

A MEMORIAL

REQUESTING THAT THE NEW MEXICO CONGRESSIONAL DELEGATION WORK TO REMOVE POLICY BARRIERS TO INSTITUTIONAL CARE MEDICAID RECIPIENTS' BENEFITING FROM EMPLOYMENT.

WHEREAS, there are many disabled individuals who require assistance with activities of daily living and who must therefore reside in nursing facilities or receive home- and community-based care; and

WHEREAS, many disabled individuals require accommodations in their living situations that are not available outside of nursing facilities, especially in areas where there are limited housing opportunities; and

WHEREAS, some individuals whose circumstances force them to live in nursing facilities are nevertheless able to work and contribute to their livelihood, families and communities; and

WHEREAS, paying for nursing-facility care is extremely expensive, averaging nearly eighty thousand dollars (\$80,000) a year in New Mexico; and

WHEREAS, at nearly eighty thousand dollars (\$80,000) a year, nursing-facility care is well beyond the average wage earner's means; and

WHEREAS, an individual whose circumstances require the individual to live in a nursing facility often must seek

medicaid coverage to pay for the high cost of nursing-facility care; and

WHEREAS, federal and state medicaid law does not permit an individual who receives medicaid coverage for the individual's nursing-facility care and board, called medicaid for institutional care, to have an income that exceeds roughly two thousand one hundred thirty dollars (\$2,130) per month, or the amount in excess of the income cap must be placed in an income diversion trust whose proceeds would be later assigned to the state; and

WHEREAS, nearly all of an institutional care medicaid recipient's income must go for that individual's nursing-facility care, and the only income a recipient of medicaid for institutional care is allowed to retain is a minimal amount, under seventy dollars (\$70.00) a month, for personal expenses; and

WHEREAS, having a low income cap and a policy that limits personal expense income to under seventy dollars (\$70.00) a month provides no incentive for a recipient of medicaid for institutional care to work even if otherwise able to do so; and

WHEREAS, federal and state law thus provides a strong disincentive against these individuals' abilities to fully contribute as working members of the community, to realize their potential in the community or to build income and assets

necessary to reenter the community to live independently with a lower degree of support;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New Mexico delegation to the United States congress be requested to work for passage of legislation or a change in federal regulations that would allow recipients of medicaid for institutional care to have part of any work-related earnings disregarded from medicaid eligibility determinations and to retain a greater portion of their incomes in order to enable them to fully contribute as working members of the community, to realize their potential in the community and have the possibility of building income and assets necessary to reenter the community to live independently with a lower degree of support; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the members of the New Mexico congressional delegation.