

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

August 26, 2019

SECOND REGULAR SESSION

January 8, 2020 to March 17, 2020

**THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 25, 2019**

**THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 16, 2020**

**PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.**

**Augusta, Maine
2020**

to the affected person, but only after the bureau confirms that the affected person is the subject of the record. In addition, the bureau shall publish guidance on requesting such information from the Federal Bureau of Investigation.

6. Disqualifying offenses; refusal to consent. The Director of Unemployment Compensation shall review the information obtained under this section and determine whether an affected person has a disqualifying offense that would prohibit authorizing that individual to access federal tax information. Refusal by the affected person to consent to the background investigation requirements under this section is deemed a disqualifying offense.

The following applies to an affected person who has a disqualifying offense:

A. The bureau may not employ or utilize that affected person in a position for which access to federal tax information is required;

B. If the affected person is an employee of the bureau or is assigned to provide services to the bureau under an identified contract and the director of the bureau has authorized the affected person to access federal tax information, the bureau shall terminate that affected person's access and may remove that affected person from any position that involves access, or the substantial possibility of access, to federal tax information. If the affected person is an employee of the bureau, the bureau shall make a reasonable effort to retain that person as an employee in another position within the bureau that does not require access to federal tax information; and

C. If the affected person is an employee or contractor of another state agency, the bureau shall notify the other agency and the agency shall terminate the affected person's access, or substantial possibility of access, to federal tax information and may remove that affected person from any position that involves such access. If the affected person is an employee of the other agency, the agency shall make a reasonable effort to retain that person as an employee in another position that does not require access to federal tax information.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 18, 2020.

**CHAPTER 645
H.P. 1378 - L.D. 1934**

An Act Regarding Prior Authorization for Treatment for Opioid Use Disorder under the MaineCare Program

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

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

§3174-EEE. Prior authorization of treatment for opioid use disorder

1. Medication-assisted treatment. For the purposes of this section, "medication-assisted treatment" means an evidence-based practice that combines pharmacological interventions with substance use disorder counseling.

2. Prior authorization limitation. The department may not require under the MaineCare program prior authorization for the following:

A. The prescription of at least one drug for each therapeutic class of medication used for medication-assisted treatment for opioid use disorder; or

B. Intensive outpatient therapy services for a diagnosis of opioid use disorder.

3. Prior authorization for pregnant women. In addition to the prior authorization limits imposed in subsection 2, the department may not require under the MaineCare program any prior authorization requirements with respect to a pregnant woman for medication-assisted treatment for opioid use disorder or for intensive outpatient therapy services for a diagnosis of opioid use disorder.

4. Dosage increases. Notwithstanding subsections 2 and 3, the department may impose prior authorization requirements under the MaineCare program for dosage increases that exceed the department's dosing criteria as identified on the department's MaineCare preferred drug list.

5. Rulemaking. The department may 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.

The requirements of this section must be applied in a manner that is not inconsistent with the requirements of the Medicaid drug rebate program.

See title page for effective date.