



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1269

S.P. 506

In Senate, March 21, 2023

**An Act to Empower Patients and Eliminate Welfare Cliffs in the
MaineCare Program by Establishing a MaineCare Savings Account
Pilot Program**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Senator: MOORE of Washington, Representatives: BOYER of Poland,
JAVNER of Chester, LEMELIN of Chelsea, MORRIS of Turner.

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. MaineCare savings accounts**

4 The department shall apply to the United States Department of Health and Human
5 Services, Centers for Medicare and Medicaid Services for a waiver of the requirements of
6 Section 1902 of the United States Social Security Act to allow the department to establish
7 a pilot program that would allow an individual eligible for the MaineCare program to
8 choose, in lieu of standard MaineCare coverage, to receive Medicaid funds, commensurate
9 with the individual's income and disability, and deposit the funds into a MaineCare savings
10 account to be used to purchase commercial health insurance or to pay for health care
11 services directly. The program must include the option to choose among a variety of
12 commercial health insurance plans, including high deductible plans. The program must also
13 include an option to allow individuals to use funds from the MaineCare savings account to
14 purchase low-cost and routine care while retaining standard MaineCare coverage for
15 higher-cost services. The program must provide that any funds remaining at the end of a
16 calendar year are rolled over into the subsequent year. If the department receives approval
17 for the waiver, it shall establish the pilot program and adopt rules to implement this section.
18 Rules adopted pursuant to this section are routine technical rules as defined by Title 5,
19 chapter 375, subchapter 2-A.

20 **Sec. 2. Department of Health and Human Services waiver request.** Within
21 90 days of the effective date of this Act, the Department of Health and Human Services
22 shall apply to the United States Department of Health and Human Services, Centers for
23 Medicare and Medicaid Services for a waiver in accordance with the Maine Revised
24 Statutes, Title 22, section 3197. The department shall report to the Joint Standing
25 Committee on Health and Human Services by December 6, 2023 regarding the status of its
26 application for a waiver.

27 **SUMMARY**

28 This bill requires the Department of Health and Human Services, within 90 days of the
29 effective date of this legislation, to apply to the United States Department of Health and
30 Human Services, Centers for Medicare and Medicaid Services for a waiver of the
31 requirements of Section 1902 of the United States Social Security Act to allow the
32 department to establish a pilot program that would allow an individual eligible for the
33 MaineCare program to choose, in lieu of standard MaineCare coverage, to receive
34 Medicaid funds, commensurate with the individual's income and disability, and deposit the
35 funds into a MaineCare savings account to be used to purchase commercial health
36 insurance or to pay for health care services directly. The program must include the option
37 to choose among a variety of commercial health insurance plans, including high deductible
38 plans. The program must also include an option to allow individuals to use funds from the
39 MaineCare savings account to purchase low-cost and routine care while retaining standard
40 MaineCare coverage for higher-cost services. The program must provide that any funds
41 remaining at the end of a calendar year are rolled over into the subsequent year. The bill
42 requires that if the department receives approval for the waiver, it must establish the pilot
43 program and adopt rules to implement the program. It requires the department to report to

1 the Joint Standing Committee on Health and Human Services by December 6, 2023
2 regarding the status of its application for a waiver.