

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2109

H.P. 1524

House of Representatives, January 5, 1990

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 "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative DELLERT of Gardiner.

Cosponsored by Senator PERKINS of Hancock, Senator TITCOMB of
Cumberland and Representative MANNING of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Expand Estate Recovery from Certain Medicaid Recipients.



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

2 Sec. 1. 22 MRSA §14, sub-§2-G, as enacted by PL 1989, c. 397,
4 §2, is repealed.

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

8 2-H. Claims against estates of Medicaid recipients. Claims
10 against the estates of Medicaid recipients are governed by this
12 subsection.

14 A. The Department of Human Services has a claim against the
16 estate of a Medicaid recipient when, subsequent to the death
18 of the recipient:

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

32 (2) It is determined that the recipient was 65 years
34 of age or older when that person received Medicaid
36 assistance and applied for Medicaid benefits after July
38 1, 1990.

40 B. The amount of Medicaid benefits paid and recoverable
42 under this section is a claim against the estate of the
44 deceased recipient pursuant to the Probate Code, Title 18-A,
46 Article III, Part 8.

48 C. No claim may be enforced against the following:

50 (1) Real estate of a recipient utilized for the
52 support, maintenance or comfort of the surviving
54 spouse, a dependent child under 21 years of the age or
56 a dependent who is nonsupporting because of blindness
58 or other disability, until such real estate is no
60 longer used for those purposes; or

62 (2) Personal property necessary for the support,
64 maintenance or comfort of the surviving spouse, a
66 dependent child under 21 years of age or a dependent
68 who is nonsupporting because of blindness or other
70 disability, until the property is no longer used for
72 those purposes.

STATEMENT OF FACT

74 In June 1988, the Office of Inspector General of the United
76 States published the results of a national program

2 inspection of Medicaid estate recoveries. Maine was one of only
4 14 states with no estate recovery program. The federal Tax
6 Equity and Fiscal Responsibility Act of 1982, TEFRA, allowed
8 states to more actively pursue estate recovery of Medicaid
10 benefits. This bill implements key provisions of the TEFRA that
have been adopted by at least 23 other states and that were
recommended by the Inspector General's report. It allows the
State to recover the value of Medicaid benefits provided to
people over the age of 65 as long as there is no surviving spouse
or dependent for whose support the assets or property are
necessary.