

Janet T. Mills
Governor



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Jeanne M. Lambrew, Ph.D.
Commissioner

April 19, 2023

Senator Joseph Baldacci, Chair
Representative Michele Meyer, Chair
Members, Joint Standing Committee on Health and Human Services
100 State House Station
Augusta, ME 04333-0100

Re: LD 592 – *An Act to Amend the Law Governing MaineCare Coverage of Chiropractic Treatment*

Senator Baldacci, Representative Meyer, and Members of the Joint Standing Committee on Health and Human Services:

This letter is to provide information on LD 592, *An Act to Amend the Law Governing MaineCare Coverage of Chiropractic Treatment*. This bill requires all chiropractic services that are within the scope of practice of chiropractic doctors and performed by a licensed chiropractic doctor to be reimbursed under the MaineCare program. Under current federal law, the Department of Health and Human Services is required to reimburse for only chiropractic evaluation and management examinations.

This bill conflicts with federal regulations that limit what Medicaid can cover for chiropractic services. The U.S. Code of Federal Regulations states:

§ 440.60 - Medical or other remedial care provided by licensed practitioners.

(a) "Medical care or any other type of remedial care provided by licensed practitioners" means any medical or remedial care or services, other than physicians' services, provided by licensed practitioners within the scope of practice as defined under State law.

(b) Chiropractors' services include only services that -

(1) Are provided by a chiropractor who is licensed by the State and meets standards issued by the Secretary under § 405.232(b) of this chapter; and

(2) Consists of treatment by means of manual manipulation of the spine that the chiropractor is legally authorized by the State to perform.

As such, additional MaineCare covered chiropractic services would not qualify for federal matching funds and would have to be paid for entirely with state dollars. We do not believe it would be a wise use of Department time to pursue a state plan amendment that conflicts with federal regulations.

We wanted you to be aware of the above information as you consider this bill going forward. If you have any further questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Probert".

Michelle Probert
Director
MaineCare Services