

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1781

S.P. 617

In Senate, December 9, 2021

An Act To Align Postpartum MaineCare Coverage with Federal Law

Submitted by the Department of Health and Human Services pursuant to Joint Rule 203.
Received by the Secretary of the Senate on December 7, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CARNEY of Cumberland.

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

2 **Sec. 1. 22 MRSA §3174-G, sub-§1, ¶A**, as enacted by PL 1999, c. 731, Pt. OO,
3 §1, is amended to read:

4 A. A qualified woman during her pregnancy and up to 60 days following delivery
5 when the woman's family income is equal to or below ~~200%~~ 209% of the nonfarm
6 income official poverty line;

7 **Sec. 2. 22 MRSA §3174-G, sub-§1, ¶A-1**, as enacted by PL 2021, c. 461, §1, is
8 amended to read:

9 A-1. Notwithstanding paragraph A, beginning ~~January 1, 2022 and until June 30, 2022~~
10 August 1, 2022, a qualified woman during her pregnancy and up to ~~6~~ 12 months
11 following delivery when the woman's family income is equal to or below ~~200%~~ 209%
12 of the nonfarm income official poverty line;

13 **Sec. 3. 22 MRSA §3174-G, sub-§1, ¶A-2**, as enacted by PL 2021, c. 461, §2, is
14 repealed.

15 **Sec. 4. 22 MRSA §3174-G, sub-§1, ¶A-3**, as enacted by PL 2021, c. 461, §3, is
16 repealed.

17 **Sec. 5. 22 MRSA §3174-G, sub-§1, ¶G**, as amended by PL 2021, c. 461, §4, is
18 further amended to read:

19 G. A person otherwise eligible who is a noncitizen legally admitted to the United States
20 to the extent that coverage is allowable by federal law if the person is:

- 21 (1) A woman during her pregnancy and up to 60 days following delivery; or
22 (2) A child under 21 years of age;

23 **Sec. 6. 22 MRSA §3174-G, sub-§1, ¶G-1**, as enacted by PL 2021, c. 461, §5, is
24 amended to read:

25 G-1. Notwithstanding paragraph G, beginning ~~January 1, 2022 and until June 30, 2022~~
26 August 1, 2022, a person otherwise eligible who is a noncitizen legally admitted to the
27 United States to the extent that coverage is allowable by federal law if the person is:

- 28 (1) A woman during her pregnancy and up to ~~6~~ 12 months following delivery; or
29 (2) A child under 21 years of age; and

30 **Sec. 7. 22 MRSA §3174-G, sub-§1, ¶G-2**, as enacted by PL 2021, c. 461, §6, is
31 repealed.

32 **Sec. 8. 22 MRSA §3174-G, sub-§1, ¶G-3**, as enacted by PL 2021, c. 461, §7, is
33 repealed.

34 **Sec. 9. PL 2021, c. 461, §8** is repealed.

35 **Sec. 10. State plan amendment.** The Department of Health and Human Services
36 shall, no later than 30 days after the effective date of this section, submit requests for any
37 state plan amendments to the United States Department of Health and Human Services,
38 Centers for Medicare and Medicaid Services determined necessary in order to accomplish

1 the purposes of this Act. The department shall take all reasonable and necessary steps to
2 seek approval of the state plan amendment.

3 **Sec. 11. Retroactivity.** This Act applies retroactively to January 1, 2022.

4 **SUMMARY**

5 The purpose of this bill is to align state law with the requirements under federal law in
6 order to avoid delays in implementation and provide a more efficient rollout of technology
7 and rulemaking without changes to existing appropriations and allocations. The bill
8 accomplishes the following.

9 1. It repeals provisions enacted by Public Law 2021, chapter 461 that expand
10 postpartum MaineCare coverage for a qualified woman and a noncitizen legally admitted
11 to the United States from 6 months to 12 months on a graduated schedule between January
12 1, 2022 and July 1, 2023.

13 2. It expands postpartum MaineCare coverage for a qualified woman and a noncitizen
14 legally admitted to the United States to 12 months beginning August 1, 2022.

15 3. It expands a qualified woman's eligibility for postpartum MaineCare coverage by
16 increasing the nonfarm income official poverty line requirement from 200% to 209%.

17 4. It clarifies that in order to receive postpartum MaineCare coverage a noncitizen
18 legally admitted to the United States must otherwise be eligible for MaineCare.

19 5. It repeals Public Law 2021, chapter 461, section 8, which requires the Department
20 of Health and Human Services to file any necessary state plan amendments by January 1,
21 2022 regarding the extension of postpartum coverage under the MaineCare program in that
22 law, and enacts a similar provision that instead requires the department to file any necessary
23 state plan amendments no later than 30 days after the effective date of this legislation
24 regarding the postpartum coverage provisions of this legislation.

25 The legislation applies retroactively to January 1, 2022, the date of the requirement to
26 file a state plan amendment pursuant to Public Law 2021, chapter 461.