

AMENDMENTS TO LB276

Introduced by Nordquist

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 43-2511, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 43-2511 There is hereby established a statewide billing
6 system for accessing federal medicaid funds for special education
7 and related services provided by school districts. The system
8 shall apply to all students verified with disabilities from date
9 of diagnosis to twenty-one years of age as allowed under the
10 federal Medicare Catastrophic Coverage Act of 1988. The system
11 shall be developed, implemented, and administered jointly by the
12 Department of Health and Human Services and the State Department
13 of Education. On or before October 1, 2015, the Department of
14 Health and Human Services and the State Department of Education
15 shall jointly revise the statewide billing system to streamline
16 and simplify the claims process, to update reimbursement rates,
17 and to incorporate services included in the state plan amendment
18 submitted pursuant to subsection (4) of section 68-911. After the
19 reimbursement rates have been updated pursuant to this section,
20 such rates shall be reviewed at least once every five years. School
21 districts, educational service units, or approved cooperatives
22 providing special education and related services shall be required
23 to participate in the statewide billing system. ~~It is the intent~~

1 ~~of this section that~~ Eleven and fifty-four hundredths percent
2 of federal medicaid funds received by school districts pursuant
3 to such billing system shall be considered reimbursement for the
4 costs to school districts associated with the implementation and
5 administration of such a system, and such costs shall be included
6 ~~in shall be eligible for payment through~~ the medicaid reimbursement
7 rates to be established for each ~~therapy-~~ service. From the amount
8 provided pursuant to section 43-2515 to aid in carrying out the
9 Early Intervention Act, the Department of Health and Human Services
10 shall retain, for the purposes of implementing and administering
11 the statewide billing system and early intervention services
12 coordination services, an amount equal to the lesser of the
13 actual cost of implementing and administering the statewide billing
14 system and early intervention services coordination services or (1)
15 for fiscal year 2014-15, two hundred forty-two thousand dollars,
16 (2) for fiscal year 2015-16, three hundred thousand dollars, or (3)
17 for fiscal year 2016-17 and each fiscal year thereafter, the amount
18 retained for such purposes for the prior year increased by five
19 percent.

20 Sec. 2. Section 43-2513, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 43-2513 For purposes of the general fund budget of
23 expenditures as defined in section 79-1003, funds received to carry
24 out the services coordination functions ~~and the administration~~
25 ~~of the billing system~~ or designated as reimbursement for costs
26 associated with the implementation and administration of the
27 billing system pursuant to section 43-2511 shall be considered

1 special grant funds.

2 Sec. 3. Section 43-2515, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 43-2515 ~~On~~ For years 1993 through 2015, on or before
5 October 1, 1993, ~~and for each year thereafter,~~ the Department of
6 Health and Human Services and the State Department of Education
7 shall jointly certify to the budget administrator of the budget
8 division of the Department of Administrative Services the amount
9 of federal medicaid funds paid to school districts pursuant to the
10 Early Intervention Act for special education services for children
11 five years of age and older for the immediately preceding fiscal
12 year. The General Fund appropriation to the State Department of
13 Education for state special education aid for the then-current
14 fiscal year shall be decreased by an amount equal to the amount
15 that would have been reimbursed with state general funds to
16 the school districts through the special education reimbursement
17 process for special education services for children five years
18 of age and older that was paid to school districts or approved
19 cooperatives with federal medicaid funds.

20 ~~It~~ For fiscal years through fiscal year 2015-16, it
21 is the intent of the Legislature that an amount equal to the
22 amount that would have been reimbursed with state general funds
23 to the school districts, certified to the budget administrator,
24 be appropriated from the General Fund to aid in carrying out the
25 provisions of the Early Intervention Act and other related early
26 intervention services.

27 For 2015 and each year thereafter, on or before

1 December 1, the Department of Health and Human Services and
2 the State Department of Education shall jointly certify to the
3 budget administrator of the budget division of the Department of
4 Administrative Services the aggregate amount to be included in the
5 local system formula resources pursuant to subdivision (16) of
6 section 79-1018.01 for all local systems for aid to be calculated
7 pursuant to the Tax Equity and Educational Opportunities Support
8 Act for the next school fiscal year.

9 For fiscal year 2016-17 and each fiscal year thereafter,
10 it is the intent of the Legislature that, in addition to other
11 state and federal funds used to carry out the Early Intervention
12 Act, funds equal to the lesser of the amount certified to the
13 budget administrator or the amount appropriated or transferred
14 for such purposes pursuant to this section for the immediately
15 preceding fiscal year increased by five percent be appropriated
16 from the General Fund to aid in carrying out the provisions of
17 the Early Intervention Act and other related early intervention
18 services.

19 Sec. 4. Section 68-911, Revised Statutes Supplement,
20 2013, is amended to read:

21 68-911 (1) Medical assistance shall include coverage for
22 health care and related services as required under Title XIX of the
23 federal Social Security Act, including, but not limited to:

- 24 (a) Inpatient and outpatient hospital services;
- 25 (b) Laboratory and X-ray services;
- 26 (c) Nursing facility services;
- 27 (d) Home health services;

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

- 1 (j) Speech therapy services;
2 (k) Physical therapy services;
3 (l) Chiropractic services;
4 (m) Occupational therapy services;
5 (n) Optometric services;
6 (o) Podiatric services;
7 (p) Hospice services;
8 (q) Mental health and substance abuse services;
9 (r) Hearing screening services for newborn and infant
10 children; and

11 (s) Administrative expenses related to administrative
12 activities, including outreach services, provided by school
13 districts and educational service units to students who are
14 eligible or potentially eligible for medical assistance.

15 (3) No later than July 1, 2009, the department
16 shall submit a state plan amendment or waiver to the federal
17 Centers for Medicare and Medicaid Services to provide coverage
18 under the medical assistance program for community-based secure
19 residential and subacute behavioral health services for all
20 eligible recipients, without regard to whether the recipient has
21 been ordered by a mental health board under the Nebraska Mental
22 Health Commitment Act to receive such services.

23 (4) On or before October 1, 2014, the department, after
24 consultation with the State Department of Education, shall submit
25 a state plan amendment to the federal Centers for Medicare and
26 Medicaid Services, as necessary, to provide that the following are
27 direct reimbursable services when provided by school districts as

1 part of an individualized education program or an individualized
2 family service plan: Early and periodic screening, diagnosis, and
3 treatment services for children; medical transportation services;
4 mental health services; nursing services; occupational therapy
5 services; personal care services; physical therapy services;
6 rehabilitation services; speech therapy and other services for
7 individuals with speech, hearing, or language disorders; and
8 vision-related services.

9 Sec. 5. Section 79-1018.01, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 79-1018.01 Except as otherwise provided in this section,
12 local system formula resources include other actual receipts
13 available for the funding of general fund operating expenditures
14 as determined by the department for the second school fiscal year
15 immediately preceding the school fiscal year in which aid is to be
16 paid. Other actual receipts include:

- 17 (1) Public power district sales tax revenue;
- 18 (2) Fines and license fees;
- 19 (3) Tuition receipts from individuals, other districts,
20 or any other source except receipts derived from adult education,
21 receipts derived from summer school tuition, receipts derived
22 from early childhood education tuition, tuition receipts from
23 converted contracts beginning with the calculation of state aid to
24 be distributed in school fiscal year 2011-12, and receipts from
25 educational entities as defined in section 79-1201.01 for providing
26 distance education courses through the Educational Service Unit
27 Coordinating Council to such educational entities;

- 1 (4) Transportation receipts;
- 2 (5) Interest on investments;
- 3 (6) Other miscellaneous noncategorical local receipts,
4 not including receipts from private foundations, individuals,
5 associations, or charitable organizations;
- 6 (7) Special education receipts;
- 7 (8) Special education receipts and non-special education
8 receipts from the state for wards of the court and wards of the
9 state;
- 10 (9) All receipts from the temporary school fund. Receipts
11 from the temporary school fund shall only include (a) receipts
12 pursuant to section 79-1035, to the extent that such receipts for
13 the calculation of aid for school fiscal year 2018-19 and each
14 school fiscal year thereafter are not returned to the temporary
15 school fund pursuant to section 79-309.01, and (b) the receipt of
16 funds pursuant to section 79-1036 for property leased for a public
17 purpose as set forth in subdivision (1)(a) of section 77-202;
- 18 (10) Motor vehicle tax receipts received;
- 19 (11) Pro rata motor vehicle license fee receipts;
- 20 (12) Other miscellaneous state receipts excluding revenue
21 from the textbook loan program authorized by section 79-734;
- 22 (13) Impact aid entitlements for the school fiscal year
23 which have actually been received by the district to the extent
24 allowed by federal law;
- 25 (14) All other noncategorical federal receipts;
- 26 (15) All receipts pursuant to the enrollment option
27 program under sections 79-232 to 79-246;

1 (16) Receipts under the federal Medicare Catastrophic
2 Coverage Act of 1988, as such act existed on ~~May 8, 2001,~~ January
3 1, 2014, as authorized pursuant to sections 43-2510 and 43-2511
4 ~~but only to the extent of the amount the local system would~~
5 ~~have otherwise received pursuant to the Special Education Act for~~
6 ~~services to school-age children, excluding amounts designated as~~
7 ~~reimbursement for costs associated with the implementation and~~
8 ~~administration of the billing system pursuant to section 43-2511;~~

9 (17) Receipts for accelerated or differentiated
10 curriculum programs pursuant to sections 79-1106 to 79-1108.03; and

11 (18) Revenue received from the nameplate capacity tax
12 distributed pursuant to section 77-6204.

13 Sec. 6. Section 79-1119, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 79-1119 ~~Excess~~ For aid distributed in school fiscal years
16 prior to 2015-16, excess cost means the difference between the
17 total cost of the special education program excluding residential
18 care and the number of students in the special education program
19 multiplied by the adjusted average per pupil cost of the preceding
20 year for the school district of residence of each child. For aid
21 distributed in school fiscal year 2015-16 and each school fiscal
22 year thereafter, excess cost means the difference between the total
23 cost of the special education program excluding residential care
24 minus federal medicaid funds received pursuant to section 43-2511
25 for services to school-age children excluding amounts designated
26 as reimbursement for costs associated with the implementation and
27 administration of the billing system pursuant to section 43-2511

1 and minus the product of the number of students in the special
2 education program multiplied by the adjusted average per pupil cost
3 of the preceding year for the school district of residence of each
4 child.

5 Sec. 7. Section 79-1145, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 79-1145 (1) For each fiscal year prior to fiscal
8 year 2014-15, the aggregate amount of General Funds appropriated
9 for special education programs and support services pursuant to
10 sections 79-1129, 79-1132, and 79-1144 shall not exceed the
11 aggregate amount of General Funds appropriated pursuant to such
12 sections for the previous fiscal year, multiplied by one plus a
13 rate of increased by five percent.

14 (2) For fiscal year 2014-15 and each fiscal year
15 thereafter, the aggregate amount of General Funds appropriated
16 for special education programs and support services pursuant to
17 sections 79-1129, 79-1132, and 79-1144 shall not exceed the
18 aggregate amount of General Funds appropriated pursuant to such
19 sections for the previous fiscal year, increased by ten percent.

20 For purposes of this section, for fiscal year 2016-17 the aggregate
21 amount of General Funds appropriated for special education programs
22 and support services pursuant to sections 79-1129, 79-1132, and
23 79-1144 for the previous fiscal year shall be the net amount after
24 any decrease required pursuant to section 43-2515.

25 Sec. 8. Original sections 43-2511, 43-2513, 43-2515,
26 79-1119, and 79-1145, Reissue Revised Statutes of Nebraska, section
27 79-1018.01, Revised Statutes Cumulative Supplement, 2012, and

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1 section 68-911, Revised Statutes Supplement, 2013, are repealed.