

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1555

S.P. 552

In Senate, May 9, 1989

Submitted by the Department of Human Services pursuant to Joint Rule 24.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PERKINS of Hancock.

Cosponsored by Representative PENDLETON of Scarborough and Representative BURKE of Vassalboro.

STATE OF MAINE

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

An Act to Save Medicaid Funds by Expanding the Ability of the Department of Human Services to Recover Funds from Other Payors.



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

3 Sec. 1. 18-A MRSA §3-805, sub-§(a), ¶(4), as enacted by PL 1979,
5 c. 540, §1, is amended to read:

7 (4) Reasonable Medicaid benefits recoverable under Title
9 22, section 14, subsection 2-G and reasonable and necessary
11 medical and hospital expenses of the last illness of the
13 decedent, including compensation of persons attending him
15 the decedent;

17 Sec. 2. 22 MRSA §14, sub-§2-G is enacted to read:

19 2-G. Claims against estates of certain Medicaid
21 recipients. The Department of Human Services shall have a claim
23 against the estate of a Medicaid recipient where, subsequent to
25 the death of the recipient:

27 A. Property or other assets are discovered which existed and
29 were owned by the recipient during the period when Medicaid
31 benefits were paid to the recipient; and

33 B. Disclosure of that property or assets at the time
35 benefits were being paid would have rendered the recipient
37 ineligible to receive the benefits.

39 The amount of Medicaid benefits paid and recoverable under this
41 section shall be a claim against the estate of the deceased
43 recipient pursuant to the Probate Code, Title 18-A, Article III,
45 Part 8.

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STATEMENT OF FACT

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37 Current Medicaid laws and regulations do not provide for the
39 recovery of any Medicaid expenditures from the estate of a
deceased Medicaid recipient with the exception of those having
received benefits fraudulently.

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This bill allows the State to file a claim against those
estates in situations where the recipient was, after death, found
to have assets which would have made the recipient ineligible for
benefits.