

PREPARED BY: Nikki Swope
 DATE PREPARED: February 23, 2022
 PHONE: 402-471-0042

LB 1216

Revision: 00

FISCAL NOTE
 LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2022-23		FY 2023-24	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

LB 1216 changes provisions relating to eligibility to be appointed as a guardian or as a conservator of an estate, specifically the bill removes the exclusion of assisted living and institution administrators, owners, spouses of owners, employees as well as agencies providing residential care from being appointed guardian of any physically or mentally handicapped persons residing in the facility.

NOTE: Federal Medicaid regulations requires that participants have a free choice of providers and certain rights that, if are not followed, Medicaid payments may be reduced to facilities who are not in compliance with federal regulations. The fiscal impact is indeterminable to facilities who provide assisted living services.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 1216	AM:	AGENCY/POLT. SUB: Department of Health and Human Services (25)
REVIEWED BY: Joe Wilcox	DATE: 02/23/2022	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Department of Health and Human Services estimate of potential, but Indeterminable Fiscal Impact to the Agency from LB 1216.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 1216	AM:	AGENCY/POLT. SUB: Nebraska Supreme Court (05)
REVIEWED BY: Joe Wilcox	DATE: 02/22/2022	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of "Minimal" Fiscal Impact to the Courts from LB 1216, which the Agency indicates can be absorbed within existing resources.		

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

Prepared by: (3) John Meals

Date Prepared 2-23-2022

Phone: (5) 471-6719

FY 2022-2023

FY 2023-2024

	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See Below		See Below	

0

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

LB1216 would allow guardians to work as independent providers to provide skilled care to a physically or mentally handicapped person. LB1216 removes the exclusion of assisted living facility and institution administrators, owners, spouses of owners, employees as well as agencies providing residential care from being appointed guardian of any physically or mentally handicapped persons residing in the facility.

For Medicaid purposes, it is unclear if the Department of Health and Human Services could continue to pay for services for individuals whose guardian was an institution or facility in which the person lives. Section 1902(a)(23) of the Social Security Act requires that the program ensure that participants have a free choice of providers. For residents of long-term care facilities, federal rules grant residents certain rights, which can be enforced against the facility. A long-term care facility acting as guardian would be expected to enforce certain rights of the protected person against itself. Medicaid funding may not be available to facilities who are not in compliance with these federal regulations. Any reduction in Medicaid program costs would be dependent on the number of provider facilities establishing guardianships of physically or handicapped persons. The fiscal impact is indeterminable.

MAJOR OBJECTS OF EXPENDITURE

PERSONAL SERVICES:	NUMBER OF POSITIONS		2022-2023	2023-2024
	22-23	23-24	EXPENDITURES	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital Outlay.....				
Aid.....				
Capital Improvements.....				
TOTAL.....				

Please complete ALL (5) blanks in the first three lines.

2022

LB⁽¹⁾ 1216 _____

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ 05 Supreme Court _____

Prepared by: ⁽³⁾ Eric Asboe _____ Date Prepared: ⁽⁴⁾ 2/18/2022 _____ Phone: ⁽⁵⁾ 402-326-9215 _____

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2022-23</u>		<u>FY 2023-24</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

Minimal fiscal impact for LB1216, as written, to provide judicial and staff education. No additional resources needed.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2022-23</u>	<u>2023-24</u>
	<u>22-23</u>	<u>23-24</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____