

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
H.P. 51 - L.D. 85

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-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.

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, 2023 that provides or requests, as appropriate, Medicaid coverage consistent with this Act for donor breast milk for infants.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Medical Care - Payments to Providers 0147

Initiative: Provides appropriations and allocations to the Department of Health and Human Services to 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 necessary.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$157,872
GENERAL FUND TOTAL	<hr/> \$0	<hr/> \$157,872
FEDERAL EXPENDITURES FUND	2021-22	2022-23
All Other	\$0	\$279,690
FEDERAL EXPENDITURES FUND TOTAL	<hr/> \$0	<hr/> \$279,690