
SENATE RESOLUTION

REQUESTING CONGRESS TO EXAMINE THE PUBLIC POLICY UNDERLYING THE
RECOVERY OF MEDICAL ASSISTANCE PAYMENTS.

1 WHEREAS, federal law regulates recovery of state medical
2 assistance payments from the property of a beneficiary on whose
3 behalf benefits were correctly paid; and
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5 WHEREAS, current federal statutes preclude state Medicaid
6 agencies from placing a lien for recovery of medical assistance
7 payments against the home of any person who is an inpatient in a
8 nursing facility, intermediate care facility for the mentally
9 retarded, or other medical institution if a sibling with an
10 equity interest in the home has been residing in the home for a
11 period of at least one year immediately preceding the date of
12 the person's admission to the medical institution; and
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14 WHEREAS, states are not prohibited from placing a lien for
15 recovery of medical assistance payments against a person's home
16 if the person with the equity interest residing in the home for
17 the requisite one-year period is the non-disabled adult child of
18 the person for whom benefits were paid; and
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20 WHEREAS, recovering medical assistance payments through a
21 lien on a beneficiary's home may cause financial hardship and
22 other difficulties for adult children with an equity interest
23 who reside in the home, particularly if they have resided there
24 for a lengthy period of time; now, therefore,
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26 BE IT RESOLVED by the Senate of the Twenty-third
27 Legislature of the State of Hawaii, Regular Session of 2006, the
28 United States Congress is urged to examine the public policy
29 underlying federal laws governing the recovery of medical
30 assistance payments and to consider amending the law to include
31 an exception for the placement of a lien on a beneficiary's home
32 if the person's adult children have an equity interest in the
33 home and have resided there for at least one year prior to the
34 person's admittance to a medical facility; and
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1 BE IT FURTHER RESOLVED that certified copies of this
 2 Resolution be transmitted to the Majority Leader of the United
 3 States Senate, Speaker of the United States House of
 4 Representatives, and the members of Hawaii's Congressional
 5 delegation.

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