

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1122**

Introduced by Bloomfield, 17.

Read first time January 19, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Medical Assistance Act; to amend section  
2 68-912, Reissue Revised Statutes of Nebraska; to change a  
3 power of the Department of Health and Human Services  
4 relating to the limitation of certain services as  
5 prescribed; to repeal the original section; and to  
6 declare an emergency.

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

1           Section 1. Section 68-912, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           68-912 (1) The department may establish (a) premiums,  
4 copayments, and deductibles for goods and services provided under the  
5 medical assistance program, (b) limits on the amount, duration, and  
6 scope of goods and services that recipients may receive under the  
7 medical assistance program subject to subsection (5) of this section,  
8 and (c) requirements for recipients of medical assistance as a  
9 necessary condition for the continued receipt of such assistance,  
10 including, but not limited to, active participation in care  
11 coordination and appropriate disease management programs and  
12 activities.

13           (2) In establishing and limiting coverage for services  
14 under the medical assistance program, the department shall consider  
15 (a) the effect of such coverage and limitations on recipients of  
16 medical assistance and medical assistance expenditures, (b) the  
17 public policy in section 68-905, (c) the experience and outcomes of  
18 other states, (d) the nature and scope of benchmark or benchmark-  
19 equivalent health insurance coverage as recognized under federal law,  
20 and (e) other relevant factors as determined by the department.

21           (3) Coverage for mandatory and optional services and  
22 limitations on covered services as established by the department  
23 prior to July 1, 2006, shall remain in effect until revised, amended,  
24 repealed, or nullified pursuant to law. Any proposed reduction or  
25 expansion of services or limitation of covered services by the

1 department under this section shall be subject to the reporting and  
2 review requirements of section 68-909.

3 (4) Except as otherwise provided in this subsection,  
4 proposed rules and regulations under this section relating to the  
5 establishment of premiums, copayments, or deductibles for eligible  
6 recipients or limits on the amount, duration, or scope of covered  
7 services for eligible recipients shall not become effective until the  
8 conclusion of the earliest regular session of the Legislature in  
9 which there has been a reasonable opportunity for legislative  
10 consideration of such rules and regulations. This subsection does not  
11 apply to rules and regulations that are (a) required by federal or  
12 state law, (b) related to a waiver in which recipient participation  
13 is voluntary, or (c) proposed due to a loss of federal matching funds  
14 relating to a particular covered service or eligibility category.  
15 Legislative consideration includes, but is not limited to, the  
16 introduction of a legislative bill, a legislative resolution, or an  
17 amendment to pending legislation relating to such rules and  
18 regulations.

19 (5) Any limitation on the amount, duration, or scope of  
20 goods and services that recipients may receive under the medical  
21 assistance program shall preserve and maintain home health services  
22 from private duty nurses to the greatest extent possible.

23 Sec. 2. Original section 68-912, Reissue Revised Statutes  
24 of Nebraska, is repealed.

25 Sec. 3. Since an emergency exists, this act takes effect

1 when passed and approved according to law.