

MAINE STATE LEGISLATURE

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L.D. 1410
(Filing No. H-461)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1012, L.D. 1410, Bill, "An Act to Increase the Authority of the Department of Human Services to Assess the Medical and Active Treatment Needs of Individuals Applying for Admission to Nursing Homes"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 22 MRSA §3174-I is enacted to read:

§3174-I. Medicaid eligibility determinations for applicants to nursing homes

1. Needs assessment. The Department of Human Services may assess the medical needs of each applicant to a nursing home who is reasonably expected to become financially eligible for Medicaid benefits within 180 days of admission to the nursing home.

A. The assessment shall be completed prior to admission or, if necessary for reasons of the person's health or safety, as soon after admission as possible.

B. The department shall determine whether the services provided by the facility are medically necessary and appropriate for the applicant and, if not, what other services, such as home and community-based services, would more appropriately address the applicant's medical needs.

C. The department shall inform both the applicant and the administrator of the nursing home of the department's determination of the services needed by the applicant.

D. Until such time as the applicant becomes financially eligible to receive Medicaid benefits, the department's determination shall be advisory only.

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E. The department shall perform a reassessment of the individual's medical needs when the individual becomes financially eligible for Medicaid benefits.

(1) If the individual, at both the admission assessment and any reassessment within 180 days of admission, is determined not to be medically eligible for the services provided by the nursing home, and is determined not to be medically eligible at the time of the determination of financial eligibility, the nursing home shall be responsible for providing services at no cost to the individual until such time as a placement at the appropriate level of care becomes available. After a placement becomes available at an appropriate level of care, the nursing home may resume billing the individual for the cost of services.

(2) If the individual is initially assessed as needing the nursing home's services, but reassessed as not needing them at the time the individual is found financially eligible, then Medicaid shall reimburse the nursing home for services it provides to the individual in accordance with the Maine Medical Assistance Manual, chapter II, section 50.

F. Prior to performing assessments under this section, the department shall develop and disseminate to all nursing homes and the public the specific standards the department will use to determine the medical eligibility of an applicant for admission to the nursing home. A copy of the standards shall be provided to each person for whom an assessment is conducted.

G. A determination of medical eligibility under this section is final agency action for purposes of the Maine Administrative Procedure Act, Title 5, chapter 375.

2. Assessment for mental illness or retardation. The Department of Human Services shall assess every applicant to a nursing home to screen for mental retardation and mental illness in accordance with the Federal Omnibus Budget Reconciliation Act of 1987, Public Law 100-203, Section 4211. Such assessments are intended to increase the probability that any individual who is mentally retarded or mentally ill will receive active treatment for that individual's mental condition.

3. Rules. The Department of Human Services shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to implement this section.

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Sec. 2. Allocation. The following funds are allocated from Federal Expenditure funds to carry out the purposes of this Act.

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1989-90

1990-91

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HUMAN SERVICES, DEPARTMENT OF

9

Medical Care Administration

11

Positions

(3)

(3)

13

Personal Services

\$76,938

\$89,755

All Other

7,950

7,950

Capital Expenditures

3,028

15

17

Provides funds for one Health Services Supervisor, one Health Services Consultant and one Clerk Typist II position needed to meet an increase in patient classification workload.

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DEPARTMENT OF HUMAN SERVICES

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TOTAL

\$87,916

\$97,705

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FISCAL NOTE

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An adjustment to the Governor's Part II budget has been submitted requesting an allocation of federal funds to the Department of Human Services for this purpose. This request is, however, contingent upon approval of the General Fund Part II budget request.'

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STATEMENT OF FACT

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This amendment removes portions of the bill which were included to resolve conflicts in the Maine Revised Statutes, Title 22 arising from earlier enactments because those conflicts will be resolved in other legislation. It clarifies ambiguities in the original bill and adds a requirement that assessment standards be disseminated to nursing homes and the public. The amendment also adds an allocation and a fiscal note.

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Reported by the Majority of the Committee on Human Resources
Reproduced and distributed under the direction of the Clerk of the House
6/9/89

(Filing No. H-461)