

MAINE STATE LEGISLATURE

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(EMERGENCY)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1995

S.P. 723

In Senate, January 24, 1984

Approved for introduction by the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Health and Institutional Service is suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Bustin of Kennebec.

Cosponsored by Senator Brown of Washington, Representative Nelson of Portland and Representative Carroll of Gray.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FOUR

AN ACT to Ensure Medical Coverage
of Residents in Cost Reimbursement
Boarding Homes.

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

Whereas, for 10 years, the Department of Human Services has provided Medicaid coverage to residents of cost-reimbursement boarding homes whose income goes entirely to their boarding home, although their income would have otherwise been over the Medicaid eligibility income limits; and

Whereas, the United States Department of Health and Human Services required the state Department of Human Services to discontinue this coverage in August 1983; and

1 Whereas, a Maine Superior Court enjoined the De-
2 partment of Human Services to continue such coverage,
3 but the Federal Government removed the case to feder-
4 al court and continues to seek an end to such cover-
5 age; and

6 Whereas, in the event that the Federal Government
7 successfully forces the State to discontinue Medicaid
8 coverage, approximately 180 seriously ill, elderly
9 and disabled people would be left without sufficient
10 funds or coverage to pay their medical expenses; and

11 Whereas, in the judgment of the Legislature,
12 these facts create an emergency within the meaning of
13 the Constitution of Maine and require the following
14 legislation as immediately necessary for the preser-
15 vation of the public peace, health and safety; now,
16 therefore,

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

19 22 MRSA §3273, sub-§1, ¶B, as repealed and re-
20 placed by 1979, c. 563, §1, is amended to read:

21 B. For an individual who resides in an adult
22 foster home, boarding home or nursing home, as
23 defined in section 1812-A, in addition to the
24 benefits provided herein under paragraphs A and
25 C, provide sufficient income to allow the indi-
26 vidual for personal needs an amount equal to at
27 least \$30 a month, plus an amount sufficient to
28 meet the individual's medical expenses, including
29 insurance premiums, not covered by insurance or
30 Medicaid, plus an amount sufficient to meet the
31 monthly per resident payment rate as established
32 by the department of the adult foster home or
33 boarding home in which the individual resides;
34 and

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

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STATEMENT OF FACT

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This bill clarifies the present law providing for state supplements to residents of cost-reimbursement boarding homes to ensure continued medical coverage for such residents, whose receipt of Medicaid has been challenged by the United States Department of Health and Human Services.

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