

individual who exhausts private long-term care policy benefits to protect an equivalent value of assets and still satisfy Medicaid's financial eligibility requirements; and

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

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

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

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

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

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

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

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

11 May 18, 2000.