

PROVIDER BULLETIN

No. 16-23

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TO: All Providers Participating in Nebraska Medicaid Program

FROM: Calder Lynch, Director 
Division of Medicaid & Long-Term Care

BY: Catherine Gekas Steeby, Administrator II

RE: Authority to Sign a Medicaid Application On Behalf of Another

Please share this information with administrative, clinical, and billing staff.

Medicaid applications may be filled out and signed on behalf of another person only when the signer has the express authority to do so. Authority can be given in different ways, as explained below:

- **Power of Attorney:** A written power of attorney (POA) can include the power to apply for Medicaid or governmental benefits. If there is a POA, the applicant or the person given the POA (the “attorney-in-fact”) can sign the application. If the person is unconscious or otherwise unable to sign the application, the attorney-in-fact can sign the application if the POA says it is “durable.” No attorney-in-fact can sign an application for someone who has already passed away. A copy of the POA must be provided to DHHS with the application.
- **Guardianship:** A court-ordered guardianship can include the power to apply for Medicaid or governmental benefits. If there is a guardianship and the applicant is not able to sign the application, the person given the guardianship power (the “guardian”) can sign the application. This is true whether or not the applicant is conscious; however, the guardian no longer has the power to sign an application if the applicant has passed away. A copy of the guardianship papers must be provided to DHHS with the application.
- **Court-Ordered Personal Representative or Special Administrator:** A court-ordered personal representative or special administrator (PR) can also sign a Medicaid application. A PR is appointed to represent someone who is now deceased. A PR is given “Letters of Appointment” by a court, which prove the PR has authority to sign an application. The program will need a copy of the “Letters of Appointment” to confirm they exist with the application.

A medical provider, such as a hospital, does not automatically have the authority to sign an application for a patient, regardless of whether the patient is alive or deceased. This may be allowed if admission papers were signed by the person or another authorized person that includes wording granting this authority. A copy of this signed paperwork must be provided to the program to confirm this authority.

If you have any questions, please contact Catherine Gekas Steeby at Catherine.gekassteeby@nebraska.gov.