

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act Concerning MaineCare Coverage for Donor Breast Milk

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

Sec. 1. 22 MRSA §3174-EEE is enacted to read:

§ 3174-EEE. Reimbursement for donor breast milk

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

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

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

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

Sec. 2. Medicaid state plan amendment or waiver. The Department of Health and Human Services shall prepare and submit a Medicaid state plan amendment or waiver as necessary to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services no later than January 1, 2021 that provides or requests, as appropriate, Medicaid coverage for medically necessary donor breast milk for infants.

SUMMARY

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