



Maine Equal Justice

People Policy Solutions

2020 LEGISLATION

LD 1954 Helps More Older Mainers Access Health Care by Removing the Fear of Estate Recovery

More Mainers 55-64 could enroll and seek health care through Medicaid (MaineCare) without the threat of losing their home if we opt to protect their estates from recovery.

Mainers passed Medicaid expansion at the ballot box in 2017, and as a result more than 43,000 people in our state have now enrolled in health care coverage and can see their doctor, fill prescriptions, or receive long-overdue treatments.

But for Mainers between the ages of 55 and 64 who are eligible for Medicaid, Maine's estate recovery program can be a barrier to enrollment. Estate recovery is a federal law that requires states to attempt to recover a Medicaid recipient's estate after the recipient's death if they used certain kinds of health care or long-term care.

Federal law allows states more latitude than we currently use when it comes to estate recovery. States must recover costs related to nursing facility services, home and community-based services, and related hospital and prescription drug services. But they do not have to recover costs resulting from most other health care services, as Maine does.

Many older Mainers, especially in rural areas, are home owners with low incomes. Mainers shouldn't have to choose between basic health care and protecting their modest estates. We should be doing all we can to remove barriers to health care.

Maine Equal Justice and other health advocates have heard from many people who are afraid that by signing up for health care, they will disinherit their children. They avoid accessing needed care because of the uncertainty created by the law.

LD 1954 would direct DHHS to only perform estate recovery for services related to long-term care. This change would remove a significant barrier to enrollment in MaineCare expansion for Mainers aged 55 to 64 who are currently reluctant to sign up. LD 1954 is a sensible step Maine can take to ensure health care is reaching everyone who needs it who is qualified under the law.



Mainers shouldn't have to choose between their health and home.

"I found myself needing MaineCare again. But I was horrified to learn that the state of Maine can take my home if I am on MaineCare between the ages of 50 and 64.

I wanted to decline health care but I felt like if I did I would die. This property has been in my family since 1975. I should not have to choose between health care and something I worked so hard for all my life. MaineCare has been a lifeline and the only reason I am still alive today. But I also should be able to pass this modest home to my children."

-Jacqueline Kennedy, Naples