

2011 SENATE HUMAN SERVICES

SB 2074

2011 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

2074
1-11-2011
12760

Conference Committee

Committee Clerk Signature	
---------------------------	---

Explanation or reason for introduction of bill/resolution:

Relating to the recovery by the state from the estate of a permanently institutionalized medical assistance recipient.

Minutes:

Attached testimony.

Senator Judy Lee opened the hearing on SB 2074.

Curtis Volesky, Director of Medicaid Eligibility for the Dept. of Human Services, testified in support of SB 2074. Attachment #1

Senator Judy Lee asks if it was correct that now we can only collect after the determination is made.

Mr. Volesky answered that was correct.

There was no opposing or neutral testimony.

The hearing on SB 2074 was closed.

Senator Dick Dever moved a **Do Pass**.

Seconded by **Senator Spencer Berry**.

Roll call vote 4-0-1. **Motion carried**.

Carrier is **Senator Judy Lee**.

Date: 1-11-2011

Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2074

Senate HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Sen. Dever Seconded By Sen. Berry

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee, Chairman	✓		Sen. Tim Mathern		
Sen. Gerald Uglen, V. Chair	✓				
Sen. Dick Dever	✓				
Sen. Spencer Berry	✓				

Total (Yes) 4 No 0

Absent 1

Floor Assignment Sen. J. Lee

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2074: Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS
(4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2074 was placed on the
Eleventh order on the calendar.

2011 HOUSE HUMAN SERVICES

SB 2074

2011 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee
Fort Union Room, State Capitol

SB 2074
March 2, 2011
Job #14807 (Starts at 2:15)

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Establishes provisions for recovery of medical assistance paid after an individual is determined to be permanently institutionalized or reaches age 55.

Minutes:

See attached Testimony #1

Chairman Weisz: Opened the hearing on HB 2074.

Curtis Volesky: Director of Medicaid Eligibility testified in support of the bill. (See Testimony #1.)

Chairman Weisz: Say you were in the institution for 3 or 4 months, but haven't been determined to be permanently institutionalized, under current law it would only start when the determination was made; where this would start when they go into the institution. Is that correct?

Curtis: Somebody has to be in the facility for six months before we can determine if they are permanently institutionalized.

Chairman Weisz: So they have a minimum of 6 months to start with.

Curtis: Correct.

Chairman Weisz: At the minimum it could be even longer or is that when you make that determination?

Curtis: We would make the determination at 6 months. And if they leave, it would go away.

Chairman Weisz: So this will cover those 6 months?

Curt: Correct.

Rep. Holman: Last session we had a bill that bumped the amount of money that could be set aside for funeral expenses to \$6,000. This one says \$3,000 and I was wondering if that is an inconsistency or if there is a reason for that.

Curt: I'll have Jonathan answer that one.

Jonathan Alm: Attorney for DHS. The last session the law that was changed was ND Century Code 50-24.1-02.3 and that did increase the set aside for preneed burial contract up to \$6,000. This in 50-24.1-07 remained the same. It was \$3,000. Medicaid recipients that did not put any money aside; the state can spend up to \$3,000 only.

Chairman Weisz: Thank you for clearing that up.

NO OPPOSITION

Rep. Devlin: Move a Do Pass.

Rep. Damschen: Second.

VOTE: 9 y 0 n 4 absent – Rep. Paur, Hofstad, Louser, Porter

Motion Carried

Bill Carrier: Rep. Anderson

Date: 3-2-11
 Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2074

House HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Devlin Seconded By Rep. Damschen

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ	✓		REP. CONKLIN	✓	
VICE-CHAIR PIETSCH	✓		REP. HOLMAN	✓	
REP. ANDERSON	✓		REP. KILICHOWSKI	✓	
REP. DAMSCHEN	✓				
REP. DEVLIN	✓				
REP. HOFSTAD	✗				
REP. LOUSER	✗				
REP. PAUR	✗				
REP. PORTER	✗				
REP. SCHMIDT	✓				

Total (Yes) 9 No 0

Absent 4

Floor Assignment Rep. Anderson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2074: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2074 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

SB 2074

#1

Testimony
Senate Bill 2074 – Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman
January 11, 2011

Chairman Lee, members of the Human Services Committee, I am Curtis Volesky, Director of Medicaid Eligibility for the Department of Human Services. I am here in support of Senate Bill 2074.

This bill provides for a correction to subsection 1 of N.D.C.C. 50-24.1-07, based on information received from the Centers for Medicare and Medicaid Services (CMS).

This statute establishes provisions for recovery of medical assistance paid after an individual is determined to be permanently institutionalized or reaches age 55. For permanently institutionalized individuals, the statute only provides for recovery of benefits paid after the date the individual has been determined to be permanently institutionalized.

The relevant federal statute, 42 U.S.C. § 1396p(b)(1)(A), makes no distinction between assistance provided before or after the determination of permanent institutionalization. CMS confirmed that the date on which an individual is determined to be permanently institutionalized does not affect which expenditures must be recovered from the individual's estate; estate recovery must include assistance furnished prior to the time the individual was determined to be permanently institutionalized.

The amendment is requested to eliminate the disparity between the state and federal statutes and to support what is required by CMS in our Medicaid State Plan.

I would be happy to respond to any questions you may have.

#1

Testimony
Senate Bill 2074 – Department of Human Services
House Human Services Committee
Representative Weisz, Chairman
March 2, 2011

Chairman Weisz, members of the Human Services Committee, I am Curtis Volesky, Director of Medicaid Eligibility for the Department of Human Services. I am here in support of Senate Bill 2074.

This bill provides for a correction to subsection 1 of N.D.C.C. 50-24.1-07, based on information received from the Centers for Medicare and Medicaid Services (CMS).

This statute establishes provisions for recovery of medical assistance paid after an individual is determined to be permanently institutionalized or reaches age 55. For permanently institutionalized individuals, the statute only provides for recovery of benefits paid after the date the individual has been determined to be permanently institutionalized.

The relevant federal statute, 42 U.S.C. § 1396p(b)(1)(A), makes no distinction between assistance provided before or after the determination of permanent institutionalization. CMS confirmed that the date on which an individual is determined to be permanently institutionalized does not affect which expenditures must be recovered from the individual's estate; estate recovery must include assistance furnished prior to the time the individual was determined to be permanently institutionalized.

The amendment is requested to eliminate the disparity between the state and federal statutes and to support what is required by CMS in our Medicaid State Plan.

I would be happy to respond to any questions you may have.