

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 701

FINAL READING

Introduced by Hadley, 37; Wallman, 30; Gloor, 35.

Read first time January 06, 2010

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the ICF/MR Reimbursement Protection Act;
2 to amend section 68-1804, Reissue Revised Statutes of
3 Nebraska; to change provisions relating to allocation of
4 a fund; to repeal the original section; and to declare an
5 emergency.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-1804, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 68-1804 (1) The ICF/MR Reimbursement Protection Fund is
4 created. Any money in the fund available for investment shall be
5 invested by the state investment officer pursuant to the Nebraska
6 Capital Expansion Act and the Nebraska State Funds Investment Act.
7 Interest and income earned by the fund shall be credited to the
8 fund.

9 (2) For fiscal year 2004-05, proceeds from the tax
10 imposed under section 68-1803 shall be allocated as follows:

11 (a) First, fifty-five thousand dollars to the department
12 for administration of the fund;

13 (b) Second, payment to intermediate care facilities for
14 the mentally retarded for the cost of the tax;

15 (c) Third, three hundred thousand dollars, in addition
16 to any federal medicaid matching funds, for increases in payments
17 to non-state-operated intermediate care facilities for the mentally
18 retarded which shall be such facilities' only increase in payments
19 for such fiscal year;

20 (d) Fourth, three hundred twelve thousand dollars, in
21 addition to any federal medicaid matching funds, for payment to
22 providers of community-based services for the purpose of reducing
23 the waiting list of persons with developmental disabilities; and

24 (e) Fifth, any money remaining in the fund after the
25 allocations required by subdivisions (2)(a) through (d) of this

1 section have been made shall be transferred to the General Fund.

2 (3) For FY2005-06 and each fiscal year thereafter,
3 through FY2010-11, proceeds from the tax imposed pursuant to
4 section 68-1803 shall be remitted to the State Treasurer for credit
5 as follows:

6 (a) To the ICF/MR Reimbursement Protection Fund for
7 allocation as described in this subdivision: (i) Fifty-five
8 thousand dollars for administration of the fund; (ii) the amount
9 needed to reimburse intermediate care facilities for the mentally
10 retarded for the cost of the tax; (iii) three hundred thousand
11 dollars for payment of rates to non-state-operated intermediate
12 care facilities; and (iv) three hundred twelve thousand dollars
13 for community-based services for persons with developmental
14 disabilities; and

15 (b) To the General Fund: The remainder of the proceeds.

16 (4) For FY2011-12 and each fiscal year thereafter,
17 proceeds from the tax imposed pursuant to section 68-1803 shall
18 be remitted to the State Treasurer for credit to the ICF/MR
19 Reimbursement Protection Fund for allocation as follows:

20 (a) First, fifty-five thousand dollars for administration
21 of the fund;

22 (b) Second, the amount needed to reimburse intermediate
23 care facilities for the mentally retarded for the cost of the tax;

24 (c) Third, three hundred twelve thousand dollars
25 for community-based services for persons with developmental

1 disabilities;

2 (d) Fourth, six hundred thousand dollars or such lesser
3 amount as may be available in the fund for non-state-operated
4 intermediate care facilities for the mentally retarded, in addition
5 to any continuation appropriations percentage increase provided
6 by the Legislature to nongovernmental intermediate care facilities
7 for the mentally retarded under the medical assistance program,
8 subject to approval by the federal Centers for Medicare and
9 Medicaid Services of the department's annual application amending
10 the medicaid state plan reimbursement methodology for intermediate
11 care facilities for the mentally retarded; and

12 (e) Fifth, the remainder of the proceeds to the General
13 Fund.

14 Sec. 2. Original section 68-1804, Reissue Revised
15 Statutes of Nebraska, is repealed.

16 Sec. 3. Since an emergency exists, this act takes effect
17 when passed and approved according to law.