

SENATOR WESELY: Thank you. Mr. Speaker, members, this bill, if you'll recall, is Senator Withem's bill. It's his priority bill. It deals with the problem of people that are private pay residents in nursing homes, running out of money and then going on to Medicaid. The problem in Senator Withem's district was that this one particular nursing home decided to go strictly to private pay and took a number of residents and moved them out and that were Medicaid patients and it caused great trauma and there was great concern. Senator Withem's bill has been amended on General File and by the committee to try to provide for some more restraints on this type of activity and the bill is one that has been worked on by the nursing home industry and Senator Withem and myself. And this amendment is the compromise that hopefully will gain support from the industry. What it says is basically that the provisions of the bill don't start until the effective date of this bill so that you don't have a retroactive situation and what we provide in the bill is that if you're a resident for one year and after that date you become Medicaid eligible, you would be protected if the nursing home doesn't have already 10 percent of their beds dedicated to Medicaid. So this would then just change that so it doesn't take effect until after the effective date and then finally there is a provision on disclosure on the contracts involved that would be deleted by this amendment that are already provided for under federal provisions. So with this amendment I think we have a bill that is one that is going to deal with the problem and one that won't have the objection of the nursing home industry. I'd ask your support for the amendment.

SPEAKER NICHOL: Senator Withem, then Senator Higgins.

SENATOR WITHEM: Mr. President, members of the body, this bill that was introduced, as it was introduced, was a fairly broad, far-reaching approach to the problem of what happens when our elderly who are being cared for in nursing homes run out of money. The original requirement of the bill was to require every nursing home in the state to participate in the Medicaid program. We have since compromised away from that point of view and I've come to realize, not just for compromise sake, but probably for good public policy sake that we probably aren't ready in this state to require that at this point. The problem of having enough dollars to care for an aging population in nursing homes is a broader problem and can be dealt with just by a specific bill such as 782 as it was introduced. We have amended it now into a bill which merely seeks to hold harmless that individual that enters a nursing home as a private pay