



# 116th MAINE LEGISLATURE

# FIRST REGULAR SESSION-1993

Legislative Document

No. 346

H.P. 268

House of Representatives, February 8, 1993

An Act to Enable Parents of Children with Mental Illness to Care for Their Children at Home.

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

JOSEPH W. MAYO, Clerk

Presented by Representative DONNELLY of Presque Isle. Cosponsored by Senator PARADIS of Aroostook and Representatives: BENNETT of Norway, OTT of York, PENDLETON of Scarborough, ROBICHAUD of Caribou, THOMPSON of Lincoln, TREAT of Gardiner, Senators: KIEFFER of Aroostook, McCORMICK of Kennebec.

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

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

#### <u> 3174-L. Home care for children with mental illness</u>

1. Parental resources disregarded. To the extent permitted8by the federal Department of Health and Human Services, when<br/>determining Medicaid eligibility for home-based and10community-based services for a child with mental illness, the<br/>department shall disregard the income and assets of the child's12parents if the conditions of subsection 2 are met. For the<br/>purposes of this section, a child is a person who is less than 1814years of age.

16 2. Conditions. In order for a child to qualify for Medicaid under this section, the child must be at risk of institutionalization if home-based and community-based services are not provided, and it must be demonstrated that, under normal eligibility rules, the child would become eligible for Medicaid within 60 days of having been institutionalized.

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3. Amendment to state plan. The department shall make every effort to obtain federal approval for an amendment to the state Medicaid plan that meets the purposes of this section. If necessary, the department shall submit a waiver application to the federal Department of Health and Human Services.

Sec. 2. Report. The Department of Human Services shall submit a report to the Joint Standing Committee on Human Resources by January 1, 1994, that describes its activities and progress under this Act.

#### STATEMENT OF FACT

This bill requires the Department of Human Services to seek federal approval to disregard parental resources when making 38 Medicaid eligibility determinations for home-based services for children with mental illness who, in the absence of home-based 40 services, would be institutionalized and ultimately become 42 eligible for Medicaid because of the high cost of institutionalization.