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Bill Analysis
Legislative Service Commission

H.B. 270

123rd General Assembly
(As Re-referred to H. Rules and Reference)

Reps. Jones, Goodman, Opfer, Pringle, Krupinski, Britton, D. Miller, Allen, Flannery, Sulzer

BILL SUMMARY

- Excludes from the Medicaid estate recovery program amounts that were received through certain programs or legal settlements that compensate individuals for injuries related to actions or omissions of a government entity.

CONTENT AND OPERATION

The Department of Job and Family Services operates an estate recovery program for the purpose of recovering the costs of Medicaid services that were correctly paid to recipients at least 55 years old. (A separate program covers costs that were fraudulently or otherwise incorrectly paid.) Recovery is made against the property and estate of the recipient, but only after the recipient's surviving spouse (if any) is also deceased and at a time when no surviving child of the recipient is under age 21, blind, or permanently and totally disabled. (R.C. 5111.11.)

The bill provides that certain kinds of payments received by a person are exempt from the recovery program. Under the bill, the Department of Job and Family Services must exclude from a deceased Medicaid recipient's estate the total amount of any payments referred to in the following federal laws:

--Titles I and II of the Act of August 10, 1988 (102 Stat. 903), which authorized payments to individuals of Japanese and Aleutian ancestry as restitution for their relocation and internment during World War II;

--The Radiation Exposure Compensation Act (104 Stat. 920; 1990), which authorized restitution to individuals in Nevada, Utah, and Arizona who lived downwind of above-ground nuclear weapons tests, and to miners who worked in mines that supplied uranium to the nuclear weapons program;

--The Act of December 6, 1989 (103 Stat. 1795), which provides that any settlement payments received by individuals under Agent Orange product liability litigation are to be disregarded when determining income eligibility for federal programs;

--The Act of August 1, 1994 (108 Stat. 1450), which provides that any payments received by individuals because they were victims of Nazi persecution are to be disregarded when determining income eligibility for federal programs;

--The Alaska Native Claims Settlement Act (85 Stat. 688; 1971), which provided payments to Alaskan natives and native groups to settle land claims;

--The Seneca Nation Settlement Act of 1990 (104 Stat. 1292), which provided payments to settle disputed leases of tribal lands in New York.

In addition, the Department must exclude amounts obtained under any similar federal statute or regulation that is in effect on or after the bill's effective date, if the federal government requires that the amount be excluded when determining an individual's eligibility for benefits under a federally assisted means-tested program because it was received through a legal settlement or as restitution or other compensation by a government entity for material or intangible damages resulting from past inequities, injustices, or suffering caused in whole or part by the acts or omissions of a government entity.

HISTORY

| ACTION | DATE | JOURNAL ENTRY |
|---------------------------------------|----------|---------------|
| Introduced | 03-24-99 | p. 368 |
| Re-referred to H. Rules and Reference | 05-05-99 | p. 556 |

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