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Legislative Document

No. 85

H.P. 51

House of Representatives, January 13, 2021

An Act Concerning MaineCare Coverage for Donor Breast Milk

Received by the Clerk of the House on January 11, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative CRAVEN of Lewiston.
Cosponsored by Representatives: BROOKS of Lewiston, CLOUTIER of Lewiston,
McCREIGHT of Harpswell, MEYER of Eliot, SACHS of Freeport, Senators: CLAXTON of
Androscoggin, LIBBY of Androscoggin, MOORE of Washington.

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

2 **Sec. 1. 22 MRSA §3174-FFF** is enacted to read:

3 **§3174-FFF. Reimbursement for donor breast milk**

4 **1. Reimbursement.** The department shall provide reimbursement under the
5 MaineCare program for pasteurized donor breast milk provided to an infant receiving
6 benefits under this chapter if a physician or physician assistant licensed under Title 32,
7 chapter 36 or 48 or an advanced practice registered nurse licensed under Title 32, chapter
8 31 signs an order stating that such milk is medically necessary and:

9 A. The infant is medically or physically unable to receive maternal breast milk or
10 participate in breastfeeding; or

11 B. The infant's mother is medically or physically unable to produce maternal breast
12 milk in quantities sufficient for the infant.

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

16 **Sec. 2. Medicaid state plan amendment or waiver.** The Department of Health
17 and Human Services shall prepare and submit a Medicaid state plan amendment or waiver
18 as necessary to the United States Department of Health and Human Services, Centers for
19 Medicare and Medicaid Services no later than January 1, 2022 that provides or requests, as
20 appropriate, Medicaid coverage for medically necessary donor breast milk for infants.

21 **SUMMARY**

22 This bill requires that the Department of Health and Human Services provide
23 reimbursement under the MaineCare program for pasteurized donor breast milk provided
24 to an infant if a physician, physician assistant or advanced practice registered nurse signs
25 an order stating that such milk is medically necessary and the infant is medically or
26 physically unable to receive maternal breast milk or participate in breastfeeding or the
27 infant's mother is medically or physically unable to produce maternal breast milk in
28 quantities sufficient for the infant.