



Hundredth Legislature - Second Session - 2008
Introducer's Statement of Intent
LB 847

Chairperson: Brad Ashford
Committee: Judiciary
Date of Hearing: January 31, 2008

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 347 provides, for all decedents 55 years of age or older or who resided in a medical institution, not later than 14 days after appointment of a personal representative of an estate, other than a special administrator, that the personal representative shall give written notice of his/her appointment to the Department of Health and Human Services.

Currently, Medicaid is required to file a claim in the estate of any deceased Medicaid recipient if the deceased was 55 years or older or resided in a nursing home. It is the responsibility of the state to recover as much of the Medicaid costs as possible from available resources. There is currently no automatic mechanism for this information to be conveyed.

Specifically, under this bill, notification would be given to the department of the appointment of a personal representative when an estate enters probate. Currently, the department uses a death match report and sometimes learns of estates by reviewing death or probate notices in the newspapers statewide. This is not the most efficient or accurate method to gather the information. The notification required in this bill would ensure that the department is aware of all possible estates.

Principal Introducer: _____
Senator Philip Erdman