



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 195

H.P. 158

House of Representatives, January 17, 2019

An Act To Continue MaineCare Coverage for Parents During the Rehabilitation and Reunification Process

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HYMANSON of York.
Cosponsored by Senator CHIPMAN of Cumberland and
Representatives: BEEBE-CENTER of Rockland, COREY of Windham, CRAVEN of
Lewiston, DENNO of Cumberland, MADIGAN of Waterville, MASTRACCIO of Sanford,
Senator: MILLETT of Cumberland.

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

2 **Sec. 1. 22 MRSA §3174-BBB** is enacted to read:

3 **§3174-BBB. Coverage for parents participating in rehabilitation and reunification**
4 **efforts**

5 Notwithstanding section 3174, a parent receiving benefits under this chapter as a
6 parent of one or more dependent minor children who have been removed from the home
7 of that parent pursuant to section 4036-B continues to be eligible for benefits under this
8 chapter until either the department discontinues rehabilitation and reunification efforts
9 pursuant to section 4041 or parental rights have been terminated pursuant to section 4055,
10 whichever occurs first. The department shall adopt rules to implement this section.
11 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,
12 chapter 375, subchapter 2-A.

13 **Sec. 2. Waiver request.** No later than January 1, 2020, the Department of Health
14 and Human Services shall submit a waiver request to the United States Department of
15 Health and Human Services, Centers for Medicare and Medicaid Services that requests
16 approval for Medicaid coverage of a parent who has one or more children removed from
17 the home but remains engaged in reunification efforts as established in the Maine Revised
18 Statutes, Title 22, section 3174-BBB. The department shall take all reasonable and
19 necessary steps to seek approval of the waiver. Upon approval of the waiver request, the
20 Commissioner of Health and Human Services shall notify the Secretary of State, the
21 Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of
22 Statutes of that fact.

23 **Sec. 3. Report.** The Department of Health and Human Services shall report
24 quarterly to the joint standing committee of the Legislature having jurisdiction over
25 health and human services matters, beginning October 1, 2019, on the department's
26 progress in seeking a waiver under section 2 and implementing rules under section 4 until
27 the process is complete.

28 **Sec. 4. Rulemaking.** Within 180 days of receiving approval for coverage by the
29 United States Department of Health and Human Services, Centers for Medicare and
30 Medicaid Services pursuant to a request in accordance with section 2, the Department of
31 Health and Human Services shall adopt rules to implement the Maine Revised Statutes,
32 Title 22, section 3174-BBB. Rules adopted pursuant to this section are routine technical
33 rules as defined in Title 5, chapter 375, subchapter 2-A.

34 **Sec. 5. Contingent effective date.** That section of this Act that enacts the Maine
35 Revised Statutes, Title 22, section 3174-BBB takes effect only if the United States
36 Department of Health and Human Services, Centers for Medicare and Medicaid Services
37 approves a waiver request submitted in accordance with section 2 of this Act. In no event
38 may this Act take effect until 90 days after the adjournment of the First Regular Session
39 of the 129th Legislature.

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SUMMARY

2 This bill requires the Department of Health and Human Services to submit a waiver
3 request no later than January 1, 2020 to the United States Department of Health and
4 Human Services, Centers for Medicare and Medicaid Services to implement the
5 provisions of this bill that require the department to continue to provide MaineCare
6 coverage to a parent who is a MaineCare member and who is participating in
7 rehabilitation and reunification efforts in accordance with a rehabilitation and
8 reunification plan. The department is required to take all reasonable and necessary steps
9 to seek approval of the waiver. Upon approval of the waiver, the department is directed
10 to adopt rules no later than 180 days after receiving approval. The department is required
11 to report its progress in seeking a waiver and implementing rules on a quarterly basis
12 beginning October 1, 2019 until the process is complete.