

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1240

H.P. 926

House of Representatives, February 28, 2001

**Resolve, Concerning Consumers of Long-term Care Services Who Have  
Chronic Conditions that Change.**

(EMERGENCY)

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

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative LOVETT of Scarborough.  
Cosponsored by Representatives: ANDREWS of York, HEIDRICH of Oxford,  
McGLOCKLIN of Embden, SCHNEIDER of Durham.

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

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6           **Whereas,** this resolve requires rules to take effect before  
the expiration of the 90-period; and

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

14           **Sec. 1. Rule amendment regarding consumers with chronic**  
**conditions that change. Resolved:** That the Department of Human  
16 Services shall review and amend its rules regarding eligibility  
for nursing facility services to allow for increased eligibility  
18 for consumers of long-term care services who have chronic  
conditions that change enough to qualify and disqualify them for  
20 services on a cyclical basis. These rules must provide that a  
consumer who has lost medical eligibility for long-term care  
22 services at least twice while receiving covered services in the  
facility during the past 9 months and who moves 3 times within  
24 the same 9-month period is eligible for continued nursing  
facility services. Rules adopted pursuant to this section must  
26 take effect September 1, 2001. Rules adopted pursuant to this  
section are major substantive rules as defined in the Maine  
28 Revised Statutes, Title 5, chapter 375, subchapter II-A.

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

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#### SUMMARY

36           The purpose of this resolve is to protect consumers whose  
chronic medical conditions temporarily improve, thereby causing  
38 them to lose eligibility for nursing facility level care. This  
resolve directs the Department of Human Services to amend its  
40 rules to ensure that consumers may retain eligibility for nursing  
facility level care if they have moved 3 times in a 9-month  
42 period and have also lost such eligibility at least twice within  
that same time period.

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