

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 25

Introduced by Friend, 10.

Read first time January 8, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to children; to amend sections 68-908, 68-911,
2 68-1202, 71-401, 71-403, and 71-415, Revised Statutes
3 Cumulative Supplement, 2008; to include children's day
4 health services in assistance provided under the Medical
5 Assistance Act and the social services program; to
6 require rules and regulations; to define a term; to
7 require licensure of children's day health services;
8 to harmonize provisions; and to repeal the original
9 sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-908, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 68-908 (1) The department shall administer the medical
4 assistance program.

5 (2) The department may (a) enter into contracts and
6 interagency agreements, (b) adopt and promulgate rules and
7 regulations, (c) adopt fee schedules, (d) apply for and implement
8 waivers and managed care plans for eligible recipients, and (e)
9 perform such other activities as necessary and appropriate to carry
10 out its duties under the Medical Assistance Act.

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

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

24 (b) The department shall provide a draft report of such
25 summary and analysis to the Medicaid Reform Council no later than

1 October 1 of each even-numbered year. The council shall conduct a
2 public meeting no later than October 15 of such year to discuss
3 and receive public comment regarding such report. The council shall
4 provide any comments and recommendations regarding such report in
5 writing to the department and the committee no later than November
6 1 of such year. The department shall submit a final report of
7 such summary and analysis to the Governor, the Legislature, and the
8 council no later than December 1 of such year.

9 (5) Prior to January 1, 2010, the department shall adopt
10 and promulgate rules and regulations providing for payment under
11 the medical assistance program to licensed children's day health
12 services for all necessary and reasonable costs of providing such
13 services to eligible recipients.

14 Sec. 2. Section 68-911, Revised Statutes Cumulative
15 Supplement, 2008, is amended to read:

16 68-911 (1) Medical assistance shall include coverage for
17 health care and related services as required under Title XIX of the
18 federal Social Security Act, including, but not limited to:

19 (a) Inpatient and outpatient hospital services;

20 (b) Laboratory and X-ray services;

21 (c) Nursing facility services;

22 (d) Home health services;

23 (e) Nursing services;

24 (f) Clinic services;

25 (g) Physician services;

- 1 (h) Medical and surgical services of a dentist;
- 2 (i) Nurse practitioner services;
- 3 (j) Nurse midwife services;
- 4 (k) Pregnancy-related services;
- 5 (l) Medical supplies; and
- 6 (m) Early and periodic screening and diagnosis and
7 treatment services for children.
- 8 (2) Medical assistance may include coverage for health
9 care and related services as permitted but not required under Title
10 XIX of the federal Social Security Act, including, but not limited
11 to:
- 12 (a) Prescribed drugs;
- 13 (b) Intermediate care facilities for the mentally
14 retarded;
- 15 (c) Home and community-based services for aged persons
16 and persons with disabilities;
- 17 (d) Dental services;
- 18 (e) Rehabilitation services;
- 19 (f) Personal care services;
- 20 (g) Durable medical equipment;
- 21 (h) Medical transportation services;
- 22 (i) Vision-related services;
- 23 (j) Speech therapy services;
- 24 (k) Physical therapy services;
- 25 (l) Chiropractic services;

- 1 (m) Occupational therapy services;
- 2 (n) Optometric services;
- 3 (o) Podiatric services;
- 4 (p) Hospice services;
- 5 (q) Mental health and substance abuse services;
- 6 (r) Hearing screening services for newborn and infant
- 7 children; ~~and~~
- 8 (s) Administrative expenses related to administrative
- 9 activities, including outreach services, provided by school
- 10 districts and educational service units to students who are
- 11 eligible or potentially eligible for medical assistance; ~~and-~~
- 12 (t) Children's day health services licensed under the
- 13 Health Care Facility Licensure Act.

14 Sec. 3. Section 68-1202, Revised Statutes Cumulative

15 Supplement, 2008, is amended to read:

16 68-1202 Social services may be provided on behalf of

17 recipients with payments for such social services made directly

18 to vendors. Social services shall include those mandatory and

19 optional services to former, present, or potential social services

20 recipients provided for under the federal Social Security Act,

21 as such act existed on September 4, 2005, and described by

22 the State of Nebraska in the approved State Plan for Services.

23 Such services may include, but shall not be limited to, foster

24 care for children, child care, family planning, treatment for

25 alcoholism and drug addiction, treatment for persons with mental

1 retardation, health-related services, protective services for
2 children, homemaker services, employment services, foster care
3 for adults, protective services for adults, transportation
4 services, home management and other functional education services,
5 housing improvement services, legal services, adult day services,
6 children's day health services, home delivered or congregate meals,
7 educational services, and secondary prevention services, including,
8 but not limited to, home visitation, child screening and early
9 intervention, and parenting education programs.

10 Sec. 4. Section 71-401, Revised Statutes Cumulative
11 Supplement, 2008, is amended to read:

12 71-401 Sections 71-401 to 71-459 and section 6 of this
13 act shall be known and may be cited as the Health Care Facility
14 Licensure Act.

15 Sec. 5. Section 71-403, Revised Statutes Cumulative
16 Supplement, 2008, is amended to read:

17 71-403 For purposes of the Health Care Facility Licensure
18 Act, unless the context otherwise requires, the definitions found
19 in sections 71-404 to 71-431 and section 6 of this act shall apply.

20 Sec. 6. (1) Children's day health service means a
21 person or any legal entity which provides specialized care and
22 an array of social, medical, rehabilitation, or other support
23 services for a period of less than twenty-four consecutive hours
24 in a community-based group program to four or more persons under
25 twenty-one years of age who require such services due to medical

1 dependence, birth trauma, congenital anomalies, developmental
2 disorders, or functional impairment.

3 (2) Children's day health service does not include
4 services provided under the Developmental Disabilities Services
5 Act.

6 Sec. 7. Section 71-415, Revised Statutes Cumulative
7 Supplement, 2008, is amended to read:

8 71-415 Health care service means an adult day service,
9 a home health agency, a hospice or hospice service, ~~or~~ a respite
10 care service, or beginning January 1, 2010, a children's day health
11 service. Health care service does not include an in-home personal
12 services agency as defined in section 71-6501.

13 Sec. 8. Original sections 68-908, 68-911, 68-1202,
14 71-401, 71-403, and 71-415, Revised Statutes Cumulative Supplement,
15 2008, are repealed.