DATE: October 1, 2013

TO: Interested Parties

FROM: Stefanie Nadeau, Director, MaineCare Services

SUBJECT: Proposed: Chapter 101, MaineCare Benefits Manual, Chapter X, Non-categorical Adults

This letter gives notice of a proposed rule: Chapter 101, MaineCare Benefits Manual, Chapter X, Section 2, Non-categorical Adults. The MaineCare Childless Adults Section 1115 demonstration project that provided health care coverage to childless adults and non-custodial parents with incomes at or below 100% of the Federal Poverty Level (FPL) expires on December 31, 2013. Due to the expiration of the waiver (P.L. 2011, ch. 477, Part M, sec. M-1), the Department of Health and Human Services (DHHS) must repeal Chapter 101, MaineCare Benefits Manual, Chapter X, Section 2, Non-categorical Adults to defund the program.

Rules and related rulemaking documents may be reviewed at, or printed from, the MaineCare Services website at http://www.maine.gov/dhhs/oms/rules/index.shtml or for a fee, interested parties may request a paper copy of rules by calling (207) 287-9368. For those who are deaf or hard of hearing and have a TTY machine, the TTY number is 711.

A concise summary of the proposed rule is provided in the Notice of Agency Rule-making Proposal, which can be found at http://www.maine.gov/sos/ccc/rules/notices.html. This notice also provides information regarding the rule-making process. Please address all comments to the agency contact person identified in the Notice of Agency Rule-making Proposal.
Notice of Agency Rule-making Proposal

AGENCY: Department of Health and Human Services, Office of MaineCare Services

CHAPTER NUMBER AND TITLE: MaineCare Benefits Manual, Chapter 101, Chapter X, Section 2, Non-categorical Adults,

PROPOSED RULE NUMBER:

CONCISE SUMMARY: The MaineCare Childless Adults Section 1115 demonstration project that provided health care coverage to childless adults and non-custodial parents with incomes at or below 100% of the Federal Poverty Level (FPL) expires on December 31, 2013. Due to the expiration of the waiver (P.L. 2011, ch. 477, Part M, sec. M-1), the Department of Health and Human Services (DHHS) must repeal Chapter 101, MaineCare Benefits Manual, Chapter X, Section 2, Non-categorical Adults to defund the program.


PUBLIC HEARING:

Date: October 28, 2013
Time: 9:00
Location: Room 110, 19 Union Street, Augusta, ME

The Department requests that any interested party requiring special arrangements to attend the hearing contact the agency person listed below before October 21, 2013.

DEADLINE FOR COMMENTS: Comments must be received by midnight November 7, 2013.

AGENCY CONTACT PERSON: Cari Bernier, Comprehensive Health Planner II
AGENCY NAME: MaineCare Services
ADDRESS: 242 State St.
11 State House Station
Augusta, Maine 04333-0011

TELEPHONE: 207-287-9369 FAX: (207) 287-9369
TTY: 711 (Deaf or Hard of Hearing)

IMPACT ON MUNICIPALITIES OR COUNTIES (if any): The Department anticipates that this rulemaking will not have any impact on municipalities or counties.

CONTACT PERSON FOR SMALL BUSINESS INFORMATION (if different): N/A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different): None

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: kevin.wells@maine.gov
## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.01</td>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>2.02</td>
<td>COVERED SERVICES</td>
<td>1</td>
</tr>
<tr>
<td>2.03</td>
<td>APPEAL RIGHTS</td>
<td>2</td>
</tr>
</tbody>
</table>

Established 6/30/2009
2.01 INTRODUCTION

MaineCare coverage for non-categorical adults is authorized by a Section 1115 Demonstration waiver approved by the federal Centers for Medicare and Medicaid Services. The number of non-categorical adults that the Department can enroll in MaineCare is limited to the number of funded openings authorized by the waiver budget and enrollment caps. The Department’s Office of Integrated Access and Support determines non-categorical adults’ eligibility for covered services according to the policies set forth in Section 11900 of the MaineCare Eligibility Manual.

2.02 COVERED SERVICES

MaineCare services for non-categorical adults are listed below and described in the following sections of Chapter II and III of the MaineCare Benefits Manual:

1. Hospital Services—Chapters II and III, Section 45.
2. Psychiatric Facility Services (inpatient) —Chapter II, Section 46. See Mental Health Services below for outpatient benefits.
4. Pharmacy Services—Chapter II, Section 80.
5. Ambulatory Surgical Center Services—Chapter II, Section 4.
6. Rural Health Center Services—Chapters II and III, Section 103.
7. Federally Qualified Health Clinic Services—Chapters II and III, Section 34.
8. Private Non-Medical Institution Services, substance abuse facilities only—Chapter II, Section 97 and Chapter III, Appendix B.
10. Advance Practice Registered Nursing Services—Chapter II, Section 14.
11. Ambulatory Care Clinic Services—Chapters II and III, Section 3.
12. Vision Services (ophthalmologist and optometrist only)—Chapter II, Section 75.
13. Outpatient Mental Health Services—Chapter II, Section 46, Psychiatric Facility Services (outpatient) and Chapters II and III, Section 65 (Behavioral Health Services). For all services received under Sections 46 and 65, MaineCare will cover only face to face visits with a licensed practitioner up to a total of twenty-four (24) outpatient
2.02—COVERED SERVICES continued

mental health visits in aggregate per calendar year except for the following services that will not be counted against the twenty-four (24) visit limit:

(a) Section 46 outpatient methadone services being billed by hospitals as of the date the waiver was approved.
(b) Section 65 crisis services allowed in sub-sections 65.06-1, Crisis Resolution Services, and 65.06-2, Crisis Residential Services.
(c) Section 65 adult protective services that were previously covered under the repealed Section 58 of the MaineCare Benefits Manual and that are now covered in sub-section 65.06-3, Outpatient Services.
(d) Section 65 emergency services allowed under sub-section 65.06-3, Outpatient Services.
(e) Section 65 medication management services allowed in sub-section 65.06-6, Medication Management Services.
(f) Section 65 substance abuse treatment services allowed in sub-section 65.06-5, Intensive Outpatient Services.
(g) Section 65 methadone treatment services allowed in sub-section 65.06-11, Opioid Treatment.

14. Dental Services—Chapters II and III, Section 25.
15. Chiropractic Services—Chapters II and III, Section 15.
16. Transportation Services—Chapters II and III, Section 113.
17. Medical Supplies and Durable Medical Equipment, oxygen and insulin pumps and pump supplies only—Chapters II and III, Section 60.
18. Podiatric Services—Chapter II, Section 95.
19. Ambulance Services—Chapters II and III, Section 5.
20. Medical Imaging Services—Chapter II, Section 101.
21. Laboratory Services, Chapter II, Section 55.

2.03—APPEAL RIGHTS

The member has appeal rights as described in Chapter I, sub-section 1, Member Appeals.