



General Assembly

Substitute Bill No. 7165

January Session, 2019



AN ACT CONCERNING MEDICAID COVERAGE FOR DONOR BREAST MILK.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2019*) (a) The Commissioner of
2 Social Services shall provide Medicaid reimbursement for pasteurized
3 donor breast milk, provided (1) a health care professional licensed
4 pursuant to chapter 370 of the general statutes signs a medical order
5 that the donor breast milk is medically necessary for an infant
6 Medicaid beneficiary in accordance with section 17b-259b of the
7 general statutes, (2) the donor breast milk is provided on an inpatient
8 basis at a hospital, and (3) (A) the infant who receives the donor breast
9 milk is medically or physically unable to receive maternal breast milk
10 or participate in breast feeding, or (B) the infant's mother is medically
11 or physically unable to produce maternal breast milk in sufficient
12 quantities, or is unable to participate in breast feeding despite optimal
13 lactation support.

14 (b) The commissioner shall seek federal approval of a Medicaid state
15 plan amendment or Medicaid waiver if necessary to implement the
16 provisions of this section. Any submission of a Medicaid state plan
17 amendment or Medicaid waiver shall be in accordance with the
18 provisions of section 17b-8 of the general statutes.

19 (c) The commissioner shall adopt regulations, in accordance with
20 the provisions of chapter 54 of the general statutes, to implement the
21 provisions of this section, including, but not limited to, establishing
22 infant health conditions that qualify for medically necessary donor
23 breast milk. The commissioner may adopt policies or procedures to
24 implement the provisions of this section while in the process of
25 adopting regulations provided such policies or procedures are posted
26 on the Internet web site of the Department of Social Services and on
27 the eRegulations System prior to the adoption of such policies or
28 procedures.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	New section

Statement of Legislative Commissioners:

In Section 1(a), "Medicaid beneficiary" was added after "infant" for clarity.

HS *Joint Favorable Subst.*