

December 1, 2016

Patrick O'Donnell  
Clerk of the Legislature  
Room 2018, State Capitol  
Lincoln, NE 68509

Dear Mr. O'Donnell:


Pursuant to the provisions of Nebraska Revised Statute § 68-909(2), the Division of Medicaid and Long-Term Care (MLTC) is submitting this report to the Governor, the Legislature, and the Medicaid Reform Council summarizing the purpose and content of proposed rules and regulations and the projected impact of such proposed rules and regulations on recipients of medical assistance and medical assistance expenditures.

One of the main priorities of this administration is to streamline regulations and to remove unnecessary regulatory burdens on Nebraska residents and businesses. In this spirit, Nebraska Medicaid is currently rewriting all of its Medicaid regulations to remove obsolete provisions and make sure they comply with federal and state law. This project is anticipated to be complete in late 2017. Throughout the rewrite process, it is the intent of MLTC to keep stakeholders informed and involved, not only through the public notice and comment process, but also by sharing preliminary drafts of these regulations with the groups impacted.

While the regulations included in this report are the ones MLTC anticipates to be promulgated in the next year, due to the program's requirements to be in line with federal and state law and budget appropriations, there might be additional regulations that are required to be promulgated throughout the year. As with all of our regulations, we will seek stakeholder feedback prior to the promulgation of any such regulations.

If you have any questions, please contact Thomas "Rocky" Thompson, Deputy Director for Policy and Communications at [rocky.thompson@nebraska.gov](mailto:rocky.thompson@nebraska.gov).

Sincerely,



Calder A. Lynch, Director  
Division of Medicaid & Long-Term Care  
Department of Health and Human Services



<b>Regulation</b>	<b>Purpose</b>	<b>Content</b>	<b>Projected Impact</b>	<b>Status</b>
471 NAC 1	Adding Telehealth changes pursuant to LB 1076 of 2014	Telehealth	Expanded services provided through Telehealth.	Signed by Governor. Effective January 1, 2017.
471 NAC 1	General cleanup	Administration	No impact	Internal DHHS process underway.
471 NAC 2	Adopt federal requirements for screening and enrollment of Medicaid providers	Provider screening and enrollment	Indeterminable costs for state agency; Increased costs for public and political subdivisions	Signed by Governor. Effective December 2015.
471 NAC 2	General cleanup	Provider participation	No impact	Internal DHHS process underway.
471 NAC 3	General cleanup	Payment for services	No impact	Internal DHHS process underway.
471 NAC 4	General cleanup	Ambulance services	No impact	Sent to Governor's office for signature.
471 NAC 5	General cleanup	Chiropractic services	No impact	Public hearing held July 2016.
471 NAC 6	General cleanup	Dental services	No impact	Sent to Governor's office for signature.
471 NAC 7	General cleanup	Durable medical equipment	No impact	Internal DHHS process underway.
471 NAC 8	General cleanup	Hearing aids	No impact	Internal DHHS process underway.
471 NAC 9	General cleanup	Home health agencies	No impact	Internal DHHS process underway.

471 NAC 9, 13	Remove references to homebound	Home health agencies and nursing services	No impact; Decreased costs to the state	Signed by Governor. Effective October 2016.
471 NAC 10	General cleanup	Hospital services	No impact	Sent to Governor's office for initial review.
471 NAC 10, 12, 31	Updated to reflect new ICD-10 diagnosis coding system implemented October 1, 2015	ICD-10 references	No impact	Signed by Governor. Effective September 2015.
471 NAC 11	General cleanup	Indian Health Services	Federal impact with the addition of the pharmacy encounter; No state impact	Public hearing set for December 2016.
471 NAC 12	Modifies adult level of care and adds children level of care criteria.	Level of care	Possible impact to the number of Individuals served in facilities	Internal DHHS process underway.
471 NAC 12	General cleanup	Nursing facility	No impact	Internal DHHS process underway.
471 NAC 13	General cleanup	Nursing services	No impact	Internal DHHS process underway.
471 NAC 14	General cleanup	Occupational therapy	No impact	Internal DHHS process underway.
471 NAC 15	General cleanup	Personal assistance services	No impact	Internal DHHS process underway.
471 NAC 17	General cleanup	Physical therapy	No impact	Internal DHHS process underway.

471 NAC 18	General cleanup	Physician's services	No impact	Internal DHHS process underway.
471 NAC 18, 19, 24, 33	Updated to reflect Medicaid rate increase for these specific services budgeted by 2013 Legislature for 2013-2015 biennium	Medicaid clinical lab; injectable meds payments	No impact for political subdivisions; Decreased costs for public; Increased costs for the State	Signed by the Governor.
471 NAC 19	General cleanup	Podiatry services	No impact	Sent to Governor's office for signature.
471 NAC 20	General cleanup	Psych services 21 and older	No impact	Internal DHHS process underway.
471 NAC 21	General cleanup	Rehabilitation care in hospitals	No impact	Being reviewed by the Attorney General's office
471 NAC 22	General cleanup	Respiratory therapy	No impact	Internal DHHS process underway.
471 NAC 23	General cleanup	Speech path/audiology	No impact	Internal DHHS process underway.
471 NAC 24	General cleanup	Visual care services	No impact	Sent to Governor's office for signature.
471 NAC 25	General cleanup	Special-ed school-based	No impact	Internal DHHS process underway.
471 NAC 26	General cleanup	Ambulatory surgical centers	No Impact	Internal DHHS process underway.

471 NAC 29	General cleanup	FQHCs	No impact	Internal DHHS process underway.
471 NAC 31	General cleanup	Intermediate care facilities	No impact	Internal DHHS process underway.
471 NAC 32	General cleanup	Child mental health and substance use	No impact	Internal DHHS process underway.
471 NAC 33	General cleanup	EPSDT	No impact	Internal DHHS process underway.
471 NAC 34	General Cleanup	Rural Health Clinics	No Impact	Internal DHHS Process Underway.
471 NAC 35	General cleanup	Rehabilitative psychiatric	No impact	Internal DHHS process underway.
471 NAC 35	Remove an unnecessary bed limitation on psychiatric rehab facilities.	Medicaid payment for psychiatric residential rehabilitation services	No impact	Signed by the Governor.
471 NAC 36	General cleanup	Hospice services	No Impact	Being reviewed by the Attorney General's office
471 NAC 37	General cleanup	PACE	No impact	Internal DHHS process underway.
471 NAC 42	General cleanup	Freestanding birth centers	No impact	Internal DHHS process underway.
477 1-28	General cleanup	Medicaid eligibility	Changes to eligibility, aligning the state with federal law; Decreased costs to the State	Sent to Governor's Office for initial review.

480 NAC 1-7	General cleanup	Home and community-based services	Aligning waiver provisions to state regulations	Internal DHHS process underway.
480 NAC 11	Repealing chapter	Autism spectrum disorder	No impact	Signed by the Governor.
482 NAC 1, 3-7	General cleanup	Managed care	No impact	Internal DHHS process underway.
482 NAC 2	Adding provisions for enrollment into Heritage Health	Managed care - member participation and enrollment	Populations added to physical health managed care	Sent to Governor's office for signature.

