

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (New Draft of S.P. 723, L.D. 1995)

3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND ELEVENTH LEGISLATURE
6

7 Legislative Document

No. 2266

8
9 S.P. 843

In Senate, March 15, 1984

10 Reported by Senator Gill of Cumberland from the Committee on Health
11 and Institutional Service and printed under Joint Rule 2.

JOY J. O'BRIEN, Secretary of the Senate

12 Original bill presented by Senator Bustin of Kennebec. Cosponsored by
Senator Brown of Washington, Representative Nelson of Portland and
Representative Carroll of Gray.

13
14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-FOUR
18

19 AN ACT to Ensure Medical Coverage
20 of Residents in Cost Reimbursement
21 Boarding Homes.
22

23 Emergency preamble. Whereas, Acts of the Legis-
24 lature do not become effective until 90 days after
25 adjournment unless enacted as emergencies; and

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

32 Whereas, the United States Department of Health
33 and Human Services required the state Department of
34 Human Services to discontinue this coverage in August
35 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 federal
4 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 Sec. 1. 22 MRSA §3174-A is enacted to read:

20 §3174-A. Medical coverage program for certain board-
21 ing home residents

22 The department shall administer a program of med-
23 ical coverage for persons residing in cost reimburse-
24 ment boarding homes who, but for their income, would
25 be eligible for supplemental security income benefits
26 on account of blindness, disability coverage, and who
27 do not have sufficient income to meet the per resi-
28 dent payment rate for boarding home care, including
29 an amount for personal needs of at least \$30 a month.

30 Sec. 2. 22 MRSA §3273, sub-§1, ¶B, as repealed
31 and replaced by PL 1979, c. 563, §1, is repealed.

32 Emergency clause. In view of the emergency cited
33 in the preamble, this Act shall take effect when ap-
34 proved.

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STATEMENT OF FACT

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This new draft addresses an adverse ruling of the United States Department of Health and Human Services which prohibited the Maine Department of Human Services from applying the eligibility requirements of the categorically needy program to certain persons. These persons qualify for state assistance for their boarding home care, but their income exceeds the limitations set for supplemental security income.

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The Department of Human Services expects to meet the costs of this program within the current budget.

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