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Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND SPECIAL SESSION**

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

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

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 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 the effective date of this subparagraph; or

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

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF
Medical Care - Payments to Providers 0147**

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

GENERAL FUND	2019-20	2020-21
All Other	\$0	\$244,539
GENERAL FUND TOTAL	<hr/>	<hr/>
	\$0	\$244,539

COMMITTEE AMENDMENT

1	FEDERAL EXPENDITURES FUND	2019-20	2020-21
2	All Other	\$0	\$429,447
3			
4	FEDERAL EXPENDITURES FUND TOTAL	\$0	\$429,447
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	GENERAL FUND	2019-20	2020-21
9	All Other	\$0	\$3,837
10			
11	GENERAL FUND TOTAL	\$0	\$3,837
12			
13	FEDERAL EXPENDITURES FUND	2019-20	2020-21
14	All Other	\$0	\$11,511
15			
16	FEDERAL EXPENDITURES FUND TOTAL	\$0	\$11,511
17			
18	HEALTH AND HUMAN SERVICES,		
19	DEPARTMENT OF		
20	DEPARTMENT TOTALS	2019-20	2020-21
21			
22	GENERAL FUND	\$0	\$248,376
23	FEDERAL EXPENDITURES FUND	\$0	\$440,958
24			
25	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$689,334
26	'		

SUMMARY

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

This amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)