

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
Commissioner's Office
11 State House Station
109 Capitol Street
Augusta, Maine 04333-0011
Tel: (207) 287-3707; Fax: (207) 287-3005
TTY: Dial 711 (Maine Relay)

February 11, 2021

Senator Ned Claxton, Chair
Representative Michelle Meyer, Chair
Members, Joint Standing Committee on Health and Human Services
100 State House Station
Augusta, ME 04333-0100

Re: LD 85 – *An Act Concerning MaineCare Coverage for Donor Breast Milk*

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

This letter is to provide information related to LD 85, *An Act Concerning MaineCare Coverage for Donor Breast Milk*.

The bill would require MaineCare to provide reimbursement for pasteurized donor breast milk provided to an infant if a qualifying provider orders that such milk is medically necessary and the infant is unable to receive maternal breast milk or participate in breastfeeding or the infant's mother is unable to produce maternal breast milk.

The Department recognizes that breast milk can be an important component of raising a healthy child.

Ohio Medicaid covers donor breast milk at \$4.75 per ounce as durable medical equipment once the child is released from the hospital. No payment is made for the milk itself, but for the processing and shipping. It must be deemed medically necessary.

This bill, formerly as LD 1938 with the 129th Legislature, was amended to incorporate TRICARE eligibility criteria before the bill died upon conclusion of the 129th Legislature. The Department would recommend adopting TRICARE eligibility again if the Committee decides to move this bill forward.

TRICARE also covers breast milk under the following conditions:

To be eligible for Banked Donor Milk, (1) an infant must have one or more of the following conditions:

- *Born at a very low birthweight (<1,500g);*

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
Commissioner's Office
11 State House Station
109 Capitol Street
Augusta, Maine 04333-0011
Tel: (207) 287-3707; Fax: (207) 287-3005
TTY: Dial 711 (Maine Relay)

- *Gastrointestinal anomaly, metabolic/digestive disorder, or recovery from intestinal surgery when digestive needs require additional support;*
- *Diagnosed with Failure-to-Thrive (not appropriately gaining weight/growing);*
- *Formula intolerance, with documented feeding difficulty or weight loss;*
- *Infant hypoglycemia (low blood sugar);*
- *Congenital Heart Disease;*
- *Pre-or Post-organ transplant; or*
- *Other serious health conditions when the use of banked donor milk is medically necessary and supports the treatment and recovery of the infant.*

AND (2) the mother's milk must be contraindicated, unavailable (due to a medical or psychological condition), or available but lacking in quantity or quality to meet the infant's needs.

This bill will have a fiscal impact. 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