MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 303

H.P. 225

House of Representatives, January 27, 1995

An Act to Require the Department of Human Services to Pursue Federal Waivers Concerning Medicaid Eligibility.

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

✓OSEPH W. MAYO, Clerk

Presented by Representative KERR of Old Orchard Beach.

Cosponsored by Senator HANLEY of Oxford and Representatives: JOSEPH of Waterville, MORRISON of Bangor.

Be	it	enacted	by	the	Peo	nle (of	the	State	of	Maine	as	follows:

Sec. 1. 22 MRSA §3174-G, as enacted by PL 1989, c. 502, Pt. A, §72, is amended to read:

§3174-G. Medicaid coverage of certain elderly and disabled individuals, children and pregnant women

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- 1. Delivery of services. The department shall provide for the delivery of federally-approved Medicaid services as specified in a Medicaid plan approved by the federal Department of Health and Human Services to qualified pregnant women up-to-60-days fellowing-delivery and infants up-to-one-year-of-age when the woman's or child's family income is below 185% of the nonfarm income official poverty line and children under 5 years of age and qualified elderly and disabled persons, when the child's or person's family income is below 100% of the nonfarm income official poverty line. The official poverty line shall-be is that applicable to a family of the size involved, as defined by the Federal Office of Management and Budget and revised annually accordance with the United States Omnibus Reconciliation Act of 1981, Section 673, Subsection 2. services shall-be are effective October 1, 1988.
- 2. Resource test. The department may-net shall apply a resource test to those children and pregnant women who are made eligible under this section, --unless-these-persons-also-receive Aid--to--Families--with--Dependent--Children--or--United--States Supplemental-Security-Income-benefits.
- 32 **3.** Benefits authorized. The scope of medical assistance to be provided within this section shall-be <u>is</u> that authorized by the Federal Sixth Omnibus Budget Reconciliation Act, Public Law 99-509 or otherwise approved by the federal Department of Health and Human Services.

Sec. 2. 22 MRSA §3174-O is enacted to read:

§3174-O. Financial Medicaid-eligibility determinations for applicants to nursing homes

- 1. Vehicle exemption. The department shall adopt the federal social security income standard stipulating the maximum value of a vehicle that can be exempted for the purpose of determining Medicaid eligibility for nursing facility services.
- 2. Out-of-state property. For the purpose of determining Medicaid eligibility for nursing facility services, the department may not exempt the value of an out-of-state residence of a person on the basis of that person's intent to return to that residence.

Sec. 3. Medicaid eligibility redetermination. No later than October 1, 1995, the Department of Human Services shall submit for federal approval a plan, including any necessary waiver applications, to provide for periodic eligibility redeterminations of pregnant women and children initially determined Medicaid-eligible in accordance with the Maine Revised Statutes, Title 22, section 3174-G. The Department of Human Services shall submit to the joint standing committee of the Legislature having jurisdiction over human resource matters the plan prepared under this section and a progress report regarding federal approval no later than January 1, 1996.

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STATEMENT OF FACT

This bill requires the Department of Human Services to apply an asset test to certain pregnant women and children for the purpose of determining Medicaid eligibility and directs the department to seek approval to waive the continued eligibility provisions required under federal law to allow for an eligibility redetermination of pregnant women and children based on changes in household income and assets. The department is also required to report to the joint standing committee of the Legislature having jurisdiction over human resources matters regarding the status of federal approval for these changes.

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This bill also codifies the current practice of not exempting an out-of-state residence based on an intent to return home and adopts the social security income maximum exemption of the value of a vehicle for the purpose of determining Medicaid eliqibility for nursing facility services.