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Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 718, L.D. 1049, Bill, “An Act To Further Define Duties for Persons Who Hold Powers of Attorney or Act as Agents for Residents of Long-term Care Facilities”

Amend the bill in section 1 in paragraph I in the last line (page 1, line 8 in L.D.) by inserting after the following: "section 5-914" the following: 'or against a conservator appointed under Title 18-A, section 5-404 for breach of the conservator's duties'

Amend the bill by striking out all of section 2 and inserting the following:

'Sec. 2. Department of Health and Human Services; standard admission contract; rulemaking. The Department of Health and Human Services shall amend its rules Chapter 110: Regulations Governing the Licensing and Functioning of Skilled Nursing Facilities and Nursing Facilities and Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs to modify the standard admission contract for residents of nursing homes and assisted housing programs to provide enhanced notice of an agent's obligations relating to a resident's eligibility for MaineCare benefits and to the agent's filing an application for those benefits on the resident's behalf. The amendments to the rules must describe a nursing home's or assisted housing program's legal remedies if an agent fails to fulfill the agent's obligations with respect to a nursing home or assisted housing program resident's eligibility and application for MaineCare benefits. Modifications to the standard admission contract in accordance with this section must specify in substantially similar language that, by signing the standard admission contract, the resident of a nursing home or assisted housing program, the resident's agent and the nursing home or assisted housing program acknowledge the following obligations:

- 1. The nursing home or assisted housing program must explore whether the resident is financially eligible for MaineCare benefits and, if the resident is financially eligible, must refer the resident or the resident's agent to the appropriate regional office of the office for family independence within the Department of Health and Human Services for the purpose of filing an application for MaineCare benefits;

COMMITTEE AMENDMENT

1 and requirements and defining the duties, obligations and legal remedies of the parties to
2 the standard admission contract for residents of nursing homes and assisted housing
3 programs. The amendment retains the provision in the bill permitting the collection of
4 attorney's fees and costs from an agent who breaches the agent's duties.