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

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.

Presented by Representative PERRY of Calais.
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 by amending subparagraph (2) to read:

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

SUMMARY

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