



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

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.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative HYMANSON of York.
Cosponsored by Senator GRATWICK of Penobscot and
Representatives: MADIGAN of Waterville, STOVER of Boothbay.

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

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3 repealed and the following enacted in its place:

4 **§3174-Q. Medicaid stability**

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

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

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

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

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

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

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

30 **SUMMARY**

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