

SUPREME COURT OF NEBRASKA

Salts v. Lancaster County

269 Neb. 948 (2005) · No. S-04-642 · Decided June 3, 2005

SUMMARY

The Supreme Court of Nebraska held that Lancaster County exceeded its statutory authority by imposing durational and other residency requirements that limited general assistance medical benefits for eligible indigent persons located in the county. Construing Nebraska’s general assistance statutes together, the court concluded that counties must provide the minimum level of necessary care established under their programs to eligible persons regardless of county residence, subject to reimbursement rights against the recipient’s county of legal settlement. The court reversed the district court and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Nebraska
WRITING FOR THE COURT	Stephan, J.; Hendry, C.J.; Wright, J.; Connolly, J.; Gerrard, J.; McCormack, J.; Miller-Lerman, J.
JURISDICTION	Nebraska
DECIDED	June 3, 2005
DOCKET	S-04-642
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Salts appealed the Lancaster County District Court's affirmance of the denial of his application for medical and dental benefits under Lancaster County's general assistance program. The Nebraska Supreme Court moved the appeal to its docket and reviewed the statutory authority for the county's residency requirements.
STANDARD OF REVIEW	Judgments or final orders of a district court are reviewed for errors appearing on the record. Statutory interpretation is a question of law reviewed independently, without deference to the lower court.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Robert Salts v. Lancaster County, Nebraska, Bernie Heier et al., as the Lancaster County Board of Commissioners for Lancaster County, Nebraska

TOPICS

statutory interpretation

health law

administrative law

judicial review of agency action

appellate procedure

PRACTICE AREAS

health law

administrative law

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether Lancaster County exceeded its statutory authority by imposing durational and condition-based residency requirements on indigent persons seeking primary health care benefits under the county's general assistance program.
2. Whether Nebraska's general assistance statutes require a county to provide the same minimum level of necessary medical care to eligible persons located in the county regardless of whether they have legal settlement there.

HOLDINGS

1. Lancaster County exceeded its statutory authority by adopting General Assistance Guidelines 2:101 and 3:101 to limit medical assistance to otherwise eligible persons who lacked county residency or whose medical condition did not meet the guidelines' additional requirements.
2. A county must provide all eligible persons located within the county, whether county residents or nonresidents, the minimum level of medical care necessary to maintain health and decency that the county has undertaken to provide under Neb. Rev. Stat. § 68-133(2).

KEY QUOTATIONS

“Construed as a whole, the only reasonable interpretation of the general assistance statutes is that a county must provide to all eligible persons located in the county that assistance which is necessary to maintain minimum health and decency, subject to its right to seek financial reimbursement from another county in which a recipient has “legal settlement.””

“The phrase “shall deem necessary” in § 68-114 does not authorize a county to provide a level of medical assistance to nonresidents of the county which is different from that which it provides to its own eligible residents.”

FACTUAL BACKGROUND

Robert Salts moved to Lancaster County to receive substance-abuse treatment and applied for medical and dental general assistance to address tumors, an ear infection, an ingrown toenail, and dental problems. Although he met Lancaster County's financial eligibility requirements, the county denied his application under guidelines requiring specified residency-related conditions for nonresidents, including that the illness or injury arise in Lancaster County and involve a life-threatening or life-trauma condition. Salts' legal settlement for general-assistance purposes was in Dawson County, but he was physically present in Lancaster County and receiving treatment there.

PROCEDURAL HISTORY

Lancaster County denied Salts' general assistance application because he did not satisfy the county's residency requirements. A county hearing officer upheld the denial, and the Lancaster County District Court affirmed, concluding that the governing statutes gave counties discretion to provide general assistance to nonresidents. The Nebraska Supreme Court reversed and remanded for the district court to reverse the county board's determination and remand to the board for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court was directed to reverse the determination of the Lancaster County Board of Commissioners and remand the matter to the board for further proceedings consistent with the opinion.

CASES CITED

- In re Claims Against Atlanta Elev., Inc., 268 Neb. 598, 685 N.W.2d 477 (2004)
- Mary Lanning Memorial Hospital v. Clay County, 170 Neb. 61, 101 N.W.2d 510 (1960)
- Creighton-Omaha Regional Health Care Corp. v. Douglas County, 202 Neb. 686, 277 N.W.2d 64 (1979)
- Guenzel-Handlos v. County of Lancaster, 265 Neb. 125, 655 N.W.2d 384 (2003)
- Mogensen v. Board of Supervisors, 268 Neb. 26, 679 N.W.2d 413 (2004)
- In re Guardianship & Conservatorship of Woltemath, 268 Neb. 33, 680 N.W.2d 142 (2004)
- Gilroy v. Ryberg, 266 Neb. 617, 667 N.W.2d 544 (2003)
- City of Gordon v. Ruse, 268 Neb. 686, 687 N.W.2d 182 (2004)
- Mathews v. Mathews, 267 Neb. 604, 676 N.W.2d 42 (2004)