

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

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Legislative Document

No. 1954

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H.P. 1398

House of Representatives, January 8, 2020

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### **An Act To Amend the Laws Governing Estate Recovery under the MaineCare Program**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative PERRY of Calais.  
Cosponsored by Senator SANBORN, L. of Cumberland and  
Representatives: DOUDERA of Camden, GROHOSKI of Ellsworth, McCREIGHT of  
Harpwell, ROBERTS of South Berwick.

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

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

4 (2) It is determined that the recipient was 55 years of age or older when that  
5 person received MaineCare assistance and the MaineCare assistance received  
6 was for nursing facility services, home and community-based services or related  
7 hospital and prescription drug services. The amount of the department's claim  
8 under this subparagraph is limited to the amount of the MaineCare assistance  
9 provided for the services specified in this subparagraph as required by federal  
10 law; or

11 **SUMMARY**

12 Under current law, the Department of Health and Human Services has a claim against  
13 the estate of a MaineCare recipient when, after the death of the recipient, it is determined  
14 that the recipient was 55 years of age or older when the person received MaineCare  
15 assistance. This bill provides that the department has a claim against the estate only for  
16 MaineCare assistance received by the person that was for nursing facility services, home  
17 and community-based services or related hospital and prescription drug services.