

# MAINE STATE LEGISLATURE

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L.D. 1608

Date: 4-4-22

(Filing No. H-920)

MINORITY

**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE**

**HOUSE OF REPRESENTATIVES**

**130TH LEGISLATURE**

**SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1197, L.D. 1608, "An Act To Expand the MaineCare Program To Cover All Citizens of the State"

Amend the bill by striking out the title and substituting the following:

**'An Act To Expand MaineCare Eligibility to All Residents of the State'**

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

**'Sec. 1. 5 MRSA c. 166 is enacted to read:**

**CHAPTER 166**

**PROGRAM TO ALLOW MAINECARE ELIGIBILITY FOR ALL**

**§2033. Establishment**

The Program to Allow MaineCare Eligibility for All, referred to in this chapter as "the program," is established to provide for the health care eligibility of all residents of this State. The program must be designed in accordance with the requirements of this chapter and may not be implemented before January 1, 2023 as provided in this chapter.

**§2034. Design of program**

1. Design requirements. The Department of Health and Human Services, in consultation with the Department of Labor and the Department of Professional and Financial Regulation, Bureau of Insurance, shall design the program to provide eligibility for coverage for health care services from participating providers within the State if those services are necessary or appropriate for the prevention, diagnosis or treatment of, or maintenance or rehabilitation following, injury, disability or disease. At a minimum, the program must provide to any resident who is a MaineCare member the following:

A. Coverage for the following health care services:

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- 1           (1) Hospital services;
- 2           (2) Medical and other professional services furnished by participating providers;
- 3           (3) Laboratory tests and imaging procedures;
- 4           (4) Home health care for MaineCare members requiring services performed by or  
5           under the supervision of professional or technical personnel, including, but not  
6           limited to, home health care for acute illness, personal care attendant services and  
7           the medical component of home health care for chronic illness;
- 8           (5) Rehabilitative services for MaineCare members receiving therapeutic care;
- 9           (6) Prescription drugs and devices;
- 10          (7) Mental health services;
- 11          (8) Substance use disorder treatment;
- 12          (9) Primary and acute dental services;
- 13          (10) Vision appliances, including lenses, frames and contact lenses;
- 14          (11) Medical supplies, durable medical equipment and selected assistive devices;  
15          and
- 16          (12) Hospice care;
- 17          B. Delivery of covered health care services through organized delivery systems;
- 18          C. Payment for covered health care services provided to a member while the member  
19          is in the State or out of the State. The program must pay for a reasonable amount  
20          charged for medically necessary emergency health care services; and
- 21          D. Fair rates of compensation with participating providers and organized delivery  
22          systems and negotiation with pharmaceutical companies for similarly classified  
23          pharmaceuticals.

24          **§2035. Implementation**

25                 **1. Implementation.** Upon enactment of authorizing legislation establishing financing  
26                 for the program, the State shall implement the program in phases as required in subsections  
27                 2 to 5.

28                 **2. Phase 1.** In January 2023, the Department of Health and Human Services shall  
29                 convene a committee that shall authorize a request for proposals for a full study of the costs,  
30                 economic benefits and issues, including any federal waivers, related to expanding  
31                 eligibility for coverage through the program for all residents of the State. This request for  
32                 proposals must be self-funded by outside sources unless covered under the normal  
33                 operating budget of existing programs in the State's biennial budget. Upon completion of  
34                 the study, the Department of Health and Human Services shall apply, no later than June 30,  
35                 2024, for all federal waivers determined necessary by the study.

36                 **3. Phase 2.** No later than January 31, 2024, the State shall provide eligibility for  
37                 coverage through the program for a resident of the State who is not eligible for coverage  
38                 under the MaineCare program and who has an income that is below 200% of the federal  
39                 poverty level.

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4. Phase 3. No later than January 31, 2025 or upon receipt of any necessary federal waivers, the State shall provide eligibility for coverage through the program for a resident of the State who has an income between 200% and 400% of the federal poverty level.

5. Phase 4. No later than January 31, 2026, the State shall provide eligibility for coverage through the program for a resident of the State who has an income above 400% of the federal poverty level.

6. Waiver; request for federal approval. The Department of Health and Human Services and any other affected department or agency of the State shall apply for all waivers, exemptions and approvals from the Federal Government that are necessary to fully implement the program.

For the purposes of this section, "federal poverty level" means that measure defined by the federal Department of Health and Human Services and updated annually in the Federal Register under authority of 42 United States Code, Section 9902(2).

**Sec. 2. MaineCare Eligibility for All Implementation Task Force.** The MaineCare Eligibility for All Implementation Task Force, referred to in this section as "the task force," is established to oversee planning and implementation of the Program to Allow MaineCare Eligibility for All, established in the Maine Revised Statutes, Title 5, chapter 166, as follows.

**1. Appointments; composition.** The task force consists of members appointed as follows:

A. Four members of the Senate, appointed by the President of the Senate, including 2 members of the party holding the largest number of seats in the Senate and 2 members of the party holding the 2nd largest number of seats in the Senate, of whom at least one member is a member of the Joint Standing Committee on Health Coverage, Insurance and Financial Services, at least one member is a member of the Joint Standing Committee on Health and Human Services and at least one member is a member of the Joint Standing Committee on Labor and Housing or the Joint Standing Committee on Taxation; and

B. Five members of the House of Representatives, appointed by the Speaker of the House of Representatives, including 2 members of the party holding the largest number of seats in the House of Representatives and 2 members of the party holding the 2nd largest number of seats in the House of Representatives, of whom at least one member is a member of the Joint Standing Committee on Health Coverage, Insurance and Financial Services, at least one member is a member of the Joint Standing Committee on Health and Human Services and at least one member is a member of the Joint Standing Committee on Labor and Housing or the Joint Standing Committee on Taxation.

**2. Consultants.** The chairs of the task force may appoint the following persons as consultants to the task force:

- A. One person representing the interests of hospitals;
- B. Two persons representing the interests of health care providers, including one person from an organization representing physicians and one person from an organization representing nurses;
- C. Two persons representing the interests of health care consumers;

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1 D. One person representing the interests of employers with fewer than 50 employees;  
2 and

3 E. One person representing the interests of employers with 50 or more employees.

4 **3. Chairs.** The first-named Senator is the Senate chair of the task force, and the first-  
5 named member of the House of Representatives is the House chair of the task force. The  
6 chairs may invite individuals with expertise in health care policy, health care financing or  
7 health care delivery to assist the task force.

8 **4. Appointments; convening.** All appointments must be made no later than 30 days  
9 following the effective date of this Act. The appointing authorities shall notify the  
10 Executive Director of the Legislative Council once all appointments have been made.  
11 When the appointment of all members has been completed, the chairs of the task force shall  
12 call and convene the first meeting of the task force. If 30 days or more after the effective  
13 date of this Act a majority of but not all appointments have been made, the chairs may  
14 request authority and the Legislative Council may grant authority for the task force to meet  
15 and conduct its business.

16 **5. Recommendations.** The task force shall submit recommended legislation by  
17 November 2, 2022 to the First Regular Session of the 131st Legislature to fully implement  
18 the Program to Allow MaineCare Eligibility for All. The task force shall include in its  
19 recommended legislation provisions to:

20 A. Transfer responsibility for administering the MaineCare program and the children's  
21 health insurance program established in the Maine Revised Statutes, Title 22, section  
22 3174-T from the Department of Health and Human Services to the Program to Allow  
23 MaineCare Eligibility for All;

24 B. Transfer responsibility for administering any other state or federal health care  
25 program to the Program to Allow MaineCare Eligibility for All;

26 C. Apply for all waivers, exemptions and approvals from State Government and the  
27 Federal Government that are necessary to transfer health care funding from the Federal  
28 Government and from any state departments and agencies to the Program to Allow  
29 MaineCare Eligibility for All;

30 D. Transfer to the Program to Allow MaineCare Eligibility for All all state and federal  
31 funds associated with programs for which the Program to Allow MaineCare Eligibility  
32 for All will assume responsibility;

33 E. Ensure that the State's expenditures for health care services, including the State's  
34 responsibility for providing matching funds for the MaineCare program and other  
35 federally supported health care programs, do not fall below the expenditure levels for  
36 health care services in the year preceding the effective date of this Act;

37 F. Effectuate a smooth and efficient transfer of the programs and responsibilities and  
38 enable affected departments and agencies to assist the Program to Allow MaineCare  
39 Eligibility for All in the assumption of its duties;

40 G. Establish an ongoing revenue stream to adequately fund the Program to Allow  
41 MaineCare Eligibility for All; and

42 H. Establish a rate board to oversee the true cost of providing care for all MaineCare  
43 members.



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COMMITTEE AMENDMENT "A" to H.P. 1197, L.D. 1608

1 consultants who are compensated through a contract are not entitled to other compensation  
2 for participating in the implementation task force.

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



# 130th MAINE LEGISLATURE

LD 1608

LR 912(02)

## An Act To Expand the MaineCare Program To Cover All Citizens of the State

Fiscal Note for Bill as Amended by Committee Amendment *A (H-920)*

Committee: Health and Human Services

Fiscal Note Required: Yes

### Fiscal Note

#### Legislative Cost/Study

##### Legislative Cost/Study

The general operating expenses of this study are projected to be \$7,000 in fiscal year 2022-23. The Legislature's budget for the 2022-2023 biennium includes an estimated \$6,108 in fiscal year 2021-22 and \$10,000 in fiscal year 2022-23 for the costs of legislative studies, as well as \$31,260 of balances carried over from prior years for this purpose. Whether these amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. The additional costs of providing staffing assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources. The bill authorizes the Legislative Council to contract for staff support during the session if sufficient funds are available.

##### Fiscal Detail and Notes

This bill establishes a Program to Allow MaineCare Eligibility for all. It directs the Department of Health and Human Services to consult with the Department of Labor and the Department of Professional and Financial Regulation, Bureau of Insurance to develop the program. The bill requires the State to implement the program in 4 phases, based on income, beginning in 2024 for those residents not already eligible for the MaineCare program. The bill also creates the MaineCare Eligibility for All Implementation Task Force to advise the departments and make recommendations to fully implement the program. The program may not be implemented in 2024 without prior legislative approval. After full implementation of the program on January 31, 2026, it is estimated that the program will cover 45% of newly eligible Mainer's, over 356,000 new members, at an annual General Fund cost of \$6,140,348,796.

The additional costs to the Department of Health and Human Services, the Department of Professional and Financial Regulation, Bureau of Insurance and the Department of Labor to provide assistance to the Task Force if requested can be absorbed using exiting budgeted resources.