
SENATE BILL NO. 415—COMMITTEE ON
COMMERCE, LABOR AND ENERGY

MARCH 28, 2011

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the recovery of certain benefits paid under the State Plan for Medicaid. (BDR 38-1133)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to Medicaid; revising provisions governing the recovery by the Department of Health and Human Services of Medicaid benefits paid on behalf of a beneficiary of certain qualified trusts; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that the Department of Health and Human Services is
2 subrogated to the right of a recipient of Medicaid when the recipient incurs costs
3 for medical services which are paid by the Department under the State Plan for
4 Medicaid. (NRS 422.293) This bill provides that the Department, upon the death of
5 a beneficiary of certain qualified nonprofit trusts, may recover an equivalent
6 amount of Medicaid benefits properly paid on behalf of the beneficiary from any
7 remaining money in the trust account of the beneficiary that is not retained by the
8 trust at the time of the beneficiary’s death.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 422 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *Notwithstanding the provisions of any law to the contrary,*
4 *upon the death of a beneficiary of a trust that meets the*
5 *requirements of 42 U.S.C. § 1396p(d)(4)(C), the Department may*
6 *recover benefits correctly paid for Medicaid on behalf of the*



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1 *beneficiary from the trust account of the beneficiary only to the*
2 *extent that any money remaining in the trust account upon the*
3 *death of the beneficiary is not retained by the trust. The amount*
4 *that may be recovered by the Department from the trust account*
5 *may not exceed the total amount of benefits paid on behalf of the*
6 *beneficiary under the State Plan for Medicaid.*

7 **Sec. 2.** NRS 115.090 is hereby amended to read as follows:

8 115.090 Nothing in this chapter exempts any real or personal
9 property from any statute of this State that authorizes the recovery
10 of money owed to the Department of Health and Human Services as
11 a result of the payment of benefits from Medicaid through the
12 imposition or foreclosure of a lien against the property of a recipient
13 of Medicaid in the manner set forth in NRS 422.29302 to
14 422.29308, inclusive ~~§~~, *and section 1 of this act.*

