

HOUSE JOINT RESOLUTION 11

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2000 Regular Session  
0lr1264  
CF 0lr1263

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By: **Delegate Redmer**

Introduced and read first time: February 10, 2000

Assigned to: Environmental Matters

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HOUSE JOINT RESOLUTION

1 A House Joint Resolution concerning

2 **Maryland Partnership for Long-Term Care Program**

3 FOR the purpose of urging the U.S. Congress to amend the Social Security Act to  
4 allow assets exempted under a long-term care partnership program to be  
5 excluded from Medicaid estate recoveries; and directing that a copy of the  
6 resolution be forwarded to certain individuals.

7 WHEREAS, In 1993, the General Assembly enacted Chapter 513, establishing  
8 the Maryland Partnership for Long-Term Care Program ("Partnership Program");  
9 and

10 WHEREAS, The purpose of the Partnership Program was to provide incentives  
11 for individuals to purchase long-term care insurance and, consequently, to relieve the  
12 financial burden on the State when it assumes payment for long-term care needs of  
13 Maryland citizens under the Medical Assistance Program ("Medicaid"), by allowing an  
14 individual who exhausts private long-term care policy benefits to protect an  
15 equivalent value of assets and still satisfy Medicaid's financial eligibility  
16 requirements; and

17 WHEREAS, Subsequent to the enactment of the Partnership Program  
18 legislation, Congress added § 1917 to Title XIX of the Social Security Act, frustrating  
19 the implementation of the Partnership Program by effectively removing the major  
20 incentive for an individual to participate; and

21 WHEREAS, § 1917 of the Social Security Act allows a Partnership Program  
22 participant who becomes Medicaid eligible to spend or otherwise dispose of protected  
23 assets while alive; but requires the State following the death of the individual to seek  
24 to recover from the individual's estate the amount spent by Medicaid on behalf of the  
25 individual; and

26 WHEREAS, § 1917 mandates the application of a broader definition of "estate"  
27 when pursuing Medicaid recoveries, under which definition the assets of an  
28 individual who participates in the Partnership Program that might otherwise pass to  
29 heirs or survivors outside of probate by operation of law would now be subject to  
30 Medicaid recovery; and

1 WHEREAS, § 1917 undermines the State's ability to offer a viable long-term  
2 care partnership program and needs to be amended to remove major disincentives for  
3 Maryland residents to participate in the Partnership Program; and

4 WHEREAS, Chapter 442 of the Acts of 1996 put implementation of the  
5 Partnership Program on hold unless § 1917 of the Title XIX of the Social Security Act  
6 is amended to exempt from its estate recovery requirements those Medicaid  
7 recipients who are granted a resource exclusion under the provisions of the  
8 Partnership Program legislation; now, therefore, be it

9 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That this  
10 General Assembly hereby urges the U.S. Congress to amend Title XIX of the Social  
11 Security Act to allow assets exempted under a long-term care partnership program to  
12 be excluded from Medicaid estate recoveries; and be it further

13 RESOLVED, That a copy of this Resolution be forwarded by the Department of  
14 Legislative Services to the Honorable Parris N. Glendening, Governor of Maryland;  
15 the Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and  
16 the Honorable Casper R. Taylor, Jr., Speaker of the House of Delegates; and be it  
17 further

18 RESOLVED, That a copy of this Resolution be forwarded by the Department of  
19 Legislative Services to the Maryland Congressional Delegation: Senators Paul S.  
20 Sarbanes and Barbara A. Mikulski, Senate Office Building, Washington, D.C. 20510;  
21 and Representatives Wayne T. Gilchrest, Robert L. Ehrlich, Jr., Benjamin L. Cardin,  
22 Albert R. Wynn, Steny Hamilton Hoyer, Roscoe G. Bartlett, Elijah E. Cummings, and  
23 Constance A. Morella, House Office Building, Washington, D.C. 20515.