

§3196-A. Services provided by federally unfunded providers

1. Federally unfunded provider; definition. For the purposes of this section, "federally unfunded provider" means a health care provider:

A. That is licensed, certified or otherwise authorized by state law to deliver health care services; and [PL 2025, c. 650, Pt. Z, §5 (NEW).]

B. That, pursuant to any federal law, the department may not pay using federal funds provided to carry out the state plan under Title XIX of the United States Social Security Act, for items or services provided on or after July 1, 2025 pursuant to federal law. [PL 2025, c. 650, Pt. Z, §5 (NEW).]

[PL 2025, c. 650, Pt. Z, §5 (NEW).]

2. State funding for services. Family planning services, as defined by section 1902, subsection 4, and any other Medicaid-covered items or services lawfully provided to MaineCare members by a federally unfunded provider during any period for which federal funds may not be used to pay that provider, including any services provided between July 1, 2025 and the effective date of this section, must be reimbursed with state funds. The department shall reimburse the federally unfunded provider at no less than the MaineCare rate established by the department for those services on the date the service was provided. If any federal funds were used to pay a federally unfunded provider prior to the effective date of this section, state funds must be used to substitute for any federal funds that the department is required to reimburse or adjust in its transactions with the United States Department of Health and Human Services.

[PL 2025, c. 650, Pt. Z, §5 (NEW).]

3. Discrimination prohibited. The department may not discriminate against, exclude, limit the participation of or modify the payment plan of a provider in the MaineCare program because the provider is a federally unfunded provider for any period of time.

[PL 2025, c. 650, Pt. Z, §5 (NEW).]

4. 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. Rules adopted pursuant to this subsection may be effective retroactively to July 1, 2025, but any subsequent amendments to these rules may be retroactive only as permitted by section 42, subsection 8.

[PL 2025, c. 650, Pt. Z, §5 (NEW).]

SECTION HISTORY

PL 2025, c. 650, Pt. Z, §5 (NEW).

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