

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 977, L.D. 1522, “An Act to Provide Economic Justice to Historically Disadvantaged Older Citizens by Amending the Laws Governing the Medicare Savings Program”

Amend the bill by striking out the title and substituting the following:

'An Act to Provide Economic Justice to Historically Disadvantaged Older Citizens by Amending the Laws Governing the Medicare Savings Program and the Elderly Low-cost Drug Program'

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

'Sec. 1. 22 MRSA §254-D, sub-§4, ¶B, as amended by PL 2015, c. 267, Pt. TT, §1, is further amended by amending subparagraph (3) to read:

(3) Does not receive full MaineCare pharmaceutical benefits; and

Sec. 2. 22 MRSA §254-D, sub-§4, ¶B, as amended by PL 2015, c. 267, Pt. TT, §1, is further amended by amending subparagraph (4) to read:

(4) Is at least 62 years of age, or is 19 years of age or older and determined to be disabled by the standards of the federal social security program. A person who was eligible for the program at any time from August 1, 1998 to July 31, 1999 and who does not meet the requirements of this subparagraph at the time of application or renewal retains eligibility for the program if that person is a member of a household of an eligible person; ~~and~~.

Sec. 3. 22 MRSA §254-D, sub-§4, ¶B, as amended by PL 2015, c. 267, Pt. TT, §1, is further amended by repealing subparagraph (5).

Sec. 4. 22 MRSA §254-D, sub-§4, ¶D, as amended by PL 2019, c. 343, Pt. ZZ, §1, is further amended to read:

D. Income eligibility of individuals must be determined by this paragraph and by reference to the federal poverty guidelines for the 48 contiguous states and the District

COMMITTEE AMENDMENT

1 of Columbia, as defined by the federal Office of Management and Budget and revised
2 annually in accordance with the United States Omnibus Budget Reconciliation Act of
3 1981, Section 673, Subsection 2, Public Law 97-35, reauthorized by Public Law 105-
4 285, Section 201 (1998). If the household income is not more than ~~185%~~ 250% of the
5 federal poverty guideline applicable to the household, the individual is eligible for the
6 basic program and the supplemental program. Individuals are also eligible for the basic
7 and the supplemental program if the household spends at least 40% of its income on
8 unreimbursed direct medical expenses for prescription drugs and medications and the
9 household income is not more than 25% higher than the levels specified in this
10 paragraph. For the purposes of this paragraph, the cost of drugs provided to a
11 household under this section is considered a cost incurred by the household for
12 eligibility determination purposes.

13 **Sec. 5. 22 MRSA §3174-KKK** is enacted to read:

14 **§3174-KKK. Medicare savings program**

15 The department shall administer the Medicare savings program as described in 42
16 United States Code, Section 1396a(a)(10)(E) in accordance with federal law and with this
17 section.

18 **1. Asset test.** The department may not apply an asset test in determining eligibility
19 for the program.

20 **2. Income eligibility.** No later than March 1, 2024, the department shall establish
21 income disregards to determine eligibility so that a person with income that is no more than
22 185% of the federal poverty level is qualified as a qualified Medicare beneficiary and a
23 person with income that is more than 185% and no more than 250% of the federal poverty
24 level is qualified as a qualified individual.

25 **3. Rules.** The department shall adopt rules to implement this section. Rules adopted
26 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,
27 subchapter 2-A.

28 **Sec. 6. State plan amendment.** The Department of Health and Human Services
29 shall prepare and submit any necessary Medicaid state plan amendments to the United
30 States Department of Health and Human Services, Centers for Medicare and Medicaid
31 Services for approval for the removal of the asset test and income eligibility guidelines
32 required by this Act.

33 **Sec. 7. Appropriations and allocations.** The following appropriations and
34 allocations are made.

35 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

36 **Low-cost Drugs To Maine's Elderly 0202**

37 Initiative: Provides funding to remove the asset test for eligibility and increase the
38 household income level to 250% of the federal poverty level in the elderly low-cost drug
39 program, to update income eligibility for qualified Medicare beneficiaries to no more than
40 185% of the federal poverty level and to update the qualified individuals to more than 185%
41 and no more than 250% of the federal poverty level.

42 GENERAL FUND	2023-24	2024-25
43 All Other	\$1,469,505	\$17,437,444

1			
2	GENERAL FUND TOTAL	\$1,469,505	\$17,437,444
3	Medical Care - Payments to Providers 0147		
4	Initiative: Provides funding to remove the asset test for eligibility and increase the		
5	household income level to 250% of the federal poverty level in the elderly low-cost drug		
6	program, to update income eligibility for qualified Medicare beneficiaries to no more than		
7	185% of the federal poverty level and to update the qualified individuals to more than 185%		
8	and no more than 250% of the federal poverty level.		
9	GENERAL FUND	2023-24	2024-25
10	All Other	\$2,859,537	\$15,563,865
11			
12	GENERAL FUND TOTAL	\$2,859,537	\$15,563,865
13			
14	FEDERAL EXPENDITURES FUND	2023-24	2024-25
15	All Other	\$5,848,798	\$43,261,931
16			
17	FEDERAL EXPENDITURES FUND TOTAL	\$5,848,798	\$43,261,931
18	Office for Family Independence Z020		
19	Initiative: Provides one-time funding for required technology changes.		
20	GENERAL FUND	2023-24	2024-25
21	All Other	\$8,100	\$0
22			
23	GENERAL FUND TOTAL	\$8,100	\$0
24			
25	OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
26	All Other	\$24,886	\$0
27			
28	OTHER SPECIAL REVENUE FUNDS TOTAL	\$24,886	\$0
29	Office for Family Independence - District 0453		
30	Initiative: Provides funding to establish 4 Eligibility Specialist positions to handle		
31	increased caseload.		
32	GENERAL FUND	2023-24	2024-25
33	Personal Services	\$83,152	\$87,173
34	All Other	\$6,537	\$6,537
35			
36	GENERAL FUND TOTAL	\$89,689	\$93,710
37			
38	OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
39	POSITIONS - LEGISLATIVE COUNT	4,000	4,000
40	Personal Services	\$249,457	\$261,519
41	All Other	\$26,104	\$26,395
42			

1	OTHER SPECIAL REVENUE FUNDS TOTAL	\$275,561	\$287,914
2			
3	HEALTH AND HUMAN SERVICES,		
4	DEPARTMENT OF		
5	DEPARTMENT TOTALS	2023-24	2024-25
6			
7	GENERAL FUND	\$4,426,831	\$33,095,019
8	FEDERAL EXPENDITURES FUND	\$5,848,798	\$43,261,931
9	OTHER SPECIAL REVENUE FUNDS	\$300,447	\$287,914
10			
11	DEPARTMENT TOTAL - ALL FUNDS	<u>\$10,576,076</u>	<u>\$76,644,864</u>

12

13 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
 14 number to read consecutively.

15

SUMMARY

16 This amendment replaces the bill and changes the title. It amends the laws governing
 17 the elderly low-cost drug program to remove the asset test for eligibility and increases the
 18 household income eligibility level to 250% of the federal poverty level. It removes from
 19 the bill the requirement to use income levels using the Elder Economic Security Standard
 20 Index to establish income eligibility under the Medicare savings program and replaces it
 21 with an increase in income eligibility levels using the federal poverty level. It establishes
 22 income eligibility for qualified Medicare beneficiaries at no more than 185% of the federal
 23 poverty level and for qualified individuals at more than 185% and no more than 250% of
 24 the federal poverty level.

25

FISCAL NOTE REQUIRED

26

(See attached)

COMMITTEE AMENDMENT