

MAINE STATE LEGISLATURE

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(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1976

H. P. 1915

Office of the Clerk of the House

The Committee on Health and Institutional Services suggested. Approved for introduction by the Legislative Council pursuant to Joint Rule 24.

EDWIN H. PERT, Clerk

Presented by Mr. Brenerman of Portland

Cosponsor: Mr. Kerry of Old Orchard Beach

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Allow Intermediate Care Facilities to be Reimbursed under the Medically Needy Program.

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

Whereas, health care needs constitute the single largest problem for Maine's elderly; and

Whereas, some older citizens who do not qualify for Medicaid due to the level of their retirement incomes are unable to afford the cost of medically necessary nursing home care; and

Whereas, general assistance programs in many municipalities are unwilling or unable to pay for such cost; and

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

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

Sec. 1. 22 MRSA § 3173, 2nd ¶, as repealed and replaced by PL 1977, c. 582, § 2, is amended by adding at the end the following new sentence to read:

In determining what types of medical care shall be provided to the “medically indigent,” the department shall provide that medically necessary care in an intermediate care facility shall be covered under the medically needy program.

Sec. 2. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act.

1978-79

HUMAN SERVICES, DEPARTMENT OF

Medically Needy Program

All Other

\$94,774

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

Presently, an individual with \$533.40 or less income per month who resides in a nursing home is eligible for Medicaid. Anyone above that level is therefore ineligible for such payment. Most, if not all, nursing homes charge more than \$533.40 per month for nursing home care to private paying patients. In Maine there are approximately 50 individuals who are not eligible for Medicaid, yet are unable to pay the rate for private pay care in nursing homes. For example, an older person who worked all his life to guarantee high retirement income, i.e., through Social Security, teacher, railroad, veterans or other pensions, now finds that income too high to allow him to qualify for Medicaid yet too low to pay the necessary nursing home care. Concern for their own fiscal integrity has motivated many municipalities to impose an absolute ceiling on a recipient's income irrespective of his need which makes the municipality unable to provide for such necessary nursing home care through general assistance.

Secondly, should a municipality be able to pay costs for nursing home care, the town in which the facility is located is responsible for nursing home patient costs, rather than the town in which the patient resided before entering the nursing home. This is an unfair burden for towns in which nursing homes are located.