

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 218

H.P. 170

House of Representatives, January 24, 1995

An Act to Establish Standards for Medical Eligibility Determination for Applicants to Nursing Homes.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative PERKINS of Penobscot. (By Request)
Cosponsored by Representatives: BUNKER of Kossuth Township, JONES of Bar Harbor,
POVICH of Ellsworth.

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

2
4 **Sec. 1. 22 MRSA §3174-I, sub-§1, ¶F**, as amended by PL 1993, c.
410, Pt. FF, §10 and affected by §19, is further amended to read:

6 F. Prior to performing assessments under this section, the
7 department shall develop and disseminate to all nursing
8 facilities and the public the specific standards the
9 department will use to determine the medical eligibility of
10 an applicant for admission to the nursing facility. A copy
11 of the standards must be provided to each person for whom an
12 assessment is conducted. The standards for medical
13 eligibility must provide that individuals requiring
14 health-related care and services above the level of room and
15 board are entitled to nursing facility care unless their
16 needs can be fully met by existing community-based programs
17 and services. In determining an individual's health-related
18 needs, all physical, mental and social needs must be
19 identified and equally considered in the eligibility process.

20
22 **STATEMENT OF FACT**

24 This bill clarifies the standard that must be used in
25 determining Medicaid medical eligibility for nursing facility
26 care and specifies that individuals are entitled to nursing
27 facility care unless their needs can be fully met by programs and
28 services that exist in the community.