

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1114

H.P. 710

House of Representatives, March 9, 2023

**An Act to Eliminate the Annual Medical Eligibility Determinations
of Need for Families of Children with Disabilities**

Reference to the Committee on Health and Human Services suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative JAUCH of Topsham.
Cosponsored by Senator INGWERSEN of York and
Representatives: CROCKETT of Portland, GOLEK of Harpswell, LEMELIN of Chelsea,
PRINGLE of Windham, RANA of Bangor, SAYRE of Kennebunk, STOVER of Boothbay,
ZAGER of Portland.

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

2 **Sec. 1. 22 MRSA §3197** is enacted to read:

3 **§3197. Disability determination for children**

4 A child with a disability who has been determined eligible as a Medicaid recipient or
5 a child who is determined eligible for MaineCare under the Katie Beckett option authorized
6 by the federal Tax Equity and Fiscal Responsibility Act of 1982 does not require any
7 additional disability determinations by the department. A parent or guardian of a child may
8 request a new disability determination from the department under this section if the parent
9 or guardian believes there has been a change in the child's medical situation. The
10 department shall make the new determination within 45 days of the request. This section
11 does not affect any required redeterminations for eligibility for MaineCare that are based
12 on income. The department may adopt or amend its rules to implement this section. Rules
13 adopted pursuant to this section are routine technical rules as defined in Title 5, chapter
14 375, subchapter 2-A.

15 **Sec. 2. Rulemaking.** The Department of Health and Human Services shall amend
16 its rule Chapter 101: MaineCare Benefits Manual, Chapter X, Section 3 to remove
17 requirements for annual medical eligibility and establish a process for a request for a new
18 medical determination if requested by a parent or guardian. The department shall amend
19 its rule Chapter 332 to remove any requirements for annual medical eligibility for
20 MaineCare or the Children's Health Insurance Program for children with a disability and
21 establish a process for a request for a new medical determination if requested by a parent
22 or guardian. Rules adopted pursuant to this section are routine technical rules as defined
23 in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

24 **Sec. 3. State plan amendment.** The Department of Health and Human Services
25 shall prepare and submit any necessary Medicaid state plan amendments to the United
26 States Department of Health and Human Services, Centers for Medicare and Medicaid
27 Services for approval for the removal of annual disability determinations for children with
28 disabilities required by this Act.

29 **SUMMARY**

30 This bill removes the requirement for a child with a disability who had been determined
31 eligible for MaineCare or under the Katie Beckett option to undergo any additional medical
32 or disability determinations unless a parent or guardian requests a new determination based
33 on a belief that there has been a change in the child's medical situation. It requires the
34 Department of Health and Human Services to amend its rules to reflect that change. It also
35 requires the department to submit any necessary state plan amendments necessary to
36 implement the statutory and rule changes.