

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 314

S.P. 113

In Senate, February 4, 1993

**An Act Regarding Parental Resources in Medicaid Eligibility  
Determinations for Certain Children's Services.**

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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 BUSTIN of Kennebec.  
Cosponsored by Senator PARADIS of Aroostook.

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

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

§3174-L. Treatment of parental resources for certain children

1. Amendment to plan. By October 1, 1993, the department shall submit to the United States Department of Health and Human Services an amendment to the state Medicaid plan to exclude parental resources and income when determining Medicaid eligibility for home-based and community-based services for persons under 18 years of age who, in the absence of home-based and community-based services, require institutional care. If the amendment is approved by the United States Department of Health and Human Services, the department shall amend the state Medicaid plan accordingly.

2. Report. By January 1, 1994, the department shall submit to the joint standing committee of the Legislature having jurisdiction over human resources matters a report regarding its progress in implementing this section.

STATEMENT OF FACT

Currently, parents whose children require high levels of care but whose incomes are too high to qualify for Medicaid must impoverish themselves to become eligible. This bill directs the Department of Human Services to seek an amendment to the state Medicaid plan to exclude parental resources and income when making Medicaid eligibility decisions for home-based and community-based services for children who, in the absence of home-based and community-based services, require institutional care. This provides an incentive to families to support their children at home, rather than placing them in institutional settings.