

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 108

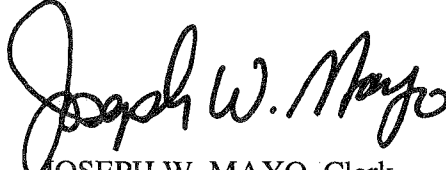
H.P. 83

House of Representatives, January 9, 1997

**An Act to Amend the Criteria for Reimbursement by the Medicaid
Program for Nursing Facility Residents.**

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative PERKINS of Penobscot.
Cosponsored by Representatives: CAMPBELL of Holden, PINKHAM of Lamoine,
SNOWE-MELLO of Poland, TUTTLE of Sanford, Senator: RUHLIN of Penobscot.

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,** current regulations for Medicaid reimbursement for
residency in a nursing facility that were adopted in 1993 made
some residents ineligible after they had already established
8 residency in nursing facilities; and

10 **Whereas,** residents who have been disqualified under the
current regulations for Medicaid reimbursement are living in
12 uncertainty and may be paying their own expenses or receiving
assistance from their families, at great hardship to them and
14 their families; and

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

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

24 **Sec. 1. PL 1993, c. 410, Pt. F F, §15 is repealed.**

26 **Sec. 2. Medicaid program reimbursement criteria.** By July 1,
1997, the Department of Human Services shall amend the medical
28 criteria for reimbursement by the Medicaid program for residents
of nursing facilities. The criteria must:

30 1. Target nursing facility admissions to applicants who can
32 not be served in less restrictive settings;

34 2. Result in applicants being advised of home and
community-based services that are available and referred to
36 services that are cost-effective and clinically appropriate; and

38 3. Apply to residents of a nursing facility who were
residents on June 30, 1993 the same standards for medical
40 eligibility that were in effect on June 30, 1993.

42 **Sec. 3. Application; retroactivity.** This Act applies
retroactively to all determinations of medical eligibility for
44 reimbursement by the Medicaid program for residents of nursing
facilities on or after July 1, 1993.

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

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SUMMARY

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This bill requires the Department of Human Services to amend the medical criteria for reimbursement by the Medicaid program for residents of nursing facilities. For residents who were residents on June 30, 1993, the criteria must be the same as the criteria in effect on that date. The bill applies retroactively to all determinations of eligibility for admission on or after July 1, 1993.