

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

‘**Sec. 1. 22 MRSA §3175-D** is enacted to read:

§ 3175-D. Nursing facility depreciation

1. Depreciation. For sales of nursing facilities, as defined in section 1812-A, that occur on or after October 1, 2009, the department shall either:

A. At the time of the sale, recapture depreciation paid by the department under the MaineCare program, from the proceeds of the sale; or

B. At the election of the buyer and seller, waive the recapture of depreciation at the time of the sale and allow the asset to transfer at the historical cost of the seller less depreciation allowed under the MaineCare program to the buyer for reimbursement purposes.’

SUMMARY

This amendment replaces the prohibition proposed in the bill on depreciation recapture under the MaineCare program when a nursing facility is sold. The amendment allows depreciation recapture through repayment by the seller or adjustment of the buyer’s basis for the purposes of fixed cost reimbursement under MaineCare. The amendment also makes this change in MaineCare reimbursement applicable to sales of nursing facilities on or after October 1, 2009.

FISCAL NOTE REQUIRED

(See attached)