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Date: (Filing No. H- )

**HEALTH AND HUMAN SERVICES**

Reproduced and distributed under the direction of the Clerk of the House.

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

COMMITTEE AMENDMENT “ ” 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**

1           **Sec. 4. Appropriations and allocations.** The following appropriations and  
 2 allocations are made.

3           **CORRECTIONS, DEPARTMENT OF**

4           **Correctional Medical Services Fund 0286**

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	GENERAL FUND TOTAL	\$0	(\$1,115,715)

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12           **CORRECTIONS, DEPARTMENT OF**  
 13           **DEPARTMENT TOTALS**

14		<b>2023-24</b>	<b>2024-25</b>
15	<b>GENERAL FUND</b>	<b>\$0</b>	<b>(\$1,115,715)</b>
16			
17	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>(\$1,115,715)</b>

18           **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

19           **Medical Care - Payments to Providers 0147**

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	GENERAL FUND TOTAL	\$0	\$433,232

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30           **FEDERAL EXPENDITURES FUND**

31	All Other	\$0	\$2,800,724
32			
33	FEDERAL EXPENDITURES FUND TOTAL	\$0	\$2,800,724

34           **Office for Family Independence Z020**

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	GENERAL FUND TOTAL	\$31,725	\$0

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41           **OTHER SPECIAL REVENUE FUNDS**

		<b>2023-24</b>	<b>2024-25</b>
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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	<b>GENERAL FUND</b>	<b>\$148,569</b>	<b>\$456,659</b>
35	<b>FEDERAL EXPENDITURES FUND</b>	<b>\$290,103</b>	<b>\$2,800,724</b>
36	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$166,362</b>	<b>\$71,979</b>
37			
38	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$605,034</b></u>	<u><b>\$3,329,362</b></u>
39			
40	<b>SECTION TOTALS</b>	<b>2023-24</b>	<b>2024-25</b>
41			
42	<b>GENERAL FUND</b>	<b>\$148,569</b>	<b>(\$659,056)</b>

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)**