

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 370

Introduced by Riepe, 12; Krist, 10.

Read first time January 15, 2015

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the medical assistance program; to amend
- 2 section 68-911, Revised Statutes Cumulative Supplement, 2014; to
- 3 provide a duty for the Department of Health and Human Services
- 4 relating to a waiver to provide coverage for treatment of dyslexia;
- 5 and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-911, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

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

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

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

- 26 (a) Prescribed drugs;
- 27 (b) Intermediate care facilities for persons with developmental
28 disabilities;
- 29 (c) Home and community-based services for aged persons and persons
30 with disabilities;
- 31 (d) Dental services;

- 1 (e) Rehabilitation services;
- 2 (f) Personal care services;
- 3 (g) Durable medical equipment;
- 4 (h) Medical transportation services;
- 5 (i) Vision-related services;
- 6 (j) Speech therapy services;
- 7 (k) Physical therapy services;
- 8 (l) Chiropractic services;
- 9 (m) Occupational therapy services;
- 10 (n) Optometric services;
- 11 (o) Podiatric services;
- 12 (p) Hospice services;
- 13 (q) Mental health and substance abuse services;
- 14 (r) Hearing screening services for newborn and infant children; and
- 15 (s) Administrative expenses related to administrative activities,
- 16 including outreach services, provided by school districts and educational
- 17 service units to students who are eligible or potentially eligible for
- 18 medical assistance.

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

26 (4) On or before October 1, 2014, the department, after consultation
27 with the State Department of Education, shall submit a state plan
28 amendment to the federal Centers for Medicare and Medicaid Services, as
29 necessary, to provide that the following are direct reimbursable services
30 when provided by school districts as part of an individualized education
31 program or an individualized family service plan: Early and periodic

1 screening, diagnosis, and treatment services for children; medical
2 transportation services; mental health services; nursing services;
3 occupational therapy services; personal care services; physical therapy
4 services; rehabilitation services; speech therapy and other services for
5 individuals with speech, hearing, or language disorders; and vision-
6 related services.

7 (5) On or before October 1, 2015, the department shall submit a
8 state plan amendment to the federal Centers for Medicare and Medicaid
9 Services, as necessary, to provide coverage under the medical assistance
10 program for services for treatment of dyslexia and related reading
11 disorders. For purposes of this subsection, dyslexia means a reading
12 disability that occurs when the brain does not properly recognize and
13 process certain symbols.

14 Sec. 2. Original section 68-911, Revised Statutes Cumulative
15 Supplement, 2014, is repealed.