

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 494

Final Reading

Introduced by Nordquist, 7; Ashford, 20; Campbell, 25; Howard, 9;
Mello, 5.

Read first time January 18, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Medical Assistance Act; to amend section
2 68-914, Reissue Revised Statutes of Nebraska; to provide
3 duties for the Department of Health and Human Services
4 regarding applications for medical assistance; to repeal
5 the original section; and to declare an emergency.

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

1 Section 1. Section 68-914, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 68-914 (1) An applicant for medical assistance shall file
4 an application with the department in a manner and form prescribed by
5 the department. The department shall process each application to
6 determine whether the applicant is eligible for medical assistance.
7 The department shall provide a determination of eligibility for
8 medical assistance in a timely manner in compliance with 42 C.F.R.
9 435.911, including, but not limited to, a timely determination of
10 eligibility for coverage of an emergency medical condition, such as
11 labor and delivery.

12 (2) The department shall notify an applicant for or
13 recipient of medical assistance of any decision of the department to
14 deny or discontinue eligibility or to deny or modify medical
15 assistance. Decisions of the department, including the failure of the
16 department to act with reasonable promptness, may be appealed, and
17 the appeal shall be in accordance with the Administrative Procedure
18 Act.

19 Sec. 2. Original section 68-914, Reissue Revised Statutes
20 of Nebraska, is repealed.

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