

MAINE STATE LEGISLATURE

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L D 1406

Date 6/16/23

(Filing No H-589)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to HP 902, L D 1406, "An Act to Amend the Laws Regarding Estate Recovery and Planning for Long-term Care"

Amend the bill by striking out the title and substituting the following

'Resolve, Establishing the Commission to Study MaineCare Estate Recovery'

Amend the bill by striking out everything after the title and inserting the following

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

Whereas, this legislation establishes the Commission to Study MaineCare Estate Recovery, and

Whereas, this legislation must take effect before the expiration of the 90-day period so that the commission may meet in a timely manner and make its report to the Legislature, and

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

Sec. 1. Commission established. Resolved: That the Commission to Study MaineCare Estate Recovery, referred to in this resolve as "the commission," is established

Sec. 2. Commission membership. Resolved: That, notwithstanding Joint Rule 353, the commission consists of 10 members appointed as follows

1 Four members appointed by the President of the Senate, including

A Two members of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature,

B One member representing an organization that advocates for the rights of elderly individuals, and

COMMITTEE AMENDMENT

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- C One member who is an attorney who specializes in long-term care planning,
- 2 Four members appointed by the Speaker of the House of Representatives, including
- A Two members of the House of Representatives, including a member from each of the 2 parties holding the largest number of seats in the Legislature,
- B One member who is an individual with lived experience navigating the MaineCare estate recovery process, and
- C One member who is an individual representing an organization that advocates for the rights of individuals with disabilities,
- 3 The Commissioner of Health and Human Services or the commissioner's designee, and
- 4 The long-term care ombudsman established pursuant to the Maine Revised Statutes, Title 22, section 5106, subsection 11-C or the ombudsman's designee

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

Sec. 5. Duties. Resolved: That the commission shall study issues associated with the MaineCare estate recovery process, including

- 1 A review of the history of the MaineCare estate recovery program and review of the reasons behind the establishment of the program as it exists currently,
- 2 An examination of allowable flexibilities in the administration of Medicaid estate recovery programs, including any possible Medicaid waivers;
- 3 A review of estate recovery models employed by other states, and
- 4 An examination of best practices and innovations in Medicaid estate recovery.

The commission shall develop recommendations for reforms to the MaineCare estate recovery program.

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

Sec. 7. Report. Resolved: That, no later than December 6, 2023, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Health and Human Services. The committee may introduce legislation related to the report of the commission to the Second Regular Session of the 131st Legislature.

COMMITTEE AMENDMENT



131st MAINE LEGISLATURE

LD 1406

LR 1117(02)

An Act to Amend the Laws Regarding Estate Recovery and Planning for Long-term Care

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-589)
Committee: Health and Human Services
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services to take part in a commission are expected to be minor and can be absorbed within existing budgeted resources