

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER

1 Committee/Subcommittee hearing bill: Health Care Appropriations
 2 Subcommittee

3 Representative Schwartz offered the following:

4
 5 **Amendment**

6 Remove lines 27-68 and insert:

7 a) An individual who enters into a personal services
 8 contract with a relative is considered to have transferred
 9 assets without fair compensation to qualify for Medicaid unless:

10 1. The contracted services do not duplicate in frequency
 11 and duration services available through other sources or
 12 providers, such as Medicaid, Medicare, private insurance, or
 13 another legally obligated third party;

14 2. The contracted services directly benefit the individual
 15 and are in the individual's best interest;

16 3. The actual cost to deliver the services is computed in
 17 a manner that clearly reflects the expected average number of
 18 hours to be expended on a weekly or monthly basis, recognizing
 19 that services shall be performed on an "as needed" basis, and
 20 the contract clearly identifies each specific service;

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21 4. The hourly rate for each contracted service is equal to
22 or less than the amount normally charged by a professional who
23 traditionally provides the same or similar services;

24 5. The contracted care services are provided on a
25 prospective basis beginning with the execution of the contract;

26 6. The contract for services provides fair compensation to
27 the individual during his or her lifetime as set forth in the
28 life expectancy tables published by the Office of the Chief
29 Actuary of the United States Social Security Administration;

30 (b) The agency shall seek recovery of all Medicaid-covered
31 expenses and pursue court-ordered medical support for a
32 recipient from the nonrecipient spouse if she or he refuses to
33 make her or his assets available to the recipient spouse and the
34 recipient spouse has assigned his or her right to support to the
35 state.

36 (c) The Agency for Health Care Administration shall seek
37 recovery of all Medicaid-covered expenses and pursue court-
38 ordered medical support from the community spouse when he or she
39 refuses to make his or her assets available to the institutional
40 spouse.

41 (d) The Department of Children and Families may adopt
42 rules to implement this subsection.

43 Section 2. This act shall take effect October 1, 2013.
44