



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1424

S.P. 494

In Senate, April 13, 2017

**An Act To Amend the Laws Governing MaineCare Eligibility
Determination For Applicants To Nursing Homes**

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator GRATWICK of Penobscot.
Cosponsored by Representative FAY of Raymond and
Senators: DESCHAMBAULT of York, SAVIELLO of Franklin, Representatives:
CAMPBELL of Orrington, DUCHESNE of Hudson, HARLOW of Portland, PIERCE of
Dresden, ZEIGLER of Montville.

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

2 **Sec. 1. 22 MRSA §3174-I, sub-§1-C** is enacted to read:

3 **1-C. Processing of initial applications for eligibility.** Initial applications for
4 eligibility under this section must be processed in accordance with this subsection.

5 A. The department shall provide timely and adequate notice to the applicant, the
6 applicant's guardian or conservator and the facility in which the applicant resides or
7 seeks to reside in any circumstance if the department is not able to make a decision
8 on eligibility due to inconclusive or conflicting information or other deficiencies in
9 the application. The notice must provide a period of not less than 20 business days
10 for the recipient or recipients of the notice to respond. The facility in which the
11 applicant resides or seeks to reside shall provide the department with written
12 authorization from the applicant or the applicant's guardian or conservator to receive
13 such information. The department shall notify the applicant, the applicant's guardian
14 or conservator and the facility in which the applicant resides or seeks to reside of the
15 application questions that remain unanswered, the additional information that is
16 required and any issues that need to be resolved in order to determine eligibility. The
17 department shall, in a timely fashion, provide to the applicant, the applicant's
18 guardian or conservator and the facility in which the applicant resides or seeks to
19 reside copies of all communications required under this paragraph.

20 B. The department shall provide to the applicant and the applicant's guardian or
21 conservator a period of not less than 20 business days in which to respond to
22 questions and to provide any necessary information, and the facility in which the
23 applicant resides or seeks to reside may assist the applicant and the applicant's
24 guardian or conservator in providing responses and information. The department,
25 when appropriate, shall extend the time frame for receipt of responses and
26 information.

27 C. After contacting the applicant or the applicant's guardian or conservator and the
28 facility in which the applicant resides or seeks to reside and after a period of not less
29 than 30 days has elapsed following the department's request for information under
30 paragraph B, if the department cannot determine that eligibility exists, the department
31 may deny assistance. If the necessary information and verifications are provided at a
32 later date, the department shall use that information to update and supplement the
33 previous application, and the applicant may not be required to submit a new
34 application.

35 **1-D. Notice of annual and other MaineCare reviews.** The department shall
36 provide advance notice of not less than 20 days of reviews for annual determinations and
37 other periodic redeterminations of MaineCare eligibility to a recipient of MaineCare, the
38 recipient's guardian or conservator and the facility in which the recipient resides or seeks
39 to reside. The department shall work cooperatively with the recipient, the recipient's
40 guardian or conservator and the facility in which the recipient resides or seeks to reside to
41 timely secure any information and documentation needed to properly carry out a fair,
42 timely and proper review, which must be completed within 30 business days of receiving
43 any requested information. The department shall, in a timely fashion, provide to the

1 recipient, the recipient's guardian or conservator and the facility in which the recipient
2 resides or seeks to reside copies of all communications required under this subsection.

3 **SUMMARY**

4 This bill amends the laws governing MaineCare eligibility determinations for
5 applicants to nursing homes. It directs the Department of Health and Human Services to
6 provide timely and adequate notice to both the applicant and the facility in which the
7 individual resides or seeks to reside if the department is unable to make a decision of
8 eligibility due to inconclusive or conflicting information or other deficiencies in the
9 application and requires the department to notify the applicant and the affected facility of
10 the additional information required. It requires that the provision of copies of all
11 communications be timely provided to the facility as well as the applicant, and that the
12 applicant be provided a reasonable amount of time to respond and provide information. It
13 directs the department to extend the time frame for responses in appropriate
14 circumstances. If an application is denied and if necessary information is later provided,
15 the additional information must be used to update and supplement the prior application,
16 and the applicant need not submit a new application.

17 The bill also requires the department to provide timely advance notice of reviews for
18 annual determinations and other periodic redeterminations of MaineCare eligibility to a
19 MaineCare recipient and the facility in which the recipient resides or seeks to reside. The
20 bill requires the department to provide to the recipient and the facility in which the
21 recipient resides or seeks to reside copies of communications.