

One Hundred Seventh Legislature - First Session - 2021

Introducer's Statement of Intent

LB437

Chairperson: Senator John Arch

Committee: Health and Human Services

Date of Hearing: January 28, 2021

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

LB437 makes three modifications related to the Nebraska False Medicaid Claims Act, Neb. Rev. Stat. 68-945 et. seq.

First, LB437 allows the Attorney General to investigate and prosecute cases of abuse, neglect or exploitation of Medicaid recipients who do not reside in an institutional setting. This authority comports with recently enacted federal authority granted by Congress in the COVID-19 relief bill enacted in January 2021. This federal change was supported by forty-nine state attorneys general.

Second, LB437 provides that the Attorney General can access the records of any resident living in a Medicaid-funded facility when investigating and prosecuting the abuse, neglect or exploitation of that resident, regardless of whether that resident is a Medicaid recipient. This change makes Nebraska's law consistent with Congress' intent and aligns Nebraska statute with similar provisions found in 49 other states.

Third, LB437 harmonizes penalties for public assistance fraud with the graduated penalty structure for the crime as theft.

Principal Introducer: _____

Senator Ben Hansen, B.