

Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 746, L.D. 1063, Bill, “An Act To Protect Substance-exposed Infants”

Amend the bill by striking out the title and substituting the following:

'An Act To Reduce the Number of Substance-exposed Infants'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 22 MRSA §3173-G, as enacted by PL 2015, c. 356, §1 and affected by §4, is amended to read:

§3173-G. Medicaid coverage for reproductive health care and family planning services

The department shall provide for the delivery of federally approved Medicaid services to a qualified adult or adolescent when the adult's or adolescent's individual income is equal to or below 209% of the nonfarm income official poverty line for reproductive health care and family planning services, including pregnancy prevention, testing and treatment for sexually transmitted infection or cancer and access to contraception, in accordance with the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152. If a MaineCare provider determines that an adult or adolescent is likely to be eligible for services under this section, the provider must be reimbursed for services provided under this section until the department determines that the adult or adolescent is not eligible. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Presumptive eligibility; rulemaking. No later than January 1, 2018, the Department of Health and Human Services shall amend its rules in Chapter 332: MaineCare Eligibility Manual to establish presumptive eligibility for individuals who are determined likely to be eligible under the Maine Revised Statutes, Title 22, section

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1 3173-G by a MaineCare provider beginning on the day that the individual receives
2 services until the department determines that the individual is not eligible.

3 **Sec. 3. Contraceptive counseling; rulemaking.** No later than January 1, 2018,
4 the Department of Health and Human Services shall amend its rules in Chapter 101:
5 MaineCare Benefits Manual, Chapter II, Section 90 to require postpartum obstetrical care
6 services to include the provision of covered contraceptive counseling. Contraceptive
7 counseling must be provided immediately postpartum if the individual and the provider
8 determine it is appropriate.

9 **Sec. 4. Outreach and educational programs.** The Department of Health and
10 Human Services shall contract with a community-based nonprofit organization to develop
11 outreach and educational programs regarding family planning options and availability for
12 women and adolescents at risk of giving birth to an infant exposed to illegal substances.
13 All programs must emphasize the right to individual self-determination regarding family
14 planning and childbearing. Programming must be targeted to women and adolescents
15 who are:

- 16 1. Participating in substance use disorder treatment;
- 17 2. Housed in a correctional setting;
- 18 3. Experiencing homelessness; and
- 19 4. Living in other circumstances that identify a need for family planning services.

20 **Sec. 5. Appropriations and allocations.** The following appropriations and
21 allocations are made.

22 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

23 **Maine Center for Disease Control and Prevention 0143**

24 Initiative: Provides appropriation for a contract with an entity to develop outreach and
25 educational programs regarding family planning options and availability for women at
26 risk of giving birth to an infant exposed to illegal substance abuse.

27	GENERAL FUND	2017-18	2018-19
28	All Other	\$120,000	\$120,000
29			
30	GENERAL FUND TOTAL	\$120,000	\$120,000
31			

32 **SUMMARY**

33 This amendment, which is the majority report, replaces the bill, which is a concept
34 draft, and changes the title. It requires the Department of Health and Human Services to
35 amend its rules in the MaineCare Eligibility Manual to provide for presumptive eligibility
36 for individuals who are likely to qualify for the family planning benefit under the Maine
37 Revised Statutes, Title 22, section 3173-G. It also requires the department to amend its
38 rules under the MaineCare Benefits Manual, Section 90 to include contraceptive
39 counseling as part of the services provided to women and adolescents eligible for the

1 MaineCare program, including counseling immediately postpartum as long as the patient
2 and the provider determine it is appropriate. It requires the department to contract for
3 community-based outreach and education regarding family planning options and
4 availability that is targeted toward women and adolescents who are participating in
5 substance use disorder treatment, in correctional settings, experiencing homelessness and
6 living in other circumstances that identify a need for family planning services. The
7 amendment also adds an appropriations and allocations section.

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9

FISCAL NOTE REQUIRED

(See attached)