

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1685

H.P. 1242

House of Representatives, March 20, 2001

**Resolve, to Change Eligibility for Persons who Transfer Assets and
Move into Assisted Living Facilities.**

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative SHIELDS of Auburn.
Cosponsored by Senator TURNER of Cumberland and
Representatives: BOWLES of Sanford, MacDOUGALL of North Berwick, NUTTING of
Oakland, SNOWE-MELLO of Poland, WINSOR of Norway, Senator: FERGUSON of Oxford.

Sec. 1. Asset transfers for persons in assisted living facilities.

2 **Resolved:** That the Department of Human Services, Bureau of Elder
4 and Adult Services shall adopt rules that disqualify persons from
6 eligibility for state assistance for the costs of residence in an
8 assisted living facility when they transfer certain assets less
10 than 36 months prior to moving into the facility, except that, in
12 the case of irrevocable trusts, the look-back period is 60
14 months. In adopting the rules, the bureau shall use the same
16 applicable criteria and eligibility qualifications as are
18 currently used in determining eligibility for Medicaid assistance
20 for institutional nursing care services.

22 Rules adopted pursuant to this section are routine technical
24 rules as defined in the Maine Revised Statutes, Title 5, chapter
26 375, subchapter II-A.

18 **SUMMARY**

20 Currently, a person moving into an assisted living facility
22 can obtain state funds to offset the cost of the assisted living
24 facility. State funding is based on the person's ability to pay
26 and includes any assets owned by that person in the determination
of the ability to pay. A person may avoid the inclusion of those
assets by transferring them to another person prior to moving to
the assisted living facility.

28 This resolve requires the Department of Human Services,
30 Bureau of Elder and Adult Services to adopt rules similar to
32 those currently in place for persons institutionalized in nursing
34 homes and seeking Medicaid assistance. The rules must require
36 the inclusion in the determination of the level of state
assistance any qualified assets, as determined by the bureau,
transferred less than 36 months prior to moving to the assisted
living facility; for irrevocable trusts, the look-back period is
60 months.