

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 158 - L.D. 195

**An Act To Continue MaineCare Coverage for Parents During the
Rehabilitation and Reunification Process**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §3174-BBB is enacted to read:

§3174-BBB. Coverage for parents participating in rehabilitation and reunification efforts

Notwithstanding any other provision of law to the contrary, a parent receiving benefits under this chapter as a parent of one or more dependent minor children who have been removed from the home of that parent pursuant to section 4036-B continues to be eligible for benefits under this chapter until either the department discontinues rehabilitation and reunification efforts pursuant to section 4041 or parental rights have been terminated pursuant to section 4055, whichever occurs first. The department shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Beginning January 1, 2021, the department shall provide annually by January 1st to the joint standing committee of the Legislature having jurisdiction over health and human services matters a report on the number of individuals and families who continue MaineCare coverage pursuant to the requirements of this section.

Sec. 2. Waiver request. No later than January 1, 2020, the Department of Health and Human Services shall submit a waiver request to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services that requests approval for Medicaid coverage of a parent who has one or more children removed from the home but remains engaged in reunification efforts as established in the Maine Revised Statutes, Title 22, section 3174-BBB. The department shall take all reasonable and necessary steps to seek approval of the waiver. Upon approval of the waiver request, the Commissioner of Health and Human Services shall notify the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes of that fact.

Sec. 3. Report. The Department of Health and Human Services shall report quarterly to the joint standing committee of the Legislature having jurisdiction over health and human services matters, beginning October 1, 2019, on the department's progress in seeking a waiver under section 2 and implementing rules under section 4 until the process is complete.

Sec. 4. Rulemaking. Within 180 days of receiving approval for coverage by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services pursuant to a request in accordance with section 2, the Department of Health and Human Services shall adopt rules to implement the Maine Revised Statutes, Title 22, section 3174-BBB. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 5. Contingent effective date. That section of this Act that enacts the Maine Revised Statutes, Title 22, section 3174-BBB takes effect only if the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services approves a waiver request submitted in accordance with section 2 of this Act. In no event may this Act take effect until 90 days after the adjournment of the First Regular Session of the 129th Legislature.