



## **120th MAINE LEGISLATURE**

## **FIRST REGULAR SESSION-2001**

Legislative Document

No. 172

H.P. 161

House of Representatives, January 16, 2001

Resolve, to Ensure Comprehensive and Accurate Medical Eligibility Assessments.

(EMERGENCY)

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

Millicent M. Mac Jailand

MILLICENT M. MacFARLAND, Clerk

Presented by Representative KANE of Saco. Cosponsored by Senator TURNER of Cumberland and Representatives: BROOKS of Winterport, DUGAY of Cherryfield, FULLER of Manchester, LOVETT of Scarborough, MAILHOT of Lewiston, SHIELDS of Auburn, President Pro Tem BENNETT of Oxford. **Emergency preamble. Whereas,** Acts and resolves of the 2 Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, assessments for eligibility for long-term care services occur daily in Maine; and

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Whereas, these assessments determine the care and quality of life of some of the State's most vulnerable population; and

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 necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Rule amendment regarding medical eligibility assessments under Medicaid program for long-term care services. Resolved: That, 18 by January 1, 2002, the Department of Human Services shall amend the rules regarding medical eligibility assessments under the 20 Medicaid program and state long-term care programs to ensure that the assessments are comprehensive and accurate. The rules must 22 provide that in completing an assessment a nurse assessor is required to exercise professional judgment and to consider 24 documentation, observation and interviews with the consumer, family members, direct care staff, the consumer's physician and 26 other individuals as determined to be appropriate. The rules 28 must require the nurse assessor to document in the record of the assessment consideration of all relevant information. Rules 30 adopted pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, 32 subchapter II-A.

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

## SUMMARY

40 This resolve requires the Department of Human Services to amend the rules regarding medical eligibility assessments under 42 the Medicaid program and state long-term care programs in order to ensure that the assessments are comprehensive and accurate. The rules must provide that in completing the assessment the 44 nurse assessor is required to exercise professional judgment and to consider documentation, observation and interviews with the 46 consumer, family members, direct care staff, the consumer's physician and other individuals as determined to be appropriate. 48 The rules must require the nurse assessor to document in the relevant 50 the assessment consideration of all record of information. Rules adopted pursuant to this resolve are major 52 substantive rules.

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