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Legislative Document No. 615

H.P. 443

House of Representatives, February 5, 2019

An Act To Protect the Integrity of the MaineCare Program

Reference to the Committee on Health and Human Services suggested and ordered printed.

Presented by Representative HYMANSO of York.
Cosponsored by Senator GRATWICK of Penobscot and
Representatives: MADIGAN of Waterville, STOVER of Boothbay.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §3174-Q, as amended by PL 2009, c. 571, Pt. PPP, §1, is repealed and the following enacted in its place:

§3174-Q. Medicaid stability

1. Legislative authorization. Except as provided in subsection 2, the department, in its administration of the Medicaid program and the federal State Children's Health Insurance Program or any successor program shall obtain authorization from the Legislature by proper enactment of law before:

A. Implementing changes in eligibility for the Medicaid program that could cause a decrease in excess of 10% in the percentages of enrollment in any covered group during any year or over any 5-year period;

B. Eliminating or having the effect of significantly reducing a category of service covered under the Medicaid program or the federal State Children's Health Insurance Program;

C. Accepting a block grant or any other alteration in the method of federal funding for the Medicaid program; or

D. Participating in a waiver pursuant to Section 1115 of the Social Security Act that could significantly reduce the scope of services or eligibility for the Medicaid program or the federal State Children's Health Insurance Program.

2. Exceptions in the event of federal law changes. If an action must be taken by the department to comply with federal law and obtaining authorization from the Legislature is not feasible, the department may act only to the extent necessary to achieve compliance with federal law, pending further action of the Legislature under this section. Any action taken under this subsection must be done through rulemaking under the Maine Administrative Procedure Act. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Failure to comply. A person may not be denied eligibility for the Medicaid program or the federal State Children's Health Insurance Program if the department fails to comply with this section.

SUMMARY

This bill provides that, without authorization from the Legislature by proper enactment of a law, the Department of Health and Human Services may not implement changes in the Medicaid program or the federal State Children's Health Insurance Program that significantly change enrollment in the program, the category or scope of covered services or the funding mechanisms for the program, unless required by federal law.