

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 8

Introduced by Krist, 10.

Read first time January 10, 2013

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to children; to amend section 68-911, Reissue
2 Revised Statutes of Nebraska, and sections 68-908 and
3 68-1202, Revised Statutes Cumulative Supplement, 2012; to
4 include children's day health services in assistance
5 provided under the Medical Assistance Act and the social
6 services program; to require rules and regulations; and
7 to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-908, Revised Statutes Cumulative
2 Supplement, 2012, 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 services for eligible recipients,
9 including services under the Nebraska Behavioral Health Services Act,
10 and (e) perform such other activities as necessary and appropriate to
11 carry out its duties under the Medical Assistance Act. A covered item
12 or service as described in section 68-911 that is furnished through a
13 school-based health center, furnished by a provider, and furnished
14 under a managed care plan pursuant to a waiver does not require prior
15 consultation or referral by a patient's primary care physician to be
16 covered. Any federally qualified health center providing services as
17 a sponsoring facility of a school-based health center shall be
18 reimbursed for such services provided at a school-based health center
19 at the federally qualified health center reimbursement rate.

20 (3) The department shall maintain the confidentiality of
21 information regarding applicants for or recipients of medical
22 assistance and such information shall only be used for purposes
23 related to administration of the medical assistance program and the
24 provision of such assistance or as otherwise permitted by federal
25 law.

1 (4)(a) The department shall prepare an annual summary and
2 analysis of the medical assistance program for legislative and public
3 review, including, but not limited to, a description of eligible
4 recipients, covered services, provider reimbursement, program trends
5 and projections, program budget and expenditures, the status of
6 implementation of the Medicaid Reform Plan, and recommendations for
7 program changes.

8 (b) The department shall provide a draft report of such
9 summary and analysis to the Medicaid Reform Council no later than
10 September 15 of each year. The council shall conduct a public meeting
11 no later than October 1 of each year to discuss and receive public
12 comment regarding such report. The council shall provide any comments
13 and recommendations regarding such report in writing to the
14 department no later than November 1 of each year. The department
15 shall submit a final report of such summary and analysis to the
16 Governor, the Legislature, and the council no later than December 1
17 of each year. The report submitted to the Legislature shall be
18 submitted electronically. Such final report shall include a response
19 to each written recommendation provided by the council.

20 (5) Prior to January 1, 2014, the department shall adopt
21 and promulgate rules and regulations providing for payment under the
22 medical assistance program to licensed children's day health services
23 for all necessary and reasonable costs of providing such services to
24 eligible recipients.

25 Sec. 2. Section 68-911, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 68-911 (1) Medical assistance shall include coverage for
3 health care and related services as required under Title XIX of the
4 federal Social Security Act, including, but not limited to:

- 5 (a) Inpatient and outpatient hospital services;
- 6 (b) Laboratory and X-ray services;
- 7 (c) Nursing facility services;
- 8 (d) Home health services;
- 9 (e) Nursing services;
- 10 (f) Clinic services;
- 11 (g) Physician services;
- 12 (h) Medical and surgical services of a dentist;
- 13 (i) Nurse practitioner services;
- 14 (j) Nurse midwife services;
- 15 (k) Pregnancy-related services;
- 16 (l) Medical supplies; and
- 17 (m) Early and periodic screening and diagnosis and
18 treatment services for children.

19 (2) In addition to coverage otherwise required under this
20 section, medical assistance may include coverage for health care and
21 related services as permitted but not required under Title XIX of the
22 federal Social Security Act, including, but not limited to:

- 23 (a) Prescribed drugs;
- 24 (b) Intermediate care facilities for the mentally
25 retarded;

- 1 (c) Home and community-based services for aged persons
2 and persons with disabilities;
- 3 (d) Dental services;
- 4 (e) Rehabilitation services;
- 5 (f) Personal care services;
- 6 (g) Durable medical equipment;
- 7 (h) Medical transportation services;
- 8 (i) Vision-related services;
- 9 (j) Speech therapy services;
- 10 (k) Physical therapy services;
- 11 (l) Chiropractic services;
- 12 (m) Occupational therapy services;
- 13 (n) Optometric services;
- 14 (o) Podiatric services;
- 15 (p) Hospice services;
- 16 (q) Mental health and substance abuse services;
- 17 (r) Hearing screening services for newborn and infant
18 children; ~~and~~
- 19 (s) Administrative expenses related to administrative
20 activities, including outreach services, provided by school districts
21 and educational service units to students who are eligible or
22 potentially eligible for medical assistance; and -
- 23 (t) Children's day health services licensed under the
24 Health Care Facility Licensure Act.
- 25 (3) No later than July 1, 2009, the department shall

1 submit a state plan amendment or waiver to the federal Centers for
2 Medicare and Medicaid Services to provide coverage under the medical
3 assistance program for community-based secure residential and
4 subacute behavioral health services for all eligible recipients,
5 without regard to whether the recipient has been ordered by a mental
6 health board under the Nebraska Mental Health Commitment Act to
7 receive such services.

8 (4) No later than January 1, 2014, the department shall
9 submit a state plan amendment or waiver to the federal Centers for
10 Medicare and Medicaid Services to provide coverage under the medical
11 assistance program for children's day health services for all
12 eligible recipients.

13 Sec. 3. Section 68-1202, Revised Statutes Cumulative
14 Supplement, 2012, is amended to read:

15 68-1202 Social services may be provided on behalf of
16 recipients with payments for such social services made directly to
17 vendors. Social services shall include those mandatory and optional
18 services to former, present, or potential social services recipients
19 provided for under the federal Social Security Act, as amended, and
20 described by the State of Nebraska in the approved State Plan for
21 Services. Such services may include, but shall not be limited to,
22 foster care for children, child care, family planning, treatment for
23 alcoholism and drug addiction, treatment for persons with mental
24 retardation, health-related services, protective services for
25 children, homemaker services, employment services, foster care for

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

8 Sec. 4. Original section 68-911, Reissue Revised Statutes
9 of Nebraska, and sections 68-908 and 68-1202, Revised Statutes
10 Cumulative Supplement, 2012, are repealed.