

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 807

Introduced by Aguilar, 35; Johnson, 37.

Read first time January 10, 2008

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the medical assistance program; to amend
2 section 68-901, Revised Statutes Cumulative Supplement,
3 2006; to state findings; to require coverage of
4 tobacco-use cessation counseling and pharmaceuticals as
5 prescribed; to harmonize provisions; and to repeal the
6 original section.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Legislature finds that:

2 (1) Annual health care costs in Nebraska directly caused
3 by tobacco use are five hundred thirty-seven million dollars, of
4 which one hundred thirty-four million dollars is paid for costs
5 associated with illnesses related to tobacco use by recipients of
6 medical assistance under the medical assistance program;

7 (2) The Centers for Disease Control and Prevention of the
8 Public Health Service of the United States Department of Health and
9 Human Services estimates that tobacco-use cessation counseling and
10 tobacco-use cessation pharmaceuticals double the successful rate of
11 quitting tobacco use and have achieved reported successful quitting
12 rates of twenty-five to thirty-three percent;

13 (3) The estimated thirty-three thousand five hundred
14 tobacco users covered by the medical assistance program suffer
15 from illnesses related to tobacco use but the cost of tobacco-use
16 cessation counseling or tobacco-use cessation pharmaceuticals which
17 otherwise meet the definition of a covered outpatient drug under
18 section 1927(k) of the federal Social Security Act are not covered
19 by the program;

20 (4) The medical assistance program is eligible to receive
21 in fiscal year 2008-09 up to fifty-eight percent in federal
22 matching funds for coverage provided for tobacco-use cessation
23 counseling and tobacco-use cessation pharmaceuticals, if the
24 program applies for such matching funds;

25 (5) The Centers for Disease Control and Prevention of the

1 Public Health Service of the United States Department of Health and
2 Human Services, the United States Preventive Services Task Force,
3 and other federal public health agencies strongly recommend that
4 all states amend their medical assistance program to cover the
5 costs of tobacco-use cessation counseling and tobacco-use cessation
6 pharmaceuticals; and

7 (6) Nebraska is one of the eight states that provide
8 no coverage under the medical assistance program for the costs of
9 either tobacco-use cessation counseling or tobacco-use cessation
10 pharmaceuticals.

11 Sec. 2. The Department of Health and Human Services
12 shall:

13 (1) Submit a proposal within ninety days after the
14 effective date of this act, in compliance with Title XIX of
15 the federal Social Security Act, to the Centers for Medicare
16 and Medicaid Services of the United States Department of Health
17 and Human Services to amend the medicaid state plan to cover
18 the costs of tobacco-use cessation counseling and tobacco-use
19 cessation pharmaceuticals approved by the federal Food and Drug
20 Administration for such purposes, whether such counseling and
21 pharmaceuticals are provided together or separately; and

22 (2) Revise its rules, regulations, manuals, and other
23 regulatory documents relating to the medical assistance program and
24 medicaid state plan and its list of excluded drugs to reflect such
25 proposal.

1 Sec. 3. The department shall report annually to the
2 Legislature on matters related to payments under the Medical
3 Assistance Act for tobacco-use cessation counseling and tobacco-use
4 cessation pharmaceuticals. Such report shall include, but not be
5 limited to, the number of persons to whom such counseling or
6 pharmaceuticals were provided, the number of quit attempts, and the
7 total amount of such payments.

8 Sec. 4. Section 68-901, Revised Statutes Cumulative
9 Supplement, 2006, is amended to read:

10 68-901 Sections 68-901 to 68-949 and sections 1 to 3 of
11 this act shall be known and may be cited as the Medical Assistance
12 Act.

13 Sec. 5. Original section 68-901, Revised Statutes
14 Cumulative Supplement, 2006, is repealed.