

## Sponsor Amendment for LD 335, An Act to Protect Funding for Family Planning Services

Sec. 1. 22 MRSA §1902, subsection 5-B is enacted to read:

**5-B. Maine Title X grantee.** “Maine Title X grantee” means a Maine-based provider of family planning services as defined in 42 Code of Federal Regulations section 59.2 that is licensed, certified or otherwise legally authorized to deliver services in the State, is engaged primarily in the delivery of sexual and reproductive health care services as described in 42 United States Code, section 1396d(a)(4)(c), and has previously received funding under the Title X program.

Sec. 2. 22 MRSA §1902, subsection 7 is enacted to read:

**7. Title X program.** “Title X program” means the program of grants for voluntary family planning projects described in Title X of the Public Health Service Act, 42 United States Code, section 300.

Sec. 3. 22 MRSA §§1912 and 1913 are enacted to read:

### **§1912. Funding for grant programs; substitute funding**

For any fiscal year subsequent to state fiscal year 2024-25, if the funding previously received by a Maine Title X grantee under the Title X program is reduced relative to the funds received in fiscal year 2024-25 or is eliminated as a result of action by the federal government or of a decision by the grantee to withdraw from receiving Title X funding due to the imposition of conditions attached to the funding, the department shall grant state funds to the grantee equal to the difference between the amount the grantee received from the federal Title X program in fiscal year 2024-25 and the amount it receives and accepts in any subsequent fiscal year.

### **§1913. Access to family planning services**

**1. Access to services.** In accordance with this chapter, the department shall provide funding to maintain statewide access to family planning services. The department shall issue a request for proposals from qualified providers of family planning services. The department shall select one provider to provide management and oversight of the delivery of family planning services in this State, including, but not limited to, the coordination and management of any grants to subrecipients, and shall distribute funds appropriated for that purpose.

**2. Fund established.** The Fund to Maintain Access to Statewide Family Planning Services, referred to in this section as "the fund," is established as a dedicated, nonlapsing fund within the department to provide family planning services under this section. The department may accept funds into the fund from any public or private source for the purposes of awarding a grant under this section. Any funds appropriated to the fund may not supplant other sources of funding.

**3. Grant.** The department shall make funds available from the fund in the form of a grant and may not distribute any funds under a fee-for-service format.

Sec. 4. 22 MRSA §3196-A is enacted to read:

**§3196-A. Services provided by federally unfunded providers**

**1. Federally unfunded provider; definition.** For the purposes of this section, “federally unfunded provider” means a health care provider:

A. That is licensed, certified or otherwise authorized by State law to deliver health care services; and

B. That, pursuant to any federal law, the department may not pay using federal funds provided to carry out the State Plan under Title XIX of the United States Social Security Act, for items or services provided on or after July 1, 2025 pursuant to federal law.

**2. State funding for services.** Family planning items or services, as defined by section 1902, subsection 4, and any other Medicaid-covered items or services lawfully provided to MaineCare members by a federally unfunded provider during any period for which federal funds may not be used to pay that provider, including any services provided between July 1, 2025 and the effective date of this section, shall be reimbursed with state funds. The department shall reimburse the federally unfunded provider at no less than the MaineCare rate established by the department for those services on the date the service was provided. If any federal funds were used to pay a federally unfunded provider prior to the effective date of this section, state funds must be used to substitute for any federal funds that the department is required to reimburse or adjust in its transactions with the United States, Department of Health and Human Services.

**3. Discrimination prohibited.** The department may not discriminate against, exclude, limit the participation, or modify the payment plan of any provider in the MaineCare program because a provider is a federally unfunded provider for any period of time.

**4. Rulemaking.** The department shall 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. Rules adopted pursuant to this subsection may be effective retroactively to July 1, 2025, but any subsequent amendments to these rules may be retroactive only as permitted by section 42, subsection 8.

**Sec. 5. Emergency rulemaking.** The Department of Health and Human Services may adopt rules pursuant to the Maine Revised Statutes Title 22, section 3196-A, subsection 4 as emergency rules without making findings as to the existence of any emergency required by the Maine Revised Statutes Title 5, section 8054, subsection 2.

**Sec. 6. Funding in fiscal year 2027-28.** Beginning in fiscal year 2027-28, \$5,000,000 general funds for ongoing funding is appropriated to the Fund to Maintain Access to Statewide Family Planning Services to be distributed to a single grantee pursuant to the Maine Revised Statutes, Title 22, section 3196.

**SUMMARY**

This amendment replaces the concept draft. The amendment contains the following initiatives:

1. It establishes the Fund to Maintain Access to Statewide Family Planning Services to be distributed to a single grantee to provide management and oversight of the delivery of family planning services. Beginning in fiscal year 2027-28, the Fund has \$5,000,000 in general funds appropriated each year.
2. It requires the Department of Health and Human Services to provide funding to Title X grantees in the State if funding has been reduced or eliminated by the federal government or the grantee has withdrawn from Title X due to the imposition of conditions attached to the funding.
3. It requires the Department of Health and Human Services to cover family planning services for MaineCare members who receive services from a provider that is a prohibited provider under Section 71113 of the federal HR 1 and any future similar federal law. Services provided after July 1, 2025 are reimbursed retroactively.