

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 19-48—sHB 7165

Human Services Committee

AN ACT CONCERNING MEDICAID COVERAGE FOR DONOR BREAST MILK

SUMMARY: This act requires the Department of Social Services (DSS) commissioner, to the extent permissible under federal law, to provide Medicaid coverage for medically necessary pasteurized donor breast milk. Under the act, the purchase of donor breast milk is eligible for Medicaid reimbursement if a licensed physician, physician's assistant, or advanced practice registered nurse signs an order stating that donor milk is medically necessary for an infant Medicaid beneficiary (1) who medically or physically cannot receive maternal breast milk or participate in breastfeeding or (2) whose mother medically or physically cannot produce milk in sufficient quantities.

The act requires DSS to seek federal approval of a Medicaid state plan amendment or waiver if necessary to provide such coverage and obtain legislative approval before doing so in accordance with existing law's requirements. The act also requires DSS to adopt or amend regulations that include provisions establishing (1) birth weight and health conditions that qualify an infant for medically necessary donor breast milk and (2) time limits for Medicaid coverage of donor breast milk. The act allows DSS to adopt policies or procedures to implement the act's provisions while in the process of adopting regulations, as long as the department posts them on its website and in the eRegulations system.

EFFECTIVE DATE: July 1, 2019