

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 16, 2004 LB 1084

If there are agencies that would be willing to self-fund themselves, that would be a benefit, I think, for the entire state, depending upon their ability to cover their employees. And essentially, that is the intent of the employees that would be hired under this proposal. They would be paid for, again through the cooperation of the federal government, because obviously there is a value for the federal government ensuring that the dollars that they're allocated under Medicaid reach those who are intended to be served. And so that is going to be of value to the federal government as well, to make sure that those dollars are being spent. They have a vested interest, obviously, in making sure that the system is reaching those individuals; and to that extent, they're willing to pay for 90 percent of the cost of the system to get it up and running and it's obviously for their own personal benefit. But again, those individuals that would be hired would be self-funded after the course of the implementation of the act and the recoveries that would be received under the actions taken by that fraud control unit. The language that we see in the bill came out of one or two situations. The language that's currently in the bill came from the model act that we used in referring to what our existing law related to as far as the Medicaid False Claims Act, and then comparing that to what it is that...again, what it is that the federal law said, or federal model act said. Then, to reconcile those two differences, the entities that came in, in opposition to the proposed bill, made recommendations to the Legislature as far as the group that we met, and we made those recommendations through the committee amendment for the Health and Human Services Committee to agree on. And so that is where some of this language has come from. I believe the reason some of the language is also written the way it is, is to provide the flexibility necessary for the prosecutor to seek whatever remedy would be needed to resolve the fraud unit or the fraud case. So there's a lot of things in here, and I don't discount the fact that this is a major proposal; however, it is a further clarification of existing law and it is an intent for us, as a state of Nebraska, to come in line with 48 of our other states, including the District of Columbia, and an opportunity to ensure that those who would seek to set up shop, if you will, and get paid through an intent of fraud, that we would catch those individuals and make sure that they are held accountable. What