

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: March 9, 2021
To: Joint Standing Committee on Health & Human Services
From: Erin Dooling, Esq., Legislative Analyst

LD 265 An Act To Provide Women Access to Affordable Postpartum Care

SUMMARY: This bill extends from 60 days to 12 months the period of time following delivery of a baby that a woman may be eligible for services under MaineCare.

- The Department of Health and Human Services must submit a waiver or state plan amendment request no later than January 1, 2022 to CMS
- In the event the waiver or state plan amendment is not granted, the department is directed to implement the coverage provisions using federal funds, if allowable, and then using the General Fund.
- The department is directed to adopt rules no later than 180 days after receiving a decision from CMS
- The department is required to report on a quarterly basis beginning April 1, 2022 to this committee its progress in seeking a waiver or state plan amendment until the process is complete. The committee is authorized to report out legislation related to each report.

ADDITIONAL INFORMATION REQUESTED BY COMMITTEE:

- Does MaineCare provide a child care benefit? (*Submitted to DHHS*)

Child care assistance is available through the Temporary Assistance for Needy Families (TANF) program, and can be available through Transitional Child Care when someone closes off TANF. There is no child care assistance if someone is only receiving MaineCare or SNAP. Additionally, the HOPE and Food Supplement Employment & Training (FSET) programs offer support for child care expenses for their program participants who are engaged in education, training and employment activities.

Of course, OCFS runs the Child Care Subsidy Program, which supports child care for low income families. The Child Care Subsidy Program (CCSP) helps eligible families to pay for child care so they can work, go to school, or participate in a job training program. Eligibility is based on financial criteria which also determines the amount of a family's co-payment. Parents pay the co-payment to the child care provider and CCSP pays the remainder to the provider, up to the 75% of the market rate for their area. CCSP is funded through the Child Care Development Block Grant (CCDBG) a federal block grant program that provides funding for states aimed at improving access to quality child care for high-need children and families.

- What have other states experiences been with getting waivers from the federal government to extend postpartum coverage? How have other states funded the program and how much did it cost? (*See attached table from OPLA*)

FISCAL IMPACT: *See Preliminary Fiscal Impact Statement (\$307,300 in FY 21-22 and \$399,600 in FY 22-23)*

OTHER RELATED INFORMATION:

- [H.R. 1319 \(American Rescue Plan Act of 2021\)](#) (passed in Senate 3/6/21): Sec. 3102 of the bill engrossed by the House allows states, for 7 years, to extend Medicaid coverage to an individual for 60 days + 12 months postpartum (*To date, I'm unable to verify what language passed in the Senate as it's not yet posted to Congress' website*)

States that have Applied for 1115 Waivers to Extend Postpartum Medicaid Coverage

<u>State</u>	<u>Waiver Status</u>	<u>Coverage</u>	<u>FPL</u>	<u>Other eligibility criteria</u>
Georgia	Pending	Extend Medicaid coverage from 60 days postpartum to 6 months	220%	
Illinois	Denied	Extend Medicaid coverage from 60 days postpartum to 12 months	213%	
Indiana	Pending	Extend Medicaid coverage from 60 days postpartum to 12 months	213%	OUD diagnosis
Missouri	Pending	Extend Medicaid coverage for SUD and mental health services from 60 days postpartum to 60 days postpartum + 12 months	196%	SUD diagnosis
New Jersey	Pending	Extend Medicaid coverage from 60 days postpartum to 6 months	138%	
South Carolina	Approved	Extend Medicaid coverage from 60 days postpartum to 12 months	194%	SUD diagnosis or serious mental illness diagnosis