

R. G. S.

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**HEALTH AND HUMAN SERVICES**

4

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**STATE OF MAINE**

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**HOUSE OF REPRESENTATIVES**

7

**129TH LEGISLATURE**

8

**SECOND REGULAR SESSION**

9  
10

COMMITTEE AMENDMENT " " to H.P. 1398, L.D. 1954, Bill, "An Act To Amend the Laws Governing Estate Recovery under the MaineCare Program"

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12

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

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14

'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:

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(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 or home and community-based services, including hospital and prescription drug services provided to a person receiving nursing facility services or home and community-based 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. The provisions of this subparagraph apply in all cases in which the department is not pursuing an action to enforce a claim against a deceased member's estate as of July 1, 2020 or

25  
26

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

27

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

28

**Medical Care - Payments to Providers 0147**

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Initiative: Provides appropriation and allocation to account for changes to estate recovery under the MaineCare program.

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|                           |                |                |
|---------------------------|----------------|----------------|
| <b>GENERAL FUND</b>       | <b>2019-20</b> | <b>2020-21</b> |
| All Other                 | \$0            | \$419,210      |
| <b>GENERAL FUND TOTAL</b> | <hr/>          | <hr/>          |
|                           | \$0            | \$419,210      |

**COMMITTEE AMENDMENT**

|   |  |                |                  |
|---|--|----------------|------------------|
| 1 | <b>FEDERAL EXPENDITURES FUND</b>       | <b>2019-20</b> | <b>2020-21</b>   |
| 2 | All Other                              | \$0            | \$736,195        |
| 3 |  |                |                  |
| 4 | <b>FEDERAL EXPENDITURES FUND TOTAL</b> | <u>\$0</u>     | <u>\$736,195</u> |

5 **Office of MaineCare Services 0129**

6 Initiative: Provides appropriation and allocation for technology changes required by  
7 changes to estate recovery under the MaineCare program.

|    |                           |                |                |
|----|---------------------------|----------------|----------------|
| 8  | <b>GENERAL FUND</b>       | <b>2019-20</b> | <b>2020-21</b> |
| 9  | All Other                 | \$0            | \$3,837        |
| 10 |                           |                |                |
| 11 | <b>GENERAL FUND TOTAL</b> | <u>\$0</u>     | <u>\$3,837</u> |

|    |  |                |                 |
|----|--|----------------|-----------------|
| 12 | <b>FEDERAL EXPENDITURES FUND</b>       | <b>2019-20</b> | <b>2020-21</b>  |
| 13 | All Other                              | \$0            | \$11,511        |
| 14 |  |                |                 |
| 15 | <b>FEDERAL EXPENDITURES FUND TOTAL</b> | <u>\$0</u>     | <u>\$11,511</u> |

|    |                                     |                   |                           |
|----|-------------------------------------|-------------------|---------------------------|
| 16 | <b>HEALTH AND HUMAN SERVICES,</b>   |                   |                           |
| 17 | <b>DEPARTMENT OF</b>                |                   |                           |
| 18 | <b>DEPARTMENT TOTALS</b>            | <b>2019-20</b>    | <b>2020-21</b>            |
| 19 |                                     |                   |                           |
| 20 | <b>GENERAL FUND</b>                 | <b>\$0</b>        | <b>\$423,047</b>          |
| 21 | <b>FEDERAL EXPENDITURES FUND</b>    | <b>\$0</b>        | <b>\$747,706</b>          |
| 22 |                                     |                   |                           |
| 23 | <b>DEPARTMENT TOTAL - ALL FUNDS</b> | <u><b>\$0</b></u> | <u><b>\$1,170,753</b></u> |
| 24 |                                     |                   |                           |

25 **SUMMARY**

26 This amendment, which is the unanimous report of the committee, clarifies that the  
27 provisions regarding estate recovery relating to hospital and prescription drug services do  
28 not apply to those services provided to MaineCare members generally, but only to a  
29 MaineCare member who is receiving nursing facility services or home and community-  
30 based services. The amendment also provides that actions that are pending as of July 1,  
31 2020 are not affected by the changes to estate recovery provided in this legislation.

32 This amendment also adds an appropriations and allocations section.

33 **FISCAL NOTE REQUIRED**

34 (See attached)



# 129th MAINE LEGISLATURE

LD 1954

LR 2929(02)

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

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Health and Human Services

Fiscal Note Required: Yes

### Fiscal Note

|                                   | FY 2019-20 | FY 2020-21 | Projections<br>FY 2021-22 | Projections<br>FY 2022-23 |
|-----------------------------------|------------|------------|---------------------------|---------------------------|
| <b>Net Cost (Savings)</b>         |            |            |                           |                           |
| General Fund                      | \$0        | \$423,047  | \$419,528                 | \$419,528                 |
| <b>Appropriations/Allocations</b> |            |            |                           |                           |
| General Fund                      | \$0        | \$423,047  | \$419,528                 | \$419,528                 |
| Federal Expenditures Fund         | \$0        | \$747,706  | \$735,877                 | \$735,877                 |
| <b>Revenue</b>                    |            |            |                           |                           |
| Federal Expenditures Fund         | \$0        | \$747,706  | \$735,877                 | \$735,877                 |

#### Fiscal Detail and Notes

The bill includes General Fund appropriations to the Department of Health and Human Services of \$423,047 in fiscal year 2020-21 to account for changes to estate recovery under the MaineCare Program. Federal Expenditures Fund allocations are also included for the FMAP match.