

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

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

COMMITTEE AMENDMENT "A" to H.P. 1524, L.D. 2109, Bill, "An Act to Expand Estate Recovery from Certain Medicaid Recipients"

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Sec. 1. 22 MRSA §14, sub-§2-G, as enacted by PL 1989, c. 397, §2, is repealed.

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

2-H. Claims against estates of Medicaid recipients. Claims against the estates of Medicaid recipients are governed by this subsection.

A. The department has a claim against the estate of a Medicaid recipient when, after the death of the recipient:

(1) Property or other assets are discovered that existed and were owned by the recipient during the period when Medicaid benefits were paid to the recipient and disclosure of the property or assets at the time benefits were being paid would have rendered the recipient ineligible to receive the benefits; or

(2) It is determined that the recipient applied for and received Medicaid benefits for institutional nursing home care after July 1, 1990, including all Medicaid services received while the recipient received nursing home care.

B. The amount of Medicaid benefits paid and recoverable under this section is a claim against the estate of the deceased recipient pursuant to the Probate Code, Title 18-A, Article III, Part 8. The claim may not exceed 50% of the value of the recipient's estate.

2 C. No claim may be enforced against the primary residence
4 and associated personal property of a recipient if it is
6 utilized for the support, maintenance or comfort of the
8 surviving spouse, child, sibling or any other individual who
 resided with the recipient for a period of at least 12
 months prior to the date the recipient first received
 institutional nursing home care.

10 **Sec. 3. Appropriation.** The following funds are appropriated
12 from the General Fund to carry out the purposes of this Act.

1990-91

14 **HUMAN SERVICES, DEPARTMENT OF**

16 **Medical Care Administration**

| | | |
|----|----------------------|----------------|
| 18 | | |
| | Positions | (2) |
| 20 | Personal Services | \$53,402 |
| | All Other | 794 |
| 22 | Capital Expenditures | 2,200 |
| 24 | | |
| | TOTAL | <hr/> \$56,396 |

26 Provides funds for the
28 implementation and
30 administration of estate
32 recovery law designed to
34 recover Medicaid dollars.

34 **Medical Care - Payments to Providers**

| | | |
|----|-------------------------------|-------------|
| 34 | All Other | (\$360,800) |
| 36 | | |
| | Provides for the | |
| 38 | deappropriation of funds as a | |
| | result of recoveries from | |
| 40 | liable 3rd parties. | |

| | | |
|----|-------------------------------------|-------------------|
| 42 | DEPARTMENT OF HUMAN SERVICES | |
| | TOTAL | <hr/> (\$304,404) |

44 **Sec. 4. Allocation.** The following funds are allocated from the
46 Federal Expenditure Fund to carry out the purposes of this Act.

| | | |
|----|---|--------------------|
| 2 | | 1990-91 |
| 4 | HUMAN SERVICES, DEPARTMENT OF | |
| 6 | Medical Care Administration | |
| 8 | Positions | (3) |
| | Personal Services | \$52,375 |
| 10 | All Other | 1,912 |
| | Capital Expenditures | 2,200 |
| 12 | | |
| 14 | TOTAL | <u>\$56,487</u> |
| 16 | Provides federal matching | |
| | funds for the implementation | |
| 18 | and administration of estate | |
| | recovery law designed to | |
| 20 | recover Medicaid dollars. | |
| 22 | Medical Care - Payments to Providers | |
| 24 | All Other | (\$639,200) |
| 26 | | |
| | Provides for the deallocation | |
| 28 | of federal funds as a result | |
| | of recoveries from liable 3rd | |
| 30 | parties. | |
| 32 | DEPARTMENT OF HUMAN SERVICES | |
| | TOTAL | <u>(\$582,713)</u> |

FISCAL NOTE

It is estimated that recoveries generated as a result of this legislation will be approximately \$1,000,000 in fiscal year 1990-91. The State's share of this increased revenue will be \$360,800 and is reflected as a deappropriation to the Medical Care - Payments to Providers program in the Department of Human Services. The Governor's Supplemental Budget bill, L.D. 2282, includes a deappropriation of \$285,000 to this program as a result of money to be recovered, yet it does not contain a provision for providing additional staff resources.'

