

individual, spends down their private resources and then becomes...that has to go on Medicaid. The bill currently would say that type of an individual cannot be transferred out of that facility punitively. The amendment Senator Wesely is offering was brought to my attention by the nursing home industry. They felt there was a problem making this apply retroactively, problem with potentially of interfering with contractual obligations. I, frankly, don't know if that is a problem or isn't a problem, but the compromise amendment as Senator Wesely is proposing it really does cause no big problems with the bill. I'm willing to accept it, recognizing that this bill in its current form now really only deals with a very small provision of this Medicaid problem. It does not address the far, broad ramifications of an aging population running out of money and what do we do with that? I have a study resolution I hope will be addressed this summer. I hope to spend a lot of time having discussions with groups representing the aged, representing nursing homes, representing families, advocates of nursing home residents and try to come up with some sort of broader resolution to this problem. This bill right now becomes a fairly targeted measure to deal specifically with the individual who spends down and runs out of money, what happens to that individual. I would urge you to support the amendment.

SPEAKER NICHOL: Senator Higgins, please.

SENATOR HIGGINS: Thank you, Mr. President. A question of Senator Wesely, if he would yield, please. As it stands now, Senator...I forgot to wait for you to yield.

SENATOR WESELY: No, that's fine, yeah.

SENATOR HIGGINS: As the bill stand now it would become effective 90 days after we adjourn or after the Governor signs it.

SENATOR WESELY: Right.

SENATOR HIGGINS: Your amendment would make it become effective when? The same time?

SENATOR WESELY: Yes, but it would make it clear that the year that would take place before you could have the provisions of the bill would start with the effective date of the act. So somebody that has been there, it wouldn't be retroactive, in other words. So somebody who has been there now maybe for six