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Governor

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Commissioner



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April 15, 2021

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

Re: 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

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

This letter is to provide you with information that might be helpful to you in your deliberations regarding LD 718. The proposed legislation provides MaineCare coverage for non-citizens who are ineligible for coverage due to federal restrictions on Medicaid and Children's Health Insurance Program (CHIP) eligibility. It also directs the Department to seek available federal matching funds through waivers or state plan amendments to the Centers for Medicaid and Medicare Medicaid Services (CMS). The Department is neither for nor against this bill.

Maine currently provides full coverage to all federally approved qualified non-citizens (42 CFR 435.406), including electing to cover optional groups of lawfully present individuals under 21 and pregnant women who would otherwise be subject to a five-year waiting period. Other non-citizens who would qualify for full Medicaid or CHIP benefits but for their immigration status are provided limited coverage of emergency medical services.

Federal law does not allow for state plan amendment options to extend coverage to non-qualified non-citizens as determined by the federal government or those qualified non-citizens subject to the five-year waiting period. As such, expanding full coverage to individuals with non-qualified federal immigration statuses would require 100 percent state general funds. Additionally, waiver requests submitted to CMS must demonstrate cost-neutrality, and it is unlikely the Department will be able to demonstrate that expanding coverage would not increase Federal Medicaid expenditures. During the 129<sup>th</sup> Legislature, the Department developed a fiscal estimate for a similar bill (LD 1317), which estimated approximately \$7.3 million in the first year.

We wanted you to be aware of the above information as you consider this bill going forward. If you have any further questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Anthony Pelotte".

Anthony Pelotte, Director  
Office for Family Independence