

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 664

Introduced by Riepe, 12.

Read first time January 18, 2023

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to public assistance; to amend sections
2 68-944, 68-945, and 68-946, Reissue Revised Statutes of Nebraska; to
3 provide powers and duties for the state medicaid fraud control unit
4 and the Attorney General under the False Medicaid Claims Act; to
5 harmonize provisions; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-944, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 68-944 The state medicaid fraud control unit shall employ such
4 attorneys, auditors, investigators, and other personnel as authorized by
5 law to carry out the duties of the unit in an effective and efficient
6 manner. The purpose of the state medicaid fraud control unit is to
7 conduct a statewide program for the investigation and prosecution of
8 medicaid fraud and violations of all applicable state laws relating to
9 the providing of medical assistance and the activities of providers. The
10 state medicaid fraud control unit may review and act on complaints of
11 abuse and neglect of any patients or residents at health care facilities
12 that receive payments under the medical assistance program and of
13 patients who receive medical assistance under the medical assistance
14 program in a noninstitutional or any other setting and may provide for
15 collection or referral for collection of overpayments made under the
16 medical assistance program that are discovered by the unit.

17 Sec. 2. Section 68-945, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 68-945 In carrying out the duties and responsibilities under the
20 False Medicaid Claims Act, the Attorney General may:

21 (1) Enter upon the premises of any provider participating in the
22 medical assistance program (a) to examine all accounts and records that
23 are relevant in determining the existence of fraud in the medical
24 assistance program, (b) to investigate alleged abuse or neglect of
25 patients and residents, or (c) to investigate alleged misappropriation of
26 patients' or residents' private funds. ~~The accounts or records of a~~
27 ~~nonmedicaid patient may not be reviewed by, or turned over to, the~~
28 ~~Attorney General without the patient's written consent or a court order;~~

29 (2) Subpoena witnesses or materials, including medical records
30 relating to recipients, within or outside the state and, through any duly
31 designated employee, administer oaths and affirmations and collect

1 evidence for possible use in either civil or criminal judicial
2 proceedings;

3 (3) Request and receive the assistance of any prosecutor or law
4 enforcement agency in the investigation and prosecution of any violation
5 of this section; and

6 (4) Refer to the department for collection each instance of
7 overpayment to a provider under the medical assistance program which is
8 discovered during the course of an investigation.

9 Sec. 3. Section 68-946, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 68-946 (1) Notwithstanding any other provision of law, the Attorney
12 General, upon reasonable request, shall have full access to all records
13 held by a provider, or by any other person on the provider's ~~his or her~~
14 behalf, that are relevant to the determination of (a) the existence of
15 civil violations or criminal offenses under the False Medicaid Claims Act
16 or related offenses, (b) the existence of patient or resident abuse,
17 mistreatment, or neglect, or (c) the theft of patient or resident funds.

18 (2) In examining such records, the Attorney General shall safeguard
19 the privacy rights of recipients, avoiding unnecessary disclosure of
20 personal information concerning named recipients. The Attorney General
21 may transmit such information as he or she deems appropriate to the
22 department and to other agencies concerned with the regulation of health
23 care facilities or health professionals.

24 (3) No person holding such records may refuse to provide the
25 Attorney General access to such records for the purposes described in the
26 act on the basis that release would violate (a) a recipient's right of
27 privacy, (b) a recipient's privilege against disclosure or use, or (c)
28 any professional or other privilege or right.

29 Sec. 4. Original sections 68-944, 68-945, and 68-946, Reissue
30 Revised Statutes of Nebraska, are repealed.