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Date: (Filing No. S- )

**HEALTH AND HUMAN SERVICES**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**

**SENATE**

**130TH LEGISLATURE**

**SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 156, L.D. 811, “An Act To Protect the Reproductive Rights and Freedoms of Maine People”

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

**'Sec. 1. 22 MRSA §3174-III** is enacted to read:

**§3174-III. Reimbursement for comprehensive sexual and reproductive health care services**

Notwithstanding any provision of law to the contrary, the department shall provide reimbursement for sexual and reproductive health care providers for activities and services to address the health of MaineCare members in accordance with this section.

**1. Definition.** For purposes of this section, "sexual and reproductive health care provider" means an enrolled MaineCare provider engaged primarily in the delivery of services described in 42 United States Code, Section 1396d(a)(4)(C).

**2. Comprehensive sexual and reproductive health care services payment.** The department shall determine and pay each sexual and reproductive health care provider an amount based on the total number of MaineCare-covered patient encounters per month, to include patient encounters taking place on or after July 1, 2022. The payment must include compensation for the difference between the payment for services described in subsection 1 and 100% of the reasonable costs of operation, including without limitation the costs of all services. In determining the payment, the department may exclude only those incremental operating costs directly attributable to specific items and services that federal law explicitly prohibits Medicaid programs from reimbursing. The payment required by this subsection must be made for all encounters with a sexual and reproductive health care provider by any MaineCare member, regardless of the category or other basis for the member's eligibility for MaineCare coverage.

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

**COMMITTEE AMENDMENT**

1        The department shall pursue all opportunities to maximize available federal  
2        reimbursement, including available Medicaid match rates for or other opportunities to  
3        maximize state resources for family planning services.

4        **Sec. 2. Rulemaking.** The Department of Health and Human Services shall propose  
5        rules to implement the comprehensive sexual and reproductive health care services  
6        payment required by the Maine Revised Statutes, Title 22, section 3174-III, subsection 2  
7        no later than October 1, 2022. The final rule adopted following publication of the proposed  
8        rule required by this section must make the comprehensive services payment effective  
9        retroactively to July 1, 2022. Rules adopted pursuant to this section are routine technical  
10       rules pursuant to Title 5, chapter 375, subchapter 2-A.

11       **Sec. 3. Appropriations and allocations.** The following appropriations and  
12       allocations are made.

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

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

15       Initiative: Provides funding for an additional payment to sexual and reproductive health  
16       care providers for each MaineCare-covered patient encounter.

17 <b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
18       All Other	\$0	\$628,551
19		
20       GENERAL FUND TOTAL	\$0	\$628,551

22 <b>FEDERAL EXPENDITURES FUND</b>	<b>2021-22</b>	<b>2022-23</b>
23       All Other	\$0	\$1,083,656
24		
25       FEDERAL EXPENDITURES FUND TOTAL	\$0	\$1,083,656

26  
27       Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
28       number to read consecutively.

29       **SUMMARY**

30       This amendment replaces the bill, which is a concept draft, and provides that:

31       1. Beginning July 1, 2022, a payment must be made to sexual and reproductive health  
32       care providers primarily providing family planning services for each MaineCare-covered  
33       patient encounter to compensate for the additional services delivered by these providers in  
34       providing the family planning services. This payment must cover the difference between  
35       total operating costs and the payments made for billed services;

36       2. Rules implementing this requirement must be proposed by October 1, 2022, and  
37       payments must be retroactive for services provided on or after July 1, 2022; and

1           3. The Department of Health and Human Services must pursue available federal  
2 matching funds to support this additional payment.

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**FISCAL NOTE REQUIRED**

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**(See attached)**