

**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 372 An Act To Provide Maine Children Access to Affordable Health Care**

**SUMMARY:** This bill makes the following changes to the Cub Care program.

1. It changes the maximum eligibility level for family income from 200% of the federal poverty level to 300% of the federal poverty level. [**Sec. 1, 2, 3**]
2. It provides that if Cub Care program expenditures are anticipated to exceed the budget the commissioner may lower the eligibility to no less than 300% of the federal poverty level. [**Sec. 3**]
3. It removes the 3-month waiting period for enrollment in the Cub Care program following the loss of health insurance or coverage under an employer-based plan. [**Sec. 3**]
4. It establishes that eligibility is not subject to an asset test. [**Sec. 3**]
5. It provides coverage to persons 19 and 20 years of age and to noncitizens under 21 years of age. [**Sec. 3**] The Department of Health and Human Services is required to use state funds to fund the program but may apply for waivers or state plan amendments to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to receive federal matching funds. [**Sec. 4**]
6. It repeals the provisions regarding premium payments for the Cub Care program. [**Sec. 1, 3**]

7. Current law provides that DHHS shall budget 2% and may budget up to 3% of the costs of Cub Care for outreach activities. This bill requires the department to seek federal grant funds for additional outreach activities under federal grant funds to supplement, not supplant, the funding of outreach activities. [Sec. 3, 5]

8. It requires the department to submit a waiver or state plan amendment CMS to implement the Act. [Sec. 6]

9. It makes the repeal of the waiting period and premium payment requirements contingent on the approval of a waiver of those requirements by CMS. [Sec. 7]

#### **PROPOSED AMENDMENTS FROM TESTIMONY:**

- ***Consumers for Affordable Health Care***: Propose to amend the bill so that all noncitizen children who are not otherwise eligible for Medicaid can qualify for CHIP if their family income is below the established maximum eligibility level

**2-B. Noncitizens.** Health coverage under the Cub Care program is available to a person under 21 years of age who is not a citizen of the United States ~~and who is not eligible for Medicaid whose family income is above the eligibility level for Medicaid under section 3174-G and whose family income is~~ below the maximum eligibility level established under subsection 2, paragraphs A and B and who meets the requirements set forth in subsection 2, paragraph C. All the requirements of eligibility, program administration, benefit delivery and outreach established in this section apply to a person under 21 years of age who is not a citizen of the United States.

**RELATED INFORMATION:** Links to federal regulations cited by DHHS in its testimony:

- [42 C.F.R. § 457.805\(b\)\(3\)](#) (exceptions to 3-month waiting period)
- [42 C.F.R. § 457.320\(a\)\(2\)](#) (limitation of eligibility for children up to, but not including, age 19)
- [42 C.F.R. § 435.603\(g\)](#) (prohibition of an asset or resource test)

**FISCAL IMPACT:** Not yet determined.