

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1995

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Legislative Document

No. 1604

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H.P. 1172

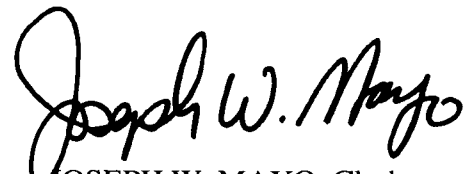
House of Representatives, December 8, 1995

**An Act Requiring the Department of Human Services to Reimburse  
Nursing Home Facilities from Initial Medicaid Eligibility.**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.  
Received by the Clerk of the House on December 6, 1995. Referred to the Committee on  
Human Resources and ordered printed pursuant to Joint Rule 14.

  
JOSEPH W. MAYO, Clerk

Presented by Representative BIRNEY of Paris.  
Cosponsored by Senator HANLEY of Oxford and  
Representatives: CAMPBELL of Holden, DiPIETRO of South Portland, DORE of Auburn,  
JOY of Crystal, JOYNER of Hollis, LIBBY of Buxton, POULIOT of Lewiston,  
WATERHOUSE of Bridgton, Senators: CARPENTER of York, CIANCHETTE of Somerset.

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

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6           **Whereas,** the Department of Human Services, pursuant to  
recent enactments of the Legislature, has implemented a program  
for medical assessments and reassessments of nursing facility  
8 residents to determine medical eligibility for Medicaid coverage;  
and

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12           **Whereas,** the department's current practices and policies  
deny reimbursement to nursing facilities for periods of time when  
residents have actually been determined to be both medically and  
14 financially eligible for nursing facility services; and

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18           **Whereas,** nursing facilities are prohibited from discharging  
such patients for nonpayment because their medical needs render  
safe discharge impracticable; and

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22           **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
24 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

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**Sec. 1. 22 MRSA §3174-I, sub-§1, ¶E,** as amended by PL 1995, c.  
170, §2, is further amended to read:

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32           E. The department shall perform a reassessment of the  
individual's medical needs when the individual becomes  
financially eligible for Medicaid benefits. In performing  
34 the reassessment, the department shall determine on the  
basis of all available records and information whether the  
36 individual was medically eligible as of the first day of the  
individual's financial eligibility for Medicaid benefits.

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40           (1) If the individual, at both the admission  
assessment and any reassessment, is determined not to  
be medically eligible for the services provided by the  
42 nursing facility, and is determined not to be medically  
eligible at the time of the determination of financial  
44 eligibility, the nursing facility is responsible for  
providing services at no cost to the individual until  
46 such time as a placement at the appropriate level of  
care becomes available. After a placement becomes  
48 available at an appropriate level of care, the nursing  
facility may resume billing the individual for the cost  
50 of services.

2 (2) If the individual is initially assessed as needing  
4 the nursing facility's services, but reassessed as not  
6 needing them at the time the individual is found  
8 financially eligible, then Medicaid shall reimburse the  
nursing facility for services it provides to the  
individual in accordance with the Maine Medical  
Assistance Manual, chapter II, section 67.

10 (3) If the individual is initially assessed or  
12 reassessed as needing the nursing facility's services  
14 as of the date of the individual's financial  
16 eligibility for Medicaid benefits, then Medicaid shall  
18 reimburse the nursing facility for services it provides  
20 to the individual during all periods of time that the  
individual has been found medically eligible,  
regardless of the date that the nursing facility  
notified the department of the need for an assessment  
or reassessment.

22 **Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved.

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### STATEMENT OF FACT

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28 This bill requires the Department of Human Services to  
reimburse a nursing facility for services it provides to an  
individual during all periods of time that the individual has  
30 been determined to be both medically and financially eligible for  
Medicaid coverage.