

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1169**

Introduced by White, 8.

Read first time January 23, 2008

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to veterans; to authorize health care  
2 assistance for certain Nebraska veterans of Operation  
3 Enduring Freedom and Operation Iraqi Freedom.  
4 Be it enacted by the people of the State of Nebraska,

1           Section 1. There is established in and for the State  
2 of Nebraska an assistance program for Nebraska veterans of  
3 Operation Enduring Freedom and Operation Iraqi Freedom who are  
4 in need of comprehensive post-acute brain injury services that  
5 are determined to be not reimbursable under the federal TRICARE  
6 program. The assistance provided under this section shall be  
7 limited to comprehensive post-acute brain injury services that are  
8 not reimbursable under the federal TRICARE program. This assistance  
9 program shall be administered by the Department of Health and  
10 Human Services. The department shall adopt and promulgate rules and  
11 regulations to carry out sections 1 to 4 of this act.

12           Sec. 2. In order to qualify for comprehensive post-acute  
13 brain injury services assistance under section 1 of this act, an  
14 individual:

15           (1) Shall be a bona fide resident of the State of  
16 Nebraska;

17           (2) Shall be a veteran of Operation Enduring Freedom or  
18 Operation Iraqi Freedom; and

19           (3) Shall have had coverage for comprehensive post-acute  
20 brain injury services or a portion of such services denied under  
21 the federal TRICARE program.

22           Sec. 3. Upon the filing of an application for  
23 comprehensive post-acute brain injury services assistance under  
24 section 1 of this act, the Department of Health and Human Services  
25 shall make such investigation as it deems necessary to determine

1 the circumstances existing in each case. The applicant shall be  
2 notified in writing as to the approval or disapproval of any  
3 application, the services to be provided, any change in the  
4 services to be provided, and the discontinuance of services. The  
5 department shall provide an opportunity for a fair hearing to any  
6 individual whose claim for assistance is denied, is not granted in  
7 full, or is not acted upon with reasonable promptness. An appeal  
8 shall be taken by filing with the department a written notice of  
9 appeal setting forth the facts on which the appeal is based. The  
10 department shall thereupon, in writing, notify the appellant of  
11 the time and place for hearing which shall be not less than one  
12 week or more than six weeks from the date of such notice. Hearings  
13 shall be before the duly authorized agent of the department. On the  
14 basis of evidence adduced, the duly authorized agent shall enter a  
15 final order on such appeal, which order shall be transmitted to  
16 the appellant.

17           Sec. 4. Comprehensive post-acute brain injury services  
18 authorized under section 1 of this act shall be provided and  
19 reimbursed in the same manner as under the Medical Assistance  
20 Act. Providers who have contracted with the department under the  
21 medical assistance program may provide comprehensive post-acute  
22 brain injury services pursuant to the assistance program authorized  
23 under section 1 of this act and shall be reimbursed at the same  
24 contract rates as under the medical assistance program for such  
25 services.