

AMENDMENTS TO LB72

Introduced by Schumacher, 22.

1 1. Strike original sections 4 and 5 and insert the following new
2 section:

3 Sec. 4. Section 68-919, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 68-919 (1) The recipient of medical assistance under the medical
6 assistance program shall be indebted to the department for the total
7 amount paid for medical assistance on behalf of the recipient if:

8 (a) The recipient was fifty-five years of age or older at the time
9 the medical assistance was provided; or

10 (b) The recipient resided in a medical institution and, at the time
11 of institutionalization or application for medical assistance, whichever
12 is later, the department determines that the recipient could not have
13 reasonably been expected to be discharged and resume living at home. For
14 purposes of this section, medical institution means a nursing facility,
15 an intermediate care facility for persons with developmental
16 disabilities, or an inpatient hospital.

17 (2) The debt accruing under subsection (1) of this section arises
18 during the life of the recipient but shall be held in abeyance until the
19 death of the recipient. Any such debt to the department that exists when
20 the recipient dies shall be recovered only after the death of the
21 recipient's spouse, if any, and only when the recipient is not survived
22 by a child who either is under twenty-one years of age or is blind or
23 totally and permanently disabled as defined by the Supplemental Security
24 Income criteria.

25 (3) The debt shall include the total amount of medical assistance
26 provided when the recipient was fifty-five years of age or older or
27 during a period of institutionalization as described in subsection (1) of

1 this section and shall not include interest.

2 (4) The debt may be recovered from the estate of a medical
3 assistance recipient, including any real property, personal property, or
4 other asset in which the recipient had any legal title or interest at the
5 time of the recipient's death, to the extent of such interests, including
6 interests in trusts.

7 (5 4) In any probate proceedings in which the department has filed a
8 claim under this section, no additional evidence of foundation shall be
9 required for the admission of the department's payment record supporting
10 its claim if the payment record bears the seal of the department, is
11 certified as a true copy, and bears the signature of an authorized
12 representative of the department.

13 (6 5) The department may waive or compromise its claim, in whole or
14 in part, if the department determines that enforcement of the claim would
15 not be in the best interests of the state or would result in undue
16 hardship as provided in rules and regulations of the department.

17 2. On page 2, lines 21 through 23; page 7, lines 6 through 8; and
18 page 8, lines 11 through 13, strike "and" through "trustor".

19 3. On page 2, line 28; page 7, line 13; and page 8, line 18, after
20 the period insert "If there is no medicaid reimbursement due, the
21 department shall waive the restriction within sixty days after receipt of
22 the trustee's request for waiver and the deceased trustor's name and
23 social security number and, if available upon reasonable investigation,
24 the name and social security number of the trustor's spouse if such
25 spouse is deceased.".

26 4. On page 11, line 13, after the period insert "Notice to the
27 department shall not be dispensed with pursuant to subsection (4) or (5)
28 of this section.".

29 5. Renumber the remaining sections and correct internal references
30 and the repealer accordingly.