

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 417

6
7 S.P. 150

In Senate, February 5, 1985

8 Reference to the Committee on Human Resources suggested and ordered
9 printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Twitchell of Oxford.

Cosponsored by Senator Clark of Cumberland.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Provide Greater Discretion to the
18 Department of Human Services in
19 Providing Assistance to Nursing Home
20 Residents.
21

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

24 22 MRSA §1708, sub-§3 is enacted to read:

25 3. Continued eligibility with lien against
26 available resources. In carrying out its responsibil-
27 ities under this section with respect to individuals
28 for whom eligibility for nursing home services has
29 previously been determined, but is subject to
30 reevaluation in order to review previously unavaila-
31 ble or unknown assets, the department may authorize
32 continued services to that individual, provided that
33 the department shall be entitled to a lien against
34 these assets, less the amount of resources the indi-
35 vidual is otherwise entitled to retain. The depart-
36 ment may promulgate regulations necessary to imple-

1 ment the purposes of this section.

2 STATEMENT OF FACT

3 This bill is intended to allow the Department of
4 Human Services, in its discretion, to provide emer-
5 gency nursing home services to individuals for whom
6 eligibility has previously been determined, but is
7 subject to reevaluation due to newly discovered as-
8 sets. Currently, in certain cases, the department has
9 found it necessary to remove such an individual from
10 eligibility while further investigation is made and a
11 final decision rendered. During this time, the indi-
12 vidual may require service in excess of the amount of
13 funds at issue. This bill allows the department to
14 continue such eligibility, subject to a lien against
15 the resources deemed available. The lien would be di-
16 minished by the amount of resources the individual is
17 entitled to retain under pertinent eligibility stan-
18 dards. In this way, the department could continue
19 providing services while ensuring that available re-
20 sources are reasonably applied to the individual's
21 requirements.

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