

Rule-Making Fact Sheet

AGENCY: Department of Health and Human Services, Office for Family Independence

AGENCY CONTACT PERSON:

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CHAPTER NUMBER AND RULE TITLE:

10-144 C.M.R. Chapter 333; Low Cost Drugs for the Elderly and Disabled (DEL) Manual
MC Rule #305 – DEL Asset Test Removal

TYPE OF RULE (*check one*): Routine Technical Major Substantive

STATUTORY AUTHORITY: 22 M.R.S. §§ 42(1) and (8); 254-D(4)(B)

PUBLIC HEARING: No public hearing is scheduled.

COMMENT DEADLINE: Monday, January 8, 2024, at 5:00 p.m. ET.

Written public comments may be submitted via the link at

<https://www.maine.gov/dhhs/about/rulemaking>.

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: The proposed rule change would remove the asset test, Section 2.1, effective retroactive to January 1, 2024. The proposed rule change is based on a legislative change to 22 M.R.S. § 254-D(4)(B) made by P.L. 2023, ch. 412, Part EEEEE. This rule change is consistent with a recent MaineCare Eligibility Manual proposed rule change which would remove the asset test for all Medicare Savings Plan coverage types. Retroactive rulemaking is permissible under 22 M.R.S. § 42(8) as this update provides a benefit to recipients and applicants.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? No.

ANALYSIS AND EXPECTED OPERATION OF THE RULE: The proposed rule change will ensure eligibility consistency between the Medicare Savings Program and the Low Cost Drugs for the Elderly Program. The Department will continue to accept DEL applications and render eligibility decisions through existing processes.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING

DEVELOPMENT OF THE RULE: The proposed Low Cost Drugs for the Elderly and Disabled (DEL) rule change would ensure consistency with the MaineCare Eligibility Manual proposed rule change to remove the asset test for the Medicare Savings Program.

ESTIMATED FISCAL IMPACT OF THE RULE: The Department anticipates this rulemaking will cost approximately \$414,414 in state dollars in SFY 2024 and \$2,616,798 in SFY 2025. In SFY 2026 and each subsequent year, the anticipated cost of this rulemaking is \$2,983,920 in state dollars.

**FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO
INCLUDE:**

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS: The Department anticipates this rulemaking will cost approximately \$414,414 in state dollars in SFY 2024 and \$2,616,798 in SFY 2025. In SFY 2026 and each subsequent year, the anticipated cost of this rulemaking is \$2,983,920 in state dollars.

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: It is not anticipated that major interest groups and businesses will be affected by this rule. It is anticipated that applicants and participants may benefit from the DEL asset test removal.

BENEFITS OF THE RULE: The proposed rule change will ensure eligibility consistency between the Medicare Savings Program and the Low Cost Drugs for the Elderly Program. The Department will continue to accept DEL applications and render eligibility decisions through existing processes.

Note: If necessary, additional pages may be used.