

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1121

Introduced by Johnson, 37.

Read first time January 23, 2008

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to public health and welfare; to adopt the
2 Medicaid Insurance for Workers with Disabilities Act.
3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 5 of this act shall be known
2 and may be cited as the Medicaid Insurance for Workers with
3 Disabilities Act.

4 Sec. 2. For purposes of the Medicaid Insurance for
5 Workers with Disabilities Act:

6 (1) Department means the Department of Health and Human
7 Services;

8 (2) Employed individual with a medically improved
9 condition means a person who (a) is at least sixteen but less
10 than sixty-five years of age, (b) ceases to be eligible for
11 medical assistance under the medical assistance program established
12 in section 68-903 because the individual, by reason of medical
13 improvement, is determined at the time of a regularly scheduled
14 continuing disability review to no longer be eligible for benefits,
15 (c) continues to have a severe medically determinable impairment,
16 and (d) (i) is earning at least the applicable minimum wage and
17 working at least forty hours per month or (ii) is engaged in a work
18 effort that meets substantial and reasonable threshold criteria for
19 hours of work, wages, or other measures; and

20 (3) Person with a disability who is employed means
21 a person who is at least sixteen years of age but less than
22 sixty-five years of age and who (a) is disabled under Title II or
23 Title XVI of the federal Social Security Act, as such act existed
24 on January 1, 2008, or (b) has been determined to be disabled by
25 the department.

1 Sec. 3. (1) Medical assistance from the medical
2 assistance program established in section 68-903 shall continue
3 to be paid on behalf of a person with a disability who is
4 employed, including an employed individual with a medically
5 improved condition, whose family income is less than four hundred
6 fifty percent of the Office of Management and Budget income poverty
7 guideline for the size of family involved. Allowable assets for
8 participation in the program shall be (a) twenty thousand dollars
9 for a family of one, (b) thirty thousand dollars for a family of
10 two, and (c) forty thousand dollars for a family of three or more.

11 (2) Such recipients of medical assistance whose family
12 income is one hundred percent or more of the income poverty
13 guideline may be required to pay a premium in an amount established
14 by the department in rules and regulations using a sliding-fee or
15 tiered-fee approach, but the premium shall not exceed seven percent
16 of the recipient family's unearned income plus three percent of the
17 recipient family's earned income.

18 Sec. 4. In order to increase the utilization and
19 effectiveness of the program under section 3 of this act, the
20 department shall:

21 (1) Provide education and training about the program to
22 all appropriate staff of the department;

23 (2) Conduct outreach and education about the availability
24 and benefits of the program focused on the populations that can
25 benefit from the program;

1 (3) Submit a report to the Legislature and Governor,
2 on an annual basis, to show the effectiveness of the program
3 in achieving the purpose for which it was established. The
4 report shall contain the following information: (a) The number of
5 individuals enrolled in the program, (b) demographic information
6 about the recipients, including age, gender, disability type,
7 ethnicity, educational level, county of residence, Title II
8 eligibility, earned income, and amount of premium payment, (c)
9 internal and external educational activities about the availability
10 and purpose of the program, (d) outreach activities to increase the
11 utilization of the program, and (e) the costs and benefits of the
12 medical assistance provided pursuant to section 3 of this act; and

13 (4) Establish a Medicaid Insurance for Workers with
14 Disabilities Program Advisory Committee to advise the department
15 regarding implementation of the Medicaid Insurance for Workers
16 with Disabilities Act. The advisory committee shall consist of
17 the chief executive officer of the Department of Health and Human
18 Services or his or her designee, the director of the Division
19 of Rehabilitation Services of the State Department of Education,
20 a member of the Health and Human Services Committee of the
21 Legislature, a representative from the Governor's Policy Research
22 Office, a representative of the Legislative Fiscal Analyst, a
23 representative from the state benefits planning, assistance, and
24 outreach program agency, a representative from the federally
25 designated protection and advocacy system, a representative from

1 the disability determinations service, and at least an equal
2 number of persons with disabilities who are employed and employed
3 individuals with medically improved conditions.

4 Sec. 5. The department shall adopt and promulgate rules
5 and regulations to carry out the Medicaid Insurance for Workers
6 with Disabilities Act.