

# MAINE STATE LEGISLATURE

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Date 6/20/23

L D 1204  
(Filing No H-614)

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**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H P 764, L D 1204, "An Act to Improve the Health of Maine Residents by Closing Coverage Gaps in the MaineCare Program for Incarcerated Persons"

Amend the bill in section 1 in §3174-CC in subsection 4 in the first line (page 1, line 25 in L D ) by striking out the following "The" and inserting the following 'No later than January 1, 2024, the'

Amend the bill in section 1 in §3174-CC by inserting after subsection 4 the following  
**5. MaineCare coverage prior to release.** During at least the 90-day period prior to the release of an individual from incarceration in a correctional facility, county jail or regional jail, the department shall provide reimbursement under the MaineCare program for services that can be provided under the program to individuals who are incarcerated and that facilitate an individual's transition back into the community.'

Amend the bill by inserting after section 1 the following  
**Sec. 2. Report regarding memorandums of understanding.** No later than January 1, 2024, the Department of Health and Human Services shall report to the Joint Standing Committee on Health and Human Services on the progress made toward entering into memorandums of understanding with counties in the State that have a county jail or a regional jail as required by the Maine Revised Statutes, Title 22, section 3174-CC, subsection 4. The committee may report out legislation related to the report to the Second Regular Session of the 131st Legislature

**Sec. 3. Federal waiver.** No later than 18 months after the effective date of this Act, the Department of Health and Human Services shall apply to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services for a waiver pursuant to Section 1115 of the United States Social Security Act to provide during at least the 90-day period prior to the release of an individual from incarceration in a correctional facility, county jail or regional jail reimbursement under the MaineCare program for services that can be provided under the program to individuals who are incarcerated and that facilitate an individual's transition back into the community

**COMMITTEE AMENDMENT**

ROS

1	<b>Sec. 4. Appropriations and allocations.</b>	The following appropriations and	
2	allocations are made		
3	<b>CORRECTIONS, DEPARTMENT OF</b>		
4	<b>Correctional Medical Services Fund 0286</b>		
5	Initiative Deappropriates funding for medical services that will now be covered by the		
6	MaineCare program		
7	<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
8	All Other	\$0	(\$1,115,715)
9			
10	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>(\$1,115,715)</u>
11			
12	<b>CORRECTIONS, DEPARTMENT OF</b>		
13	<b>DEPARTMENT TOTALS</b>	<b>2023-24</b>	<b>2024-25</b>
14			
15	<b>GENERAL FUND</b>	\$0	(\$1,115,715)
16			
17	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u>\$0</u>	<u>(\$1,115,715)</u>
18	<b>HEALTH AND HUMAN SERVICES, DEPARTMENT OF</b>		
19	<b>Medical Care - Payments to Providers 0147</b>		
20	Initiative Provides funding for the Department of Health and Human Services to provide		
21	reimbursement under the MaineCare program for services that can be provided under the		
22	program to individuals who are incarcerated and that facilitate an individual's transition		
23	back into the community, for at least the 90-day period prior to release of an individual		
24	from incarceration in a county jail, regional jail or a correctional facility		
25	<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
26	All Other	\$0	\$433,232
27			
28	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$433,232</u>
29			
30	<b>FEDERAL EXPENDITURES FUND</b>	<b>2023-24</b>	<b>2024-25</b>
31	All Other	\$0	\$2,800,724
32			
33	<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<u>\$0</u>	<u>\$2,800,724</u>
34	<b>Office for Family Independence Z020</b>		
35	Initiative Provides one-time funding for required technology development and testing		
36	<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
37	All Other	\$31,725	\$0
38			
39	<b>GENERAL FUND TOTAL</b>	<u>\$31,725</u>	<u>\$0</u>
40			
41	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>

# COMMITTEE AMENDMENT

ROS

1	All Other	\$97,472	\$0
2			
3	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$97,472</u>	<u>\$0</u>
4	<b>Office for Family Independence - District 0453</b>		
5	Initiative Provides funding to establish one Eligibility Specialist position		
6	<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
7	Personal Services	\$20,788	\$21,793
8	All Other	\$1,634	\$1,634
9			
10	GENERAL FUND TOTAL	<u>\$22,422</u>	<u>\$23,427</u>
11			
12	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
13	POSITIONS - LEGISLATIVE COUNT	1 000	1 000
14	Personal Services	\$62,364	\$65,380
15	All Other	\$6,526	\$6,599
16			
17	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$68,890</u>	<u>\$71,979</u>
18	<b>Office of MaineCare Services 0129</b>		
19	Initiative Provides one-time funding for required technology development and testing		
20	<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
21	All Other	\$94,422	\$0
22			
23	GENERAL FUND TOTAL	<u>\$94,422</u>	<u>\$0</u>
24			
25	<b>FEDERAL EXPENDITURES FUND</b>	<b>2023-24</b>	<b>2024-25</b>
26	All Other	\$290,103	\$0
27			
28	FEDERAL EXPENDITURES FUND TOTAL	<u>\$290,103</u>	<u>\$0</u>
29			
30	<b>HEALTH AND HUMAN SERVICES,</b>		
31	<b>DEPARTMENT OF</b>		
32	<b>DEPARTMENT TOTALS</b>	<b>2023-24</b>	<b>2024-25</b>
33			
34	GENERAL FUND	\$148,569	\$456,659
35	FEDERAL EXPENDITURES FUND	\$290,103	\$2,800,724
36	OTHER SPECIAL REVENUE FUNDS	\$166,362	\$71,979
37			
38	DEPARTMENT TOTAL - ALL FUNDS	<u>\$605,034</u>	<u>\$3,329,362</u>
39			
40	<b>SECTION TOTALS</b>	<b>2023-24</b>	<b>2024-25</b>
41			
42	GENERAL FUND	\$148,569	(\$659,056)

ROS

1	<b>FEDERAL EXPENDITURES FUND</b>	<b>\$290,103</b>	<b>\$2,800,724</b>
2	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$166,362</b>	<b>\$71,979</b>
3			
4	<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$605,034</b>	<b>\$2,213,647</b>
5			

6 **Sec. 5. Contingent effective date.** The Maine Revised Statutes, Title 22, section  
 7 3174-CC, subsection 5 does not take effect unless

8 1. The United States Department of Health and Human Services, Centers for Medicare  
 9 and Medicaid Services approves the federal waiver sought under section 3, and

10 2 The Commissioner of Health and Human Services notifies the Secretary of State,  
 11 the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of  
 12 Statutes that written approval for the waiver has been received '

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

15 **SUMMARY**

16 This amendment amends the bill as follows

17 1 It adds a date by which the Department of Health and Human Services and the  
 18 Department of Corrections must enter into a memorandum of understanding relating to  
 19 assisting an individual with applying for benefits under the MaineCare program

20 2 It directs the Department of Health and Human Services to report to the Joint  
 21 Standing Committee on Health and Human Services on the progress made towards entering  
 22 into a memorandum of understanding with counties in the State that have a county jail or a  
 23 regional jail relating to assisting an individual with applying for benefits under the  
 24 MaineCare program, as required in the bill.

25 3 It directs the Department of Health and Human Services to submit a waiver under  
 26 Section 1115 of the United States Social Security Act to the United States Department of  
 27 Health and Human Services, Centers for Medicare and Medicaid Services to cover certain  
 28 services to incarcerated individuals and requires the department to provide those services  
 29 if the waiver is approved and the Commissioner of Health and Human Services notifies the  
 30 Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives  
 31 and the Revisor of Statutes that written approval for the waiver has been received

32 4 It adds an appropriations and allocations section

33 **FISCAL NOTE REQUIRED**  
 34 **(See attached)**



# 131st MAINE LEGISLATURE

LD 1204

LR 34(02)

## An Act to Improve the Health of Maine Residents by Closing Coverage Gaps in the MaineCare Program for Incarcerated Persons

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Health and Human Services

Fiscal Note Required: Yes

*A(H-614)*

### Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
<b>Net Cost (Savings)</b>				
General Fund	\$148,569	(\$659,056)	(\$720,406)	(\$719,801)
<b>Appropriations/Allocations</b>				
General Fund	\$148,569	(\$659,056)	(\$720,406)	(\$719,801)
Federal Expenditures Fund	\$290,103	\$2,800,724	\$3,055,247	\$3,055,247
Other Special Revenue Funds	\$166,362	\$71,979	\$73,837	\$75,694
<b>Revenue</b>				
Federal Expenditures Fund	\$290,103	\$2,800,724	\$3,055,247	\$3,055,247

#### Fiscal Detail and Notes

The bill includes General Fund appropriations to the Department of Health and Human Services of \$148,569 in fiscal year 2023-24 and \$456,659 in fiscal year 2024-25 for the Department of Health and Human Services to provide reimbursement under the MaineCare Program for services that can be provided under the program to individuals who are incarcerated and that facilitate an individual's transition back into the community for at least the 90-day period prior to release of an individual from incarceration in a county jail, regional jail or a correctional facility, including required technology changes, and to establish one Eligibility Specialist position. Federal Expenditures Fund allocations and Other Special Revenue Funds allocations are also included for the FMAP match.

The bill also includes a General Fund deappropriation of \$1,115,715 in fiscal year 2024-25 to the Department of Corrections for medical services costs that will now be covered by MaineCare.