

LEGISLATIVE BILL 723

Approved by the Governor March 2, 1984

Introduced by Public Health & Welfare Committee,
Fenger, 45, Chairperson; Barrett, 39;
Withem, 14; McDonald, 31; R. Peterson,
21; Wesely, 26; Rupp, 22

AN ACT relating to medical assistance; to provide for assignment of certain rights; to establish eligibility for assistance; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. The application for medical assistance benefits under sections 68-1018 to 68-1025 constitutes an automatic assignment of the rights specified in this section to the Department of Social Services effective from the date of eligibility for such benefits. This assignment includes the rights of the applicant or recipient and also the rights of any other member of the assistance group for whom the applicant or recipient can legally make an assignment.

Pursuant to this section, the applicant or recipient assigns to the department any rights to medical care support available to him or her or to other members of the assistance group under an order of a court or administrative agency and any rights to pursue or receive payments from any third party liable to pay for the cost of medical care and services arising out of injury, disease, or disability of the applicant or recipient or other members of the assistance group which otherwise would be covered by medical assistance benefits. Medicare benefits shall not be assigned pursuant to this section. Benefits assigned to the department by operation of this section may be directly reimbursable to the department by liable third parties, as provided by rule or regulation of the department, when prior notification of the assignment has been made to the liable third party.

Sec. 2. Refusal by the applicant or recipient specified in section 1 of this act to cooperate in obtaining reimbursement for medical care or services provided to himself or herself or any other member of the assistance group renders the applicant or recipient ineligible for assistance. Ineligibility shall continue for so long as such person refuses to cooperate. Cooperation may be waived by the department upon a determination of the reasonable likelihood of physical or emotional harm to the applicant, recipient, or other member of the assistance group if the applicant or

recipient were to cooperate. Eligibility shall continue for any individual who cannot legally assign his or her own rights and who would have been eligible for assistance but for the refusal by another person, legally able to assign such individual's rights, to cooperate as required by this section.

Sec. 3. If the applicant or recipient or any member of the assistance group becomes ineligible for medical assistance benefits, the department shall restore to him or her the rights assigned under section 1 of this act.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.