

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB27

Hearing Date: Thursday February 12, 2009
Committee On: Health and Human Services
Introducer: Pahls
One Liner: Change the Autism Treatment Program Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman
Nay:
Absent:
Present Not Voting:

Proponents:	Representing:
Senator Pahls	Introducer
Gail Durkin	Autism Action Partnership
Chrissy McNair	Self
Michael Leibowitz	Munroe Meyer Institute
Ginger Goomis	Department of Health and Human Services

Opponents:	Representing:
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Neutral:	Representing:
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Summary of purpose and/or changes:

LB 27 changes provisions of the Autism Treatment Program Act (sections 85-1,138 to 85-1,142) and the Nebraska Health Care Funding Act (sections 71-7605 to 71-7611).

The Autism Treatment Program Act (act) creates an autism treatment program funded, in part, from the Nebraska Health Care Cash Fund. The act requires the Department of Health and Human Services (department) to apply for and implement a Medicaid waiver for the program. The intent of LB 27 is to clarify that the department will provide nonclinical administration of the program, and the Center for Autism Spectrum Disorders at the University of Nebraska Medical Center will provide clinical administration of the program.

The bill requires the department to enter into an interagency agreement with the University of Nebraska Medical Center (UNMC) to specify clinical administrative responsibilities, in addition to the provision of services, that the Center for Autism Spectrum Disorders (center) will perform under the Autism Treatment Program.

The bill requires the department to reimburse the center for clinical administrative responsibilities, including "(a) development of standards for service providers for use by the department to credential providers; (b) evaluation of appropriateness of treatment plans and outcome objectives, quality of services provided, and progress toward treatment goals; (c) receipt, processing, and eligibility determination of applications for autism waiver services, excluding medicaid eligibility determination and maintenance of electronic files normally performed by the department; (d) reporting to the department on waiver participant outcomes;(e) complaint documentation and remediation and incident documentation and referral to the department; and (f) assisting the department in the appeals process."

Current law requires the program to be funded for five years with one million dollars each year from the Nebraska Health Care Cash Fund, beginning in FY 2007-08. LB 27 delays the initiation of funding until July 1, 2009.

The bill contains an emergency clause.

Explanation of amendments:

The committee amendment (AM 321) replaces the bill as introduced as makes the following changes:

1. Moves provisions of the Autism Treatment Program Act from sections 85-1,138 to 85-1,142 to the Medical Assistance Act (sections 68-901 et seq.).

2. Limits the purpose of the Autism Treatment Program Act to the development and administration of a Medicaid waiver, and deletes references to administration of the autism treatment program by the Center for Autism Spectrum Disorders (center) at the University of Nebraska Medical Center (UNMC).

3. Provides for administration of the autism treatment program by the Department of Health and Human Services (department).

4. Provides for administration of the Autism Treatment Program Cash Fund (fund) by the department and requires that the fund be used as the state's matching share for the Medicaid waiver and for expenses incurred in the administration of the program.

5. Clarifies that the autism treatment program will use private funds deposited in the fund and funds transferred by the Legislature from the Nebraska Health Care Cash Fund to the fund. Transfers from the Nebraska Health Care Cash Fund in any fiscal year will be contingent upon the receipt of private matching funds for the program, with no less than one dollar of private funds received for every two dollars transferred from the Nebraska Health Care Cash Fund. The amendment prohibits the deposit of donations from a Medicaid provider into the fund.

6. Delays the date for submission of the Medicaid waiver for the provision of autism treatment under the Autism Treatment Program Act (Act) from July 1, 2008 to September 1, 2009, because the changes in LB 27 require the submission of a new waiver application under the act.

7. Changes provisions relating to transfers from the Nebraska Health Care Cash Fund to the Autism Treatment Program Cash Fund. The amendment provides that the transfer of one million dollars annually from the Nebraska Health Care Cash Fund to the Autism Treatment Program Cash Fund will begin on a date determined by the department but no later than ninety days after the Medicaid waiver has been approved.

8. Contains an emergency clause.

Tim Gay, Chairperson