

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1000

H.P. 688

House of Representatives, March 12, 2009

An Act To Amend the Provision Creating the Long-term Care Partnership Program

(EMERGENCY)

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PRIEST of Brunswick.
Cosponsored by Senator BLISS of Cumberland and
Representatives: BRYANT of Windham, DILL of Cape Elizabeth, HILL of York, WEBSTER
of Freeport, Senator: HASTINGS of Oxford.

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

3 **Whereas,** compliance with Section 6021 of the federal Deficit Reduction Act of
4 2005 is required before the Long-term Care Partnership Program may begin operation;
5 and

6 **Whereas,** rules for the proper operation of the Long-term Care Partnership Program
7 within the MaineCare program have been proposed and must be finally adopted before
8 the Long-term Care Partnership Program may begin operation; and

9 **Whereas,** affording residents of the State the opportunity to purchase long-term care
10 insurance policies that qualify for the Long-term Care Partnership Program will
11 encourage the private payment of long-term care costs, delay or avoid MaineCare
12 payments for these costs and help to avoid the financial exploitation of elderly people
13 who otherwise may be unduly influenced to transfer their property; and

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

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

19 **Sec. 1. 22 MRSA §3174-GG, first ¶,** as enacted by PL 2005, c. 12, Pt. DDD,
20 §10, is amended to read:

21 There is established within the department the Long-term Care Partnership Program
22 pursuant to Section 6021 of the federal Deficit Reduction Act of 2005, Public Law
23 109-171, 120 Stat. 4 (2006), referred to in this section as "the program," to provide
24 incentives for persons to insure the costs of their own long-term care and to alleviate
25 some of the costs of long-term care being paid by MaineCare. The department shall
26 administer the program as a part of MaineCare, ~~contingent upon federal Medicaid~~
27 ~~participation, beginning 3 months after the federal Omnibus Budget Reconciliation Act of~~
28 ~~1993 is amended to allow new state partnership programs.~~

29 **Sec. 2. 22 MRSA §3174-GG, sub-§1,** as enacted by PL 2005, c. 12, Pt. DDD,
30 §10, is amended to read:

31 **1. Eligibility.** A person is eligible for the program if that person ~~has purchased is~~
32 insured under a policy of long-term care insurance qualified pursuant to the federal
33 Deficit Reduction Act of 2005 and approved for the purpose of the program and then has
34 used the policy alone or in combination with private resources to pay for long-term care
35 costs ~~at the nursing facility level of care, without resort to MaineCare coverage, for a~~
36 ~~period of time specified by the program.~~ In order to qualify for benefits under the
37 program, a person must be eligible under this subsection and meet the other criteria
38 required for long-term care benefits under the MaineCare program as provided in this
39 chapter and in rules adopted by the department.

