

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 23

Introduced by Hadley, 37.

Read first time January 10, 2013

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the ICF/MR Reimbursement Protection Act; to
2 amend section 68-1802, Reissue Revised Statutes of
3 Nebraska, and section 68-1804, Revised Statutes
4 Cumulative Supplement, 2012; to redefine a term; to
5 change allocations of the ICF/MR Reimbursement Protection
6 Fund; to delete obsolete provisions; to repeal the
7 original sections; and to declare an emergency.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-1802, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 68-1802 For purposes of the ICF/MR Reimbursement
4 Protection Act:

5 (1) Department means the Department of Health and Human
6 Services;

7 (2) Intermediate care facility for the mentally retarded
8 has the definition found in section 71-421;

9 (3) Medical assistance program means the program
10 established pursuant to the Medical Assistance Act; and

11 (4) Net revenue means the revenue, including, but not
12 limited to, state appropriations, paid to an intermediate care
13 facility for the mentally retarded for resident care, room, board,
14 and services less contractual adjustments and does not include
15 revenue from sources other than operations, including, but not
16 limited to, interest and guest meals.

17 Sec. 2. Section 68-1804, Revised Statutes Cumulative
18 Supplement, 2012, is amended to read:

19 68-1804 (1) The ICF/MR Reimbursement Protection Fund is
20 created. Any money in the fund available for investment shall be
21 invested by the state investment officer pursuant to the Nebraska
22 Capital Expansion Act and the Nebraska State Funds Investment Act.
23 Interest and income earned by the fund shall be credited to the fund.

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

1 ~~(a) First, fifty five thousand dollars to the department~~
2 ~~for administration of the fund;~~

3 ~~(b) Second, payment to intermediate care facilities for~~
4 ~~the mentally retarded for the cost of the tax;~~

5 ~~(c) Third, three hundred thousand dollars, in addition to~~
6 ~~any federal medicaid matching funds, for increases in payments to~~
7 ~~non state operated intermediate care facilities for the mentally~~
8 ~~retarded which shall be such facilities' only increase in payments~~
9 ~~for such fiscal year;~~

10 ~~(d) Fourth, three hundred twelve thousand dollars, in~~
11 ~~addition to any federal medicaid matching funds, for payment to~~
12 ~~providers of community based services for the purpose of reducing the~~
13 ~~waiting list of persons with developmental disabilities; and~~

14 ~~(e) Fifth, any money remaining in the fund after the~~
15 ~~allocations required by subdivisions (2)(a) through (d) of this~~
16 ~~section have been made shall be transferred to the General Fund.~~

17 ~~(3) For FY2005-06 through FY2010-11, proceeds from the~~
18 ~~tax imposed pursuant to section 68-1803 shall be remitted to the~~
19 ~~State Treasurer for credit as follows:~~

20 ~~(a) To the ICF/MR Reimbursement Protection Fund for~~
21 ~~allocation as described in this subdivision: (i) Fifty five thousand~~
22 ~~dollars for administration of the fund; (ii) the amount needed to~~
23 ~~reimburse intermediate care facilities for the mentally retarded for~~
24 ~~the cost of the tax; (iii) three hundred thousand dollars for payment~~
25 ~~of rates to non state operated intermediate care facilities; and (iv)~~

1 ~~three hundred twelve thousand dollars for community based services~~
2 ~~for persons with developmental disabilities; and~~

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

4 ~~(4) (2) For FY2011-12 and each fiscal year thereafter,~~
5 FY2012-13, proceeds from the tax imposed pursuant to section 68-1803
6 shall be remitted to the State Treasurer for credit to the ICF/MR
7 Reimbursement Protection Fund for allocation as follows:

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

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

12 (c) Third, three hundred twelve thousand dollars for
13 community-based services for persons with developmental disabilities;

14 (d) Fourth, six hundred thousand dollars or such lesser
15 amount as may be available in the fund for non-state-operated
16 intermediate care facilities for the mentally retarded, in addition
17 to any continuation appropriations percentage increase provided by
18 the Legislature to nongovernmental intermediate care facilities for
19 the mentally retarded under the medical assistance program, subject
20 to approval by the federal Centers for Medicare and Medicaid Services
21 of the department's annual application amending the medicaid state
22 plan reimbursement methodology for intermediate care facilities for
23 the mentally retarded; and

24 (e) Fifth, the remainder of the proceeds to the General
25 Fund.

1 (3) For FY2013-14 and each fiscal year thereafter,
2 proceeds from the tax imposed pursuant to section 68-1803 shall be
3 remitted to the State Treasurer for credit to the ICF/MR
4 Reimbursement Protection Fund for allocation as follows:

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

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

9 (c) Third, one million dollars or such lesser amount as
10 may be available in the fund for non-state-operated intermediate care
11 facilities for the mentally retarded, in addition to any continuation
12 appropriations percentage increase provided by the Legislature to
13 nongovernmental intermediate care facilities for the mentally
14 retarded under the medical assistance program, subject to approval by
15 the federal Centers for Medicare and Medicaid Services of the
16 department's annual application amending the medicaid state plan
17 reimbursement methodology for intermediate care facilities for the
18 mentally retarded;

19 (d) Fourth, three hundred twelve thousand dollars for
20 community-based services for persons with developmental disabilities;
21 and

22 (e) Fifth, the remainder of the proceeds to the General
23 Fund.

24 Sec. 3. Original section 68-1802, Reissue Revised
25 Statutes of Nebraska, and section 68-1804, Revised Statutes

1 Cumulative Supplement, 2012, are repealed.

2 Sec. 4. Since an emergency exists, this act takes effect

3 when passed and approved according to law.