<div align="center">**OFFICE OF POLICY AND LEGAL ANALYSIS**</div>

Date: April 21, 2021
To: Joint Standing Committee on Health & Human Services
From: Erin Dooling, Esq., Legislative Analyst

LD 718 An Act To Improve the Health of Maine Residents by Closing Coverage Gaps in the MaineCare Program and the Children's Health Insurance Program

SUMMARY: This bill provides MaineCare program and the Children's Health Insurance Program coverage for noncitizen residents of this State who are ineligible for coverage under the federal Medicaid program or Children's Health Insurance Program due to their immigration status.

ISSUES FROM TESTIMONY:

- *From DHHS*: Coverage would need to be entirely state funded because:

    o Federal law does not allow for a state plan amendment to extend coverage

    o Waiver requests require cost-neutrality

DRAFTING ISSUES:

- *Placement in statute*:

    o Recommend moving CHIP provisions to 22 M.R.S. § 3174-T, which is the section about CHIP

    o Recommend moving MaineCare provisions to 22 M.R.S. § 3174-G, which is the section about who is eligible for MaineCare

- *Clarifications*:

    o Lines 12-13 provides for eligibility of a noncitizen when the person would be "ineligible for coverage due to federal restrictions" in the federal Medicaid and CHIP programs. There are reasons other than immigration status that could be a "federal restriction" of the programs, such as a person's income level.

Recommend using similar language as line 8 which provides for eligibility "but for their immigration status."

- o Bill is silent about the existing statutory eligibility provision relating to noncitizens. Recommend reconciling provisions in the bill with eligibility for coverage for noncitizens under 22 M.R.S. § 3174-G(1)(G):

G. A person who is a noncitizen legally admitted to the United States to the extent that coverage is allowable by federal law if the person is:
 (1) A woman during her pregnancy and up to 60 days following delivery; or
 (2) A child under 21 years of age; and

ADDITIONAL INFORMATION REQUESTED BY COMMITTEE:

- *Submitted to DHHS*: How many people are affected by lack of health care because they are ineligible due to their immigration status?

- *Submitted to DHHS, MaineHealth & Northern Light*: Is there any kind of safety net for undocumented persons if they need medical care?

- How does LD 718 compare with LD 372, which was also about CHIP?

Qualifications of noncitizens	LD 372 (majority report)	LD 718
Age	Under 21 years of age	Under 18 years of age*
Immigration status	Legally admitted	Any
Not eligible for Medicaid	Y	Y
Family income	Below 300% FPL	Below 200% FPL
Not covered under private health insurance	Y	Y
Not in jail or a patient of a psychiatric hospital	Y	Y

22 M.R.S. § 3174-G(1)(G) provides coverage for noncitizen children up to age 21 who were legally admitted

This is the amendment for the majority report to LD 372 (fiscal note pending):

Strike and replace subsection 2-B at page 3, lines 30-36 of the bill as follows:

2-B. Noncitizens. Health care coverage under the Cub Care program is available to a person:

A. Under 21 years of age;

B. Not a citizen of the United States, but is legally admitted to the United States;

C. Who is not eligible for Medicaid;

D. Whose family income is below the maximum eligibility level established under subsection 2, paragraphs A and B; and

E. 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 eligible for the Cub Care program in accordance with this subsection.

FISCAL IMPACT: Not yet determined

ADDITIONAL RELATED INFORMATION:

- P.L. 2011, ch. 380, Part KK (emergency, effective June 20, 2011) (eliminated TANF (except in certain circumstances), Medicaid (except in certain circumstances), State funded food supplement and SSI for noncitizens)

- Similar bill from prior session: LD 1317 (would have reinstated public assistance benefits for noncitizens removed by P.L. 2011, ch. 380)