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An Act To Amend the Provision Creating the Long-term Care Partnership Program

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, compliance with Section 6021 of the federal Deficit Reduction Act of 2005 is required before the Long-term Care Partnership Program may begin operation; and

Whereas, rules for the proper operation of the Long-term Care Partnership Program within the MaineCare program have been proposed and must be finally adopted before the Long-term Care Partnership Program may begin operation; and

Whereas, affording residents of the State the opportunity to purchase long-term care insurance policies that qualify for the Long-term Care Partnership Program will encourage the private payment of long-term care costs, delay or avoid MaineCare payments for these costs and help to avoid the financial exploitation of elderly people who otherwise may be unduly influenced to transfer their property; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 22 MRSA §3174-GG, first ¶, as enacted by PL 2005, c. 12, Pt. DDD, §10, is amended to read:

There is established within the department the Long-term Care Partnership Program pursuant to Section 6021 of the federal Deficit Reduction Act of 2005, Public Law 109-171, 120 Stat. 4 (2006), referred to in this section as "the program," to provide incentives for persons to insure the costs of their own long-term care and to alleviate some of the costs of long-term care being paid by MaineCare. The department shall administer the program as a part of MaineCare, ~~contingent upon federal Medicaid participation, beginning 3 months after the federal Omnibus Budget Reconciliation Act of 1993 is amended to allow new state partnership programs.~~

Sec. 2. 22 MRSA §3174-GG, sub-§1, as enacted by PL 2005, c. 12, Pt. DDD, §10, is amended to read:

1. Eligibility. A person is eligible for the program if that person ~~has purchased~~ is insured under a policy of long-term care insurance qualified pursuant to the federal Deficit Reduction Act of 2005 and approved for the purpose of the program and ~~then~~ has used the policy alone or in combination with private resources to pay for long-term care costs ~~at the nursing facility level of care,~~ without resort to MaineCare coverage, ~~for a period of time specified by the program.~~ In order to qualify for benefits under the program, a person must be eligible under this subsection and meet the other criteria required for long-term care benefits under the MaineCare program as provided in this chapter and in rules adopted by the department.

Sec. 3. 22 MRSA §3174-GG, sub-§2, as enacted by PL 2005, c. 12, Pt. DDD, §10, is amended to read:

2. Benefits. The benefits of the program include coverage for long-term care services under MaineCare ~~for long-term care at the nursing facility level of care~~ after the person participating in the program has exhausted the available coverage and benefits purchased under the approved long-term care policy.

Sec. 4. 22 MRSA §3174-GG, sub-§3, as enacted by PL 2005, c. 12, Pt. DDD, §10, is amended to read:

3. Disregard. In addition to assets disregarded or exempt under MaineCare program rules, in determining eligibility for MaineCare and the amount of MaineCare benefits and in estate recovery pursuant to section 14, subsection 2-I, the program must disregard assets of an eligible person that are disclosed to the department in the application or posteligibility process in an amount equal to the benefits paid by the approved long-term care insurance policy ~~for nursing facility level of care~~.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill makes the provisions establishing the Long-term Care Partnership Program consistent with the federal Deficit Reduction Act of 2005, which enabled creation of the state program, and allows flexibility in the operation of the program.