

E AND R AMENDMENTS TO LB 1106

Introduced by Enrollment and Review Committee: Nordquist, 7,
Chairperson

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 68-901, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 68-901 Sections 68-901 to 68-967 and sections 4 and 5 of
6 this act shall be known and may be cited as the Medical Assistance
7 Act.

8 Sec. 2. Section 68-907, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 68-907 For purposes of the Medical Assistance Act:

11 (1) Committee means the Health and Human Services
12 Committee of the Legislature;

13 (2) Department means the Department of Health and Human
14 Services;

15 (3) Medicaid Reform Plan means the Medicaid Reform Plan
16 submitted on December 1, 2005, pursuant to the Medicaid Reform Act
17 enacted pursuant to Laws 2005, LB 709;

18 (4) Medicaid state plan means the comprehensive written
19 document, developed and amended by the department and approved
20 by the federal Centers for Medicare and Medicaid Services, which
21 describes the nature and scope of the medical assistance program
22 and provides assurances that the department will administer the
23 program in compliance with federal requirements;

1 (5) Provider means a person providing health care or
2 related services under the medical assistance program; ~~and~~

3 (6) School-based health center means a health center
4 that:

5 (a) Is located in or is adjacent to a school facility;

6 (b) Is organized through school, school district,
7 learning community, community, and provider relationships;

8 (c) Is administered by a sponsoring facility;

9 (d) Provides school-based health services onsite
10 during school hours to children and adolescents by health care
11 professionals in accordance with state and local laws, rules, and
12 regulations, established standards, and community practice;

13 (e) Does not perform abortion services or refer or
14 counsel for abortion services and does not dispense, prescribe, or
15 counsel for contraceptive drugs or devices; and

16 (f) Does not serve as a child's or an adolescent's
17 medical or dental home but augments and supports services provided
18 by the medical or dental home;

19 (7) School-based health services may include any
20 combination of the following as determined in partnership with a
21 sponsoring facility, the school district, and the community:

22 (a) Medical health;

23 (b) Behavioral and mental health;

24 (c) Preventive health; and

25 (d) Oral health;

26 (8) Sponsoring facility means:

27 (a) A hospital;

1 (b) A public health department as defined in section
2 71-1626;

3 (c) A federally qualified health center as defined in
4 section 1905(1)(2)(B) of the federal Social Security Act, 42 U.S.C.
5 1396d(1)(2)(B), as such act and section existed on January 1, 2010;

6 (d) A nonprofit health care entity whose mission is to
7 provide access to comprehensive primary health care services;

8 (e) A school or school district; or

9 (f) A program administered by the Indian Health Service
10 or the federal Bureau of Indian Affairs or operated by an
11 Indian tribe or tribal organization under the federal Indian
12 Self-Determination and Education Assistance Act, or an urban Indian
13 program under title V of the federal Indian Health Care Improvement
14 Act, as such acts existed on January 1, 2010; and

15 ~~(6)~~ (9) Waiver means the waiver of applicability to
16 the state of one or more provisions of federal law relating to
17 the medical assistance program based on an application by the
18 department and approval of such application by the federal Centers
19 for Medicare and Medicaid Services.

20 Sec. 3. Section 68-908, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 68-908 (1) The department shall administer the medical
23 assistance program.

24 (2) The department may (a) enter into contracts and
25 interagency agreements, (b) adopt and promulgate rules and
26 regulations, (c) adopt fee schedules, (d) apply for and implement
27 waivers and managed care plans for eligible recipients, and (e)

1 perform such other activities as necessary and appropriate to
2 carry out its duties under the Medical Assistance Act. A covered
3 item or service as described in section 68-911 that is furnished
4 through a school-based health center, furnished by a provider, and
5 furnished under a managed care plan pursuant to a waiver does not
6 require prior consultation or referral by a patient's primary care
7 physician to be covered.

8 (3) The department shall maintain the confidentiality
9 of information regarding applicants for or recipients of medical
10 assistance and such information shall only be used for purposes
11 related to administration of the medical assistance program and the
12 provision of such assistance or as otherwise permitted by federal
13 law.

14 (4) (a) The department shall prepare an annual summary
15 and analysis of the medical assistance program for legislative
16 and public review, including, but not limited to, a description
17 of eligible recipients, covered services, provider reimbursement,
18 program trends and projections, program budget and expenditures,
19 the status of implementation of the Medicaid Reform Plan, and
20 recommendations for program changes.

21 (b) The department shall provide a draft report of such
22 summary and analysis to the Medicaid Reform Council no later than
23 September 15 of each year. The council shall conduct a public
24 meeting no later than October 1 of each year to discuss and receive
25 public comment regarding such report. The council shall provide
26 any comments and recommendations regarding such report in writing
27 to the department no later than November 1 of each year. The

1 department shall submit a final report of such summary and analysis
2 to the Governor, the Legislature, and the council no later than
3 December 1 of each year. Such final report shall include a response
4 to each written recommendation provided by the council.

5 Sec. 4. (1) To ensure that the interests of the school
6 district, community, and health care provider are reflected
7 within the policies, procedures, and scope of services of
8 school-based health centers, each school or school district hosting
9 a school-based health center shall establish a School Health Center
10 Advisory Council.

11 (2) The School Health Center Advisory Council shall
12 include:

13 (a) At least one representative of the school
14 administration or school district administration;

15 (b) At least one representative of the sponsoring
16 facility; and

17 (c) At least one parent recommended by a school
18 administrator or school district administrator and approved by
19 a majority vote of the school board. Any parent serving on the
20 School Health Center Advisory Council shall have at least one
21 child enrolled in the school or school district through which the
22 school-based health center is organized.

23 (3) If another institution or organization sponsors the
24 school-based health center, at least one representative of each
25 sponsoring institution or organization shall be included on the
26 School Health Center Advisory Council.

27 (4) The School Health Center Advisory Council may also

1 include students enrolled in the school or school district through
2 which the school-based health center is organized. Any such
3 students must be appointed by a school administrator or school
4 district administrator.

5 Sec. 5. (1) On or before July 1, 2010, the department
6 shall submit an application to the Centers for Medicare and
7 Medicaid Services of the United States Department of Health and
8 Human Services, amending the medicaid state plan or seeking a
9 waiver thereto to provide for utilization of money to allow for
10 payments for treatment for children who are lawfully residing in
11 the United States and who are otherwise eligible for medicaid and
12 CHIP pursuant to the federal Children's Health Insurance Program
13 Reauthorization Act of 2009, Public Law 111-3, as such act existed
14 on January 1, 2010, and for treatment for pregnant women who
15 are lawfully residing in the United States and who are otherwise
16 eligible for medicaid pursuant to the federal Children's Health
17 Insurance Program Reauthorization Act of 2009, Public Law 111-3, as
18 such act existed on January 1, 2010.

19 (2) For purposes of this section, (a) CHIP means the
20 Children's Health Insurance Program established pursuant to 42
21 U.S.C. 1397aa et seq., and (b) medicaid means the program for
22 medical assistance established under 42 U.S.C. 1396 et seq., as
23 such sections existed on January 1, 2010.

24 Sec. 6. Original sections 68-901, 68-907, and 68-908,
25 Reissue Revised Statutes of Nebraska, are repealed.

26 Sec. 7. Since an emergency exists, this act takes effect
27 when passed and approved according to law.

1 2. On page 1, strike beginning with "a" in line 3
2 through the semicolon in line 4 and insert "terms; to provide for
3 school-based health centers; to provide for School Health Center
4 Advisory Councils;".