

10-144 Chapter 101
MAINECARE BENEFITS MANUAL
CHAPTER VII

SECTION 5

ESTATE RECOVERY

Established: 9/18/95
Last Updated: 11/30/20

5.02 DEFINITIONS (cont.)

5.02-6 **Health Maintenance Activities** as used in this Chapter include nursing, personal care services and additional activities for a Member who otherwise would perform the activities if the Member were physically and/or cognitively able to do so, and which help the Member to live in the home and community. These additional activities include, but are not limited to, catheterization, ostomy care, preparation of food and tube feedings, bowel treatments, administration of medications, care of skin with damaged integrity, occupational and physical therapy activities such as assistance with prescribed exercise regimes, and transportation.

5.02-7 **Income:** as defined by 42 U.S.C. § 1382a.

5.02-8 **Institutional Care** as used in this Chapter is care given in any MaineCare reimbursable facility providing twenty-four (24) hour care, food, shelter, and treatment services. This includes but is not limited to private non-medical institutions, nursing facilities, adult family care homes, intermediate care facilities for persons with Intellectual Disabilities (ICF-IID), psychiatric hospitals, residential care facilities, and assisted living facilities.

5.02-9 **Legal interest at Death** for purposes of this section means a legal interest immediately prior to death.

5.02-10 **Long-term Care Insurance Partnership Program** is a program authorized by 22 M.R.S. § 3174-GG and allows for a specified amount of assets to be protected from estate recovery if a Member has purchased a qualified long-term care insurance policy. The policy must meet the definition of a "qualified long-term care insurance policy" that is found in section 7702B (b) of the *Internal Revenue Code of 1986* and Part 14, Section 4.1 of the MaineCare Eligibility Manual.

The term "long-term care insurance policy" includes a certificate issued under a group insurance contract.

5.02-11 **Member** is an individual who receives MaineCare benefits.

5.02-12 **Personal Care Services** as used in this Chapter are activities of daily living (ADL) and instrumental activities of daily living (IADL) provided to or personally supervised for a Member who does not reside in an institutional setting. ADLs include bed mobility, transfer, locomotion, eating, toilet use, bathing, and dressing. IADLs include meal preparation, routine housework, grocery shopping and storage of purchased groceries, and laundry done either within the residence or at an outside laundry facility.

5.03 ELIGIBILITY

Following the death of a Member, the Department shall assert a claim against the estate of that Member or the Member's beneficiary for MaineCare benefits that the Member received when: