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HOUSE MEMORIAL 69

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Cathrynn N. Brown

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

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

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

7 WHEREAS, an individual whose circumstances require the
8 individual to live in a nursing facility often must seek
9 medicaid coverage to pay for the high cost of nursing-facility
10 care; and

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

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

25 WHEREAS, having a low income cap and a policy that limits

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1 personal expense income to under seventy dollars (\$70.00) a
2 month provides no incentive for a recipient of medicaid for
3 institutional care to work even if otherwise able to do so; and

4 WHEREAS, federal and state law thus provides a strong
5 disincentive against these individuals' abilities to fully
6 contribute as working members of the community, to realize
7 their potential in the community or to build income and assets
8 necessary to reenter the community to live independently with a
9 lower degree of support;

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

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