

ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019
COMMITTEE STATEMENT
LB22

Hearing Date: Wednesday January 23, 2019
Committee On: Health and Human Services
Introducer: Kolterman
One Liner: Change provisions relating to the Nursing Facility Penalty Cash Fund

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 7 Senators Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz,
Williams
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:

Senator Mark Kolterman
Cindy Kadavy

Representing:

Introducer
Nebraska Health Care Association

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 22 relates to the Nursing Facility Penalty Cash Fund. The statutes amended by LB 22 authorize the enforcement of monetary penalties on nursing facilities that are in violation of federal regulations relating to participation in the Medicaid program and direct those monetary penalties be distributed to the Nursing Facility Penalty Cash Fund.

Language is amended in Neb. Rev. Stat. Sec. 71-2097, 71-2098, and 71-20,100 to specify monetary penalties are "civil" monetary penalties. Changes to Sec. 71-20,100 (1) also specifies that any monetary penalties imposed on a nursing facility by the Centers for Medicare and Medicaid (CMS) pursuant to the federal Social Security Act should be distributed to the Nursing Facility Penalty Cash Fund (Cash Fund).

Subsection (2) of Sec. 71-20,100 was also amended to require that funds distributed from the Cash Fund be distributed in accordance with the federal Social Security Act and be used "to support activities that benefit nursing home residents as provided in 42 C.F.R. 488.433." This more general language replaces a list of specific circumstances considered as a basis for distribution from the fund. Those specific circumstances are eliminated under the bill.

Explanation of amendments:

AM18 inserts language into Section 3(2) on line 18 after "Fund," to specify that funds collected as part of a civil monetary penalty imposed by the Centers for Medicare and Medicaid Services as described in Section 3(1) shall be distributed according to the terms laid out in Section 3(2). (Page 3, line 18.)

Sara Howard, Chairperson