



# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1254

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H.P. 802

House of Representatives, March 21, 2023

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**An Act to Provide Coverage and Prior Authorization of Medications  
and Services During a MaineCare Provider's Enrollment Period**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative ARFORD of Brunswick.  
Cosponsored by Senator BALDACCI of Penobscot and  
Representatives: ANKELES of Brunswick, ARATA of New Gloucester, CRAVEN of  
Lewiston, DHALAC of South Portland, LEMELIN of Chelsea, MADIGAN of Waterville,  
SHAGOURY of Hallowell, ZAGER of Portland.

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

2 **Sec. 1. 22 MRSA §3173-K** is enacted to read:

3 **§3173-K. Provider enrollment; prior authorization**

4 This section governs enrollment of providers in the MaineCare program and certain  
5 prior authorizations.

6 **1. Prior authorization.** The department shall allow a provider with a pending  
7 enrollment application to apply for prior authorization of services and medications.  
8 Coverage must be determined based on approval of the prior authorization request. The  
9 department shall make available prior authorization criteria to providers with a pending  
10 enrollment application.

11 **2. Coverage for services.** After a provider's enrollment application is approved, the  
12 department shall cover medications and services approved pursuant to a prior authorization  
13 under subsection 1 delivered by a provider during the time the provider's enrollment  
14 application is pending.

15 **3. Rulemaking.** The department shall adopt rules to implement this section. Rules  
16 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter  
17 375, subchapter 2-A.

18 **SUMMARY**

19 This bill allows a provider with a pending enrollment application to apply for a prior  
20 authorization of medications and services and requires the Department of Health and  
21 Human Services to make available prior authorization criteria to providers with a pending  
22 enrollment application. It also requires the Department of Health and Human Services to  
23 cover medications and services delivered by a provider during the time the provider's  
24 application is pending based on the determination of the prior authorization request.