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FLOOR DEBATE

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Health and Human Services System. I want to thank Senator Wehrbein for his willingness to consider this issue as an amendment on LB 257, which also concerns itself with Medicaid. Just last month, the Nebraska Supreme Court issued an opinion relating to current law governing Medicaid estate recovery. Current law, in Section 68-1036.02, provides that the estate of a deceased Medicaid recipient is indebted to the state for the amount of medical assistance paid to the recipient during their lifetime under certain circumstances: if the recipient was 55 years or older when the medical assistance was provided; or, B, is the recipient was institutionalized or when they applied for medical assistance, whichever is later, that the recipient couldn't reasonably be expected to resume living at home. Last month, the Nebraska Supreme Court decided a case in Estate of Tyrz. In that case, the court said that the debt did not occur until the death of recipient because there was no specific language in the statute that said the debt occurred during the person's life. This amendment simply clarifies that debt occurs during the life of a Medicaid recipient but is held in abeyance until death. The amendment maintains the status quo in the way the state currently implements the Medicaid estate recovery statute. In other words, this would just keep it at the same status quo that we are right now. With the court's decision, the state would lose approximately one million annually in lost recoveries. I have provided you with a copy of the testimony submitted by the Nebraska Health and Human Services System in connection with LB 639 and the reason for its introduction. I would simply ask the adoption of the amendment. Thank you, Mr. President.

PRESIDENT MAURSTAD: Thank you, Senator Jensen. (Visitors introduced.) Debate on the Jensen amendment to LB 257, Senator Wehrbein.

SENATOR WEHRBEIN: Yes, Mr. President, members, I just want to say I endorse Senator Jensen's proposed amendment and it's fine with me to be on the bill. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Wehrbein. Senator Jensen, would you like to close? Senator Jensen waives closing. The question is the adoption of the Jensen amendment to LB 257.