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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT " " to COMMITTEE AMENDMENT "A" to H.P. 1149, L.D. 1578, Bill, "An Act To Increase Health Security by Expanding Federally Funded Health Care for Maine People "

Amend the amendment in Part A by striking out all of sections 3 and 4 and inserting the following:

Sec. A-3. 22 MRSA §3174-G, sub-§1, ¶¶H and I are enacted to read:

H. Beginning August 1, 2014, a person 21 to 64 years of age who is not otherwise eligible for medical assistance under this section, who qualifies for medical assistance pursuant to 42 United States Code, Section 1396a(a)(10)(A)(i)(VIII) and whose income is equal to or below 133% of the nonfarm income official poverty line plus 5% for the applicable family size as required by federal law.

(1) Before July 1, 2015, the coverage for a person eligible for medical assistance under this paragraph is the same coverage that is provided to a person eligible under paragraph E.

(2) Beginning July 1, 2015, or at whatever later date is provided under law, the coverage for a person eligible for medical assistance under this paragraph who is subject to section 3195 is limited to insurance premium assistance under that section and any additional services approved pursuant to a federally approved waiver.

Notwithstanding Title 5, section 8054, if it is necessary to meet the requirements set forth in this paragraph, the department shall adopt emergency rules under Title 5, chapter 375, without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health or safety or the general welfare; and

I. Beginning October 1, 2019, a person 19 or 20 years of age who is not otherwise eligible for medical assistance under this section, who qualifies for medical assistance pursuant to 42 United States Code, Section 1396a(a)(10)(A)(i)(VIII) and whose income is equal to or below 133% of the nonfarm income official poverty line plus 5% for the applicable family size as required by federal law. A person eligible for medical assistance under this paragraph must receive the same coverage as is provided to a person eligible under paragraph E.

1 **Sec. A-4. 22 MRSA §3174-XX** is enacted to read:

2 **§3174-XX. Participation in Private Health Insurance Premium Program**

3 A member eligible for coverage pursuant to section 3174-G, subsection 1, paragraph
4 H who is not medically frail is required to participate in the Private Health Insurance
5 Premium Program in order to receive medical assistance in accordance with section 18.
6 The department shall identify all members who have access to group health plan coverage
7 and shall inform each member that participation is mandatory for that member.

8 **Sec. A-5. 22 MRSA §3195** is enacted to read:

9 **§3195. Maine Marketplace Premium Assistance**

10 Beginning July 1, 2015, the department shall administer the Maine Marketplace
11 Premium Assistance program to provide insurance premium assistance, if cost-effective,
12 for adults who are not disabled, not pregnant, not medically frail and do not have children
13 under 19 years of age and are eligible under section 3174-G, subsection 1, paragraph H to
14 purchase insurance coverage from qualified health plans on the federally facilitated
15 exchange. A person eligible under section 3174-G, subsection 1, paragraph H who
16 purchases insurance coverage from a qualified health plan on the federally facilitated
17 exchange is responsible for any cost sharing imposed by the plan that is in accordance
18 with 42 United States Code, Section 1396o.

19 As a condition of participation in the Maine Marketplace Premium Assistance
20 program, a qualified health plan must offer to each federally qualified health center, as
21 defined in Section 1905(1)(2)(B) of the Social Security Act, 42 United States Code,
22 Section 1396d(1)(2)(B), that is providing services in geographic areas served by the plan,
23 the opportunity to contract with that plan to provide to the plan's enrollees all ambulatory
24 services that are covered by the plan that the center offers and must reimburse each such
25 center for services as provided in Section 1302(g) of the federal Patient Protection and
26 Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and
27 Education Reconciliation Act of 2010, Public Law 111-152, as added by Section
28 10104(b)(2) of that Act.

29 **Sec. A-6. Preparation and submission of necessary federal waivers.** On or
30 before December 1, 2014, the Commissioner of Health and Human Services shall prepare
31 and submit to the federal Centers for Medicare and Medicaid Services any necessary
32 waivers to implement the Maine Marketplace Premium Assistance program established in
33 the Maine Revised Statutes, Title 22, section 3195. A waiver submitted pursuant to this
34 section must include:

35 1. A plan for limiting coverage for MaineCare services for adults described in Title
36 22, section 3195 to insurance premium assistance provided under the Maine Marketplace
37 Premium Assistance program and any additional benefits that are provided pursuant to
38 subsection 2;

39 2. A plan for providing access to services that are currently provided under the
40 State’s Medicaid state plan benefit package but are not provided by qualified health plans
41 offered in the State on the federally facilitated exchange;

1 3. A process to exempt adults specified under Title 22, section 3195 who for medical
 2 or other reasons are determined exempt by the Commissioner of Health and Human
 3 Services from participation in the Maine Marketplace Premium Assistance program; and

4 4. A plan that limits MaineCare spending for services under a waiver on a per
 5 member, per month basis to the average per member, per month cost for MaineCare
 6 services for individuals included in the waiver during the 12-month period immediately
 7 prior to the effective date of the waiver.

8 **Sec. A-7. Repeal.** The Maine Revised Statutes, Title 22, section 3174-G,
 9 subsection 1, paragraph H is repealed upon the earliest of the following:

10 1. The meeting of all of the following conditions:

11 A. The enhanced Federal Medical Assistance Percentage with respect to amounts
 12 expended for medical assistance for newly eligible Medicaid individuals described in
 13 42 United States Code, Section 1396a(a)(10)(A)(i)(VIII) is reduced below 100% for
 14 any calendar quarter in 2014, 2015 or 2016;

15 B. The reduction in the enhanced Federal Medical Assistance Percentage described in
 16 paragraph A has taken effect; and

17 C. After the reduction of the enhanced Federal Medical Assistance Percentage as
 18 described in paragraphs A and B, the Legislature has convened and conducted a
 19 session of at least 30 calendar days;

20 2. September 29, 2015, if by July 1, 2015 a waiver submitted to the federal Centers
 21 for Medicare and Medicaid Services in accordance with section 6 has not been approved,
 22 in order to provide for notice to recipients and compliance with federal law; and

23 3. December 31, 2016.

24 **Sec. A-8. Appropriations and allocations.** The following appropriations and
 25 allocations are made.

26 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

27 **Office of MaineCare Services 0129**

28 Initiative: Provides funding for the one-time costs of preparing and submitting the Maine
 29 Marketplace Premium Assistance program waiver.

30	GENERAL FUND	2013-14	2014-15
31	All Other	\$0	\$500,000
32			
33	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$500,000</u>

34	FEDERAL EXPENDITURES FUND	2013-14	2014-15
35	All Other	\$0	\$500,000
36			
37	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$500,000</u>

1 Amend the amendment in Part B in section 1 in the first paragraph in the 5th line
2 (page 2, line 35 in amendment) by striking out the following: "paragraphs H and I" and
3 inserting the following: 'paragraph H'

4 Amend the amendment in Part B in section 1 in the first paragraph in the 3rd line
5 from the end (page 3, line 22 in amendment) by striking out the following: "paragraphs
6 H and I" and inserting the following: 'paragraph H'

7 Amend the amendment in Part B in section 1 in the 2nd paragraph in the 7th line
8 (page 3, line 31 in amendment) by striking out the following: "paragraphs H and I" and
9 inserting the following: 'paragraph H'

10 Amend the amendment in Part B by striking out all of sections 3 and 4 (page 4, lines
11 3 to 29 in amendment) and inserting the following:

12 **Sec. B-3. Calculation and transfer.** Notwithstanding any other provision of
13 law, the State Budget Officer shall calculate the amount of savings identified in this Part
14 that applies against each General Fund account statewide as a result of the expansion of
15 MaineCare eligibility authorized in the Maine Revised Statutes, Title 22, section 3174-G,
16 subsection 1, paragraph H and shall transfer the amounts up to the amounts specified in
17 this Part by financial order upon the approval of the Governor. These transfers are
18 considered adjustments to appropriations in fiscal year 2014-15. The State Controller
19 shall transfer any amounts identified under this Part greater than the amounts specified in
20 this Part to the MaineCare Stabilization Fund established under Title 22, section 3174-
21 KK. The State Budget Officer shall provide a report of the transferred amounts to the
22 joint standing committee of the Legislature having jurisdiction over appropriations and
23 financial affairs no later than April 30, 2015 for fiscal year 2014-15 and shall submit
24 adjustments to baseline budget requests totaling no less than \$11,800,000 per year to
25 reflect the continuation of the identified savings in the 2016-2017 biennium.

26 **Sec. B-4. Review and responsibility.** Following receipt of the reports from the
27 research organization as required under section 1 of this Part, the joint standing
28 committee of the Legislature having jurisdiction over health and human services matters
29 shall review the information provided in the reports and shall determine if the net cost to
30 the General Fund of providing coverage under the MaineCare program to individuals
31 pursuant to the Maine Revised Statutes, Title 22, section 3174-G, subsection 1, paragraph
32 H exceeds the savings to the General Fund, including any amount deposited in the
33 MaineCare Stabilization Fund pursuant to section 2 of this Part, due to the expansion of
34 coverage for those individuals. The joint standing committee may report out a bill to the
35 Second Regular Session of the 127th Legislature regarding determinations and
36 conclusions of the reports.'

37 Amend the amendment in Part D in section 1 in the first paragraph in the 3rd line
38 (page 7, line 17 in amendment) by striking out the following: "paragraphs H or I" and
39 inserting the following: 'paragraph H'

40 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
41 or section number to read consecutively.

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SUMMARY

This amendment is modeled on the marketplace premium assistance program enacted into law in New Hampshire. Beginning August 1, 2014, this amendment provides medical assistance under the MaineCare program as a bridge to purchasing insurance coverage from qualified health plans on the federally facilitated exchange for newly eligible adult populations. Beginning July 1, 2015, medical assistance for childless adults is limited to assistance in purchasing insurance coverage from qualified health plans on the federally facilitated exchange under a new program, the Maine Marketplace Premium Assistance program, administered by the Department of Health and Human Services and any additional services approved by the federal Centers for Medicare and Medicaid Services pursuant to a waiver submitted by the department. Under the amendment, the person purchasing such insurance coverage is responsible for assuming cost sharing authorized under federal law, and employees who have access to employer health plans are required to participate in those plans. In order for qualified health plans to participate in the Maine Marketplace Premium Assistance program, plans must offer to each federally qualified health center an opportunity to contract with the plans and ensure that reimbursement for each center is according to the federal Patient Protection and Affordable Care Act.

This amendment directs the Commissioner of Health and Human Services to prepare and submit to the federal Centers for Medicare and Medicaid Services any necessary waivers to implement the Maine Marketplace Premium Assistance program and provides funding for the one-time costs of preparing and submitting any Maine Marketplace Premium Assistance program waivers.

This amendment retains the provisions in Committee Amendment "A" providing for the repeal of the expansion of MaineCare if the enhanced Federal Medical Assistance Percentage for calendar years 2014 to 2016 is reduced below certain stated levels or December 31, 2016, whichever is earlier. In addition, this amendment provides that if a waiver to implement the Maine Marketplace Premium Assistance program has not been approved by July 1, 2015, the expansion of MaineCare eligibility provided under this legislation is repealed 90 days thereafter.

FISCAL NOTE REQUIRED

(See attached)

SPONSORED BY: _____

(Speaker EVES)

TOWN: North Berwick