

2009 HOUSE HUMAN SERVICES

HB 1157

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1157

House Human Services Committee

Check here for Conference Committee

Hearing Date: January 13, 2009

Recorder Job Number: 6887 3 min. 37 sec. and 6889 5 min. 58 sec.

Committee Clerk Signature

Vicky Crabtree

Minutes:

Chairman Weisz: We will now open the hearing on HB 1157.

Julie Leer, Director of the Legal Advisory Unit, Department of Human Services:

Julie Leer read her testimony in support of HB 1157. **See attached testimony.**

Chairman Weisz: Thank you. Are there any questions from the committee? I understand you are just changing it to the (inaudible) that was under (inaudible) eligibility instead of the average of 12 months (inaudible). Anymore questions? If not thank you very much. Any more support? If not, any opposition? If not, we will close the hearing.

Chairman Weisz: Let's take up HB 1157. Anyone have any questions or concerns? If not I'll gladly entertain a motion.

Representative Porter: Has the department been collecting more than what this fix would do?

Chairman Weisz: Representative Porter, no, the only thing this would affect is what would go back to the feds. It wouldn't affect anything on collections on the recipient's end.

Representative Porter: Motion for a Do Pass.

Representative Frantsvog: Second.

Committee Roll Call was taken with 13 yes, 0 no, and 0 absent to pass HB 1157.

Carrier of bill: Representative Holman.

FISCAL NOTE
Requested by Legislative Council
12/23/2008

Bill/Resolution No.: HB 1157

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill would amend and reenact the NDCC section relating to recovery from the estate of a full-benefit dual-eligible medical assistance recipient.

There is no fiscal impact.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Brenda M. Weisz	Agency:	DHS
Phone Number:	328-2397	Date Prepared:	12/31/2008

Date: 1-13-09

Roll Call Vote #:

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1157

House HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended

Motion Made By Rep. Porter Seconded By Rep. Frantsvog

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN ROBIN WEISZ	✓		REP. TOM CONKLIN	✓	
VICE-CHAIR VONNIE PIETSCH	✓		REP. KARI L CONRAD	✓	
REP. CHUCK DAMSCHEN	✓		REP. RICHARD HOLMAN	✓	
REP. ROBERT FRANTSVOG	✓		REP. ROBERT KILICHOWSKI	✓	
REP. CURT HOFSTAD	✓		REP. LOUISE POTTER	✓	
REP. MICHAEL R. NATHE	✓				
REP. TODD PORTER	✓				
REP. GERRY UGLEM	✓				

Total (Yes) 13 No 0

Absent 0

Bill Carrier Rep. Holman

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

REPORT OF STANDING COMMITTEE

HB 1157: Human Services Committee (Rep. Welsz, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1157 was placed on the
Eleventh order on the calendar.

2009 SENATE HUMAN SERVICES

HB 1157

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1157

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 2/25/09

Recorder Job Number: 9703

Committee Clerk Signature

Mary K Mouson

Minutes:

Senator J. Lee opened the hearing on HB 1157 relating to recovery from the estate of a full-benefit dual-eligible medical assistance recipient.

Maggie Anderson (Dept. of Human Services) testified in support of HB 1157. Attachment #1

Senator J. Lee asked for an example and Ms. Anderson gave one. (Meter 2:10)

Senator Pomeroy asked if the bill is acceptable as it was submitted.

Ms. Anderson replied that the dept. supports it as it is.

There was no opposing or neutral testimony.

Senator Dever moved a **Do Pass on HB 1157**.

Second by **Senator Heckaman**.

Roll call vote 6-0-0. Motion carried.

Carrier is **Senator Dever**.

Date: 2-25-09

Roll Call Vote #: _____

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1157

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

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

Motion Made By Sen. Dever Seconded By Sen. Heckaman

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V.Chair	✓		Senator Richard Marcellais	✓	
Senator Dick Dever	✓		Senator Jim Pomeroy	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Dever

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

REPORT OF STANDING COMMITTEE

HB 1157: Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1157 was placed on the
Fourteenth order on the calendar.

2009 TESTIMONY

HB 1157

Testimony
House Bill 1157 – Department of Human Services
House Human Services Committee
Representative Robin Weisz, Chairman
January 13, 2009

Chairman Weisz, members of the Human Services Committee, I am Julie Leer, Director of the Legal Advisory Unit for the Department of Human Services. I am here today in support of House Bill 1157.

The Department introduced this bill to clean up the Medicaid estate collections statute as it relates to the clawback payment required by federal law through the implementation of Medicare Part D.

Medicaid establishes an estate collection upon the death of certain Medicaid recipients, if the recipient has available assets at the time of his or her death. The clawback payment is a state payment to the federal government for the state share of prescription drug benefits for dual-eligibles (those eligible for both Medicare and Medicaid). The clawback payments started in 2006, coinciding with the implementation of Medicare Part D.

When this language was authorized during the 2007 Legislative Session, it allocated estate collections for clawback recipients for months during which no benefit payments were made on those recipients' behalfs. This is problematic with federal law because the clawback payment is state funds and the federal government would not receive the appropriate portion of the estate collection under the existing language.

The changes in 4a and 4b of this bill will ensure estate collections for the clawback payments are only secured for months in which a clawback payment was made.

I would be happy to address any questions that you may have.

Testimony
House Bill 1157 – Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman
February 25, 2009

Chairman Lee, members of the Human Services Committee, I am Maggie Anderson, Director of the Medical Services Division for the Department of Human Services. I am here today in support of House Bill 1157.

The Department introduced this bill to clean up the Medicaid estate collections statute as it relates to the clawback payment required by federal law through the implementation of Medicare Part D.

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The changes in 4a and 4b of this bill will ensure estate collections for the clawback payments are only secured for months in which a clawback payment was made.

I would be happy to address any questions that you may have.