



Substitute House Bill No. 7165

Public Act No. 19-48

AN ACT CONCERNING MEDICAID COVERAGE FOR DONOR BREAST MILK.

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

Section 1. (NEW) (*Effective July 1, 2019*) (a) The Commissioner of Social Services, to the extent permissible under federal law, shall provide Medicaid coverage for medically necessary pasteurized donor breast milk provided: (1) A physician, physician's assistant or advanced practice registered nurse licensed pursuant to chapter 370 or 378 of the general statutes signs an order stating that such milk is medically necessary for an infant Medicaid beneficiary in accordance with section 17b-259b of the general statutes; and (2) (A) the infant is medically or physically unable to receive maternal breast milk or participate in breastfeeding, or (B) the infant's mother is medically or physically unable to produce maternal breast milk in sufficient quantities.

(b) The commissioner shall adopt or amend regulations to implement the provisions of this section, including, but not limited to, establishing infant birth weight and health conditions that may make the provision of pasteurized donor breast milk medically necessary and time limits for Medicaid coverage of pasteurized donor breast milk. The commissioner may adopt a policy or procedure to

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implement the provisions of this section while in the process of adopting regulations, provided such policy or procedure is posted on the Internet web site of the Department of Social Services and on the eRegulations System prior to adoption of the policy.

(c) The commissioner, if necessary, shall seek federal approval for a Medicaid waiver or state plan amendment to implement the provisions of this section in accordance with the provisions of section 17b-8 of the general statutes.