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Date: (Filing No. S- )

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

**STATE OF MAINE**  
**SENATE**  
**130TH LEGISLATURE**  
**SECOND REGULAR SESSION**

SENATE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to H.P. 51, L.D. 85, “An Act Concerning MaineCare Coverage for Donor Breast Milk”

Amend the amendment by striking out everything after the title and inserting the following:

'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 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:

A. 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; and

B. The infant:

- (1) Was born at a birth weight of less than 1,500 grams;
- (2) Has a gastrointestinal anomaly or metabolic or digestive disorder or is recovering from intestinal surgery and the infant's digestive needs require additional support;
- (3) Is not appropriately gaining weight or growing;
- (4) Has formula intolerance and is experiencing weight loss or difficulty feeding;
- (5) Has low blood sugar;
- (6) Has congenital heart disease;
- (7) Has received or will receive an organ transplant; or
- (8) Has another serious medical condition for which donor breast milk is medically necessary.

**SENATE AMENDMENT**

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

4           **Sec. 2. Medicaid state plan amendment or waiver.** The Department of Health  
5 and Human Services shall prepare and submit a Medicaid state plan amendment or waiver  
6 as necessary to the United States Department of Health and Human Services, Centers for  
7 Medicare and Medicaid Services no later than January 1, 2023 that provides or requests, as  
8 appropriate, Medicaid coverage consistent with this Act for donor breast milk for infants.

9           **Sec. 3. Appropriations and allocations.** The following appropriations and  
10 allocations are made.

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

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

13 Initiative: Provides appropriations and allocations to the Department of Health and Human  
14 Services to provide reimbursement under the MaineCare program for pasteurized donor  
15 breast milk provided to an infant if a physician, physician assistant or advanced practice  
16 registered nurse signs an order stating that such milk is necessary.

17	<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
18	All Other	\$0	\$157,872
19			
20	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$157,872</u>

22	<b>FEDERAL EXPENDITURES FUND</b>	<b>2021-22</b>	<b>2022-23</b>
23	All Other	\$0	\$279,690
24			
25	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$279,690</u>

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

29 **SUMMARY**

30           This amendment incorporates the substance of Committee Amendment "A" to avoid a  
31 statutory allocation conflict but changes the date by which the Department of Health and  
32 Human Services must prepare and submit a Medicaid state plan amendment or waiver to  
33 the United States Department of Health and Human Services, Centers for Medicare and  
34 Medicaid Services to January 1, 2023. It also strikes and replaces the appropriations and  
35 allocations section.

36 **SPONSORED BY:** \_\_\_\_\_

37           **(Senator BREEN, C.)**

38           **COUNTY: Cumberland**