available federal  
2 matching funds to support this additional payment.

3                                   **FISCAL NOTE REQUIRED**  
4                                   **(See attached)**

**130th MAINE LEGISLATURE****LD 811****LR 1917(02)****An Act To Protect the Reproductive Rights and Freedoms of Maine People**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (S-534)**  
**Committee: Health and Human Services**  
**Fiscal Note Required: Yes**

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**Fiscal Note**

|                                   | <b>FY 2021-22</b> | <b>FY 2022-23</b> | <b>Projections<br/>FY 2023-24</b> | <b>Projections<br/>FY 2024-25</b> |
|-----------------------------------|-------------------|-------------------|-----------------------------------|-----------------------------------|
| <b>Net Cost (Savings)</b>         |                   |                   |                                   |                                   |
| General Fund                      | \$0               | \$628,551         | \$627,524                         | \$627,181                         |
| <b>Appropriations/Allocations</b> |                   |                   |                                   |                                   |
| General Fund                      | \$0               | \$628,551         | \$627,524                         | \$627,181                         |
| Federal Expenditures Fund         | \$0               | \$1,083,656       | \$1,084,683                       | \$1,085,026                       |
| <b>Revenue</b>                    |                   |                   |                                   |                                   |
| Federal Expenditures Fund         | \$0               | \$1,083,656       | \$1,084,683                       | \$1,085,026                       |

**Fiscal Detail and Notes**

The bill includes General Fund appropriations to the Department of Health and Human Services of \$628,551 beginning in fiscal year 2022-23 for an additional payment to sexual and reproductive health care providers for each MaineCare covered patient encounter.