

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

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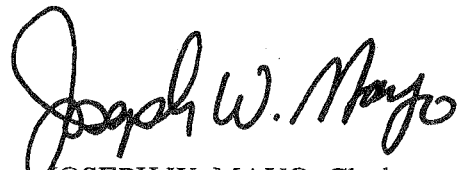
H.P. 471

House of Representatives, January 30, 1997

An Act to Extend the Time Period Used by the Department of Human Services in Determining Medical Eligibility for Medicaid Reimbursement for Residents of Nursing Facilities.

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative GAGNE of Buckfield.
Cosponsored by Senator FERGUSON of Oxford and
Representative WINGLASS of Auburn.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, the Department of Human Services has implemented
6 extremely strict medical eligibility criteria for Medicaid
nursing facility assistance, which are commonly referred to by
8 the name of the assessment form "MED-94"; and

10 Whereas, the MED-94 limits the review of an applicant's
medical condition to the 7 days immediately prior to the day of
12 the assessment, thereby precluding a comprehensive assessment
based on the applicant's complete medical condition; and

14 Whereas, a 7-day period does not provide a sufficient basis
16 by which to determine a person's long-term care needs and in many
cases penalizes applicants for having an atypical week of
18 relatively good health; and

20 Whereas, alternatives to nursing facility level of care
continue to be grossly inadequate, particularly alternative
22 settings that are capable of providing a high level of care to
frail elderly citizens; and

24 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
26 Maine and require the following legislation as immediately
28 necessary for the preservation of the public peace, health and
safety; now, therefore,

30 **Be it enacted by the People of the State of Maine as follows:**

32 **Sec. 1. Nursing facility care assessment.** The Department of Human
34 Services shall adopt rules amending the Medical Eligibility
Determination form and Chapter 67 of the Maine Medical Assistance
36 Manual regarding assessment for eligibility for Medicaid
reimbursement for nursing facility care as follows. Rules
38 adopted pursuant to this provision are major substantive rules as
defined in the Maine Revised Statutes, Title 5, chapter 375,
40 subchapter II-A.

42 The department shall consider in the assessment the
applicant's entire medical and social condition for 30 days prior
44 to the assessment.

46 The applicant must be considered to be in need of any
service that is required to be delivered by or under the
48 supervision of registered professional nursing personnel on 3 or
more days in any 14-day period during the 30 days prior to the
50 assessment.

