

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 584

S.P. 193

In Senate, February 3, 2005

An Act To Encourage Long-term Care Insurance and Expand Eligibility for MaineCare

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MILLS of Somerset.

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

Sec. 1. 22 MRSA §14, sub-§2-I, ¶A, as amended by PL 2003, c. 20, Pt. K, §2, is further amended to read:

A. The department has a claim against the estate of a MaineCare recipient when, after the death of the recipient:

(1) Property or other assets are discovered that existed and were owned by the recipient during the period when MaineCare benefits were paid for the recipient and disclosure of the property or assets at the time benefits were being paid would have rendered the recipient ineligible to receive the benefits;

(2) It is determined that the recipient was 55 years of age or older when that person received MaineCare assistance; or

(3) It Except as provided in this subparagraph, it is determined that the recipient has received or is entitled to receive benefits under a long-term care insurance policy in connection with which assets or resources are disregarded and medical assistance was paid on behalf of the recipient for nursing facility or other long-term care services. A claim may not be made pursuant to this subparagraph against the estate of a recipient who owned a policy of long-term care insurance that was approved by the Superintendent of Insurance and that paid for benefits in a nursing facility or assisted living facility licensed in the State in an amount equal to or greater than \$125 per day or the full cost of care in the facility, whichever is less, for a time period of at least 2 years or until the death of the recipient, whichever occurs first. The department and the Superintendent of Insurance shall adopt rules to implement this subparagraph. Rules adopted pursuant to this subparagraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill provides an exemption to the estate recovery procedures for a MaineCare recipient who resided in a nursing facility or assisted living facility and who used long-term care insurance under specific circumstances. The policy of long-term care insurance must have been approved by the Superintendent of Insurance and must have paid for benefits in a nursing facility or assisted living facility licensed in the State in an amount

2 equal to or greater than \$125 per day or the full cost of care in
the facility, whichever is less. The insurance must have paid
4 for care for a time period of at least 2 years or until the death
of the recipient, whichever occurred first. The bill directs the
6 Department of Health and Human Services and the Superintendent of
Insurance to adopt routine technical rules to implement the
exception.

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