

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1170

Introduced by Cavanaugh, 6.

Read first time January 23, 2020

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to public health and welfare; to amend section
2 38-129, Reissue Revised Statutes of Nebraska, and sections 38-101,
3 68-901, and 68-915, Revised Statutes Supplement, 2019; to provide
4 for implicit bias training and instruction to applicants and
5 professionals under the Uniform Credentialing Act, for reimbursement
6 for the services of a doula, and for a pilot program regarding the
7 social determinants of health for pregnant women and mothers; to
8 change provisions relating to eligibility for medical assistance; to
9 harmonize provisions; to define terms; and to repeal the original
10 sections.

11 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-101, Revised Statutes Supplement, 2019, is
2 amended to read:

3 38-101 Sections 38-101 to 38-1,145 and sections 3 and 4 of this act
4 and the following practice acts shall be known and may be cited as the
5 Uniform Credentialing Act:

- 6 (1) The Advanced Practice Registered Nurse Practice Act;
- 7 (2) The Alcohol and Drug Counseling Practice Act;
- 8 (3) The Athletic Training Practice Act;
- 9 (4) The Audiology and Speech-Language Pathology Practice Act;
- 10 (5) The Certified Nurse Midwifery Practice Act;
- 11 (6) The Certified Registered Nurse Anesthetist Practice Act;
- 12 (7) The Chiropractic Practice Act;
- 13 (8) The Clinical Nurse Specialist Practice Act;
- 14 (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and
15 Body Art Practice Act;
- 16 (10) The Dentistry Practice Act;
- 17 (11) The Dialysis Patient Care Technician Registration Act;
- 18 (12) The Emergency Medical Services Practice Act;
- 19 (13) The Environmental Health Specialists Practice Act;
- 20 (14) The Funeral Directing and Embalming Practice Act;
- 21 (15) The Genetic Counseling Practice Act;
- 22 (16) The Hearing Instrument Specialists Practice Act;
- 23 (17) The Licensed Practical Nurse-Certified Practice Act until
24 November 1, 2017;
- 25 (18) The Massage Therapy Practice Act;
- 26 (19) The Medical Nutrition Therapy Practice Act;
- 27 (20) The Medical Radiography Practice Act;
- 28 (21) The Medicine and Surgery Practice Act;
- 29 (22) The Mental Health Practice Act;
- 30 (23) The Nurse Practice Act;
- 31 (24) The Nurse Practitioner Practice Act;

- 1 (25) The Nursing Home Administrator Practice Act;
- 2 (26) The Occupational Therapy Practice Act;
- 3 (27) The Optometry Practice Act;
- 4 (28) The Perfusion Practice Act;
- 5 (29) The Pharmacy Practice Act;
- 6 (30) The Physical Therapy Practice Act;
- 7 (31) The Podiatry Practice Act;
- 8 (32) The Psychology Practice Act;
- 9 (33) The Respiratory Care Practice Act;
- 10 (34) The Surgical First Assistant Practice Act;
- 11 (35) The Veterinary Medicine and Surgery Practice Act; and
- 12 (36) The Water Well Standards and Contractors' Practice Act.

13 If there is any conflict between any provision of sections 38-101 to
14 38-1,145 and any provision of a practice act, the provision of the
15 practice act shall prevail.

16 The Revisor of Statutes shall assign the Uniform Credentialing Act,
17 including the practice acts enumerated in subdivisions (1) through (35)
18 of this section, to articles within Chapter 38.

19 Sec. 2. Section 38-129, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 38-129 (1) No individual shall be issued a credential under the
22 Uniform Credentialing Act until he or she has furnished satisfactory
23 evidence to the department that he or she is of good character, has
24 completed implicit bias training approved by the department, and has
25 attained the age of nineteen years except as otherwise specifically
26 provided by statute, rule, or regulation.

27 (2) A credential may only be issued to (a) a citizen of the United
28 States, (b) an alien lawfully admitted into the United States who is
29 eligible for a credential under the Uniform Credentialing Act, (c) a
30 nonimmigrant lawfully present in the United States who is eligible for a
31 credential under the Uniform Credentialing Act, or (d) a person who

1 submits (i) an unexpired employment authorization document issued by the
2 United States Department of Homeland Security, Form I-766, and (ii)
3 documentation issued by the United States Department of Homeland
4 Security, the United States Citizenship and Immigration Services, or any
5 other federal agency, such as one of the types of Form I-797 used by the
6 United States Citizenship and Immigration Services, demonstrating that
7 such person is described in section 202(c)(2)(B)(i) through (ix) of the
8 federal REAL ID Act of 2005, Public Law 109-13. Such credential shall be
9 valid only for the period of time during which such person's employment
10 authorization document is valid.

11 Sec. 3. (1) Every person engaged in the practice of medicine and
12 surgery, advanced practice nursing, alcohol and drug counseling, athletic
13 training, audiology, speech-language pathology, chiropractic, dentistry,
14 dental hygiene, emergency medical services, genetic counseling, hearing
15 instrument dispensing and fitting, massage therapy, medical nutrition
16 therapy, medical radiography, mental health practice, nurse midwifery,
17 nursing, occupational therapy, optometry, osteopathy, perfusion,
18 pharmacy, physical therapy, podiatry, psychology, respiratory care, or
19 surgical assisting shall annually complete implicit bias training
20 approved by the department.

21 (2) For purposes of this section, implicit bias training means a
22 program designed to expose people to their unconscious prejudices or
23 partialities, provide tools to adjust automatic patterns of thinking, and
24 ultimately eliminate discriminatory behaviors. A critical component of
25 such implicit bias training shall be to create awareness of implicit
26 bias.

27 Sec. 4. (1) The Legislature finds that black mothers in the United
28 States are more likely to die during and after childbirth than in any
29 other developed country in the world. According to the Centers for
30 Disease Control and Prevention of the United States Public Health Service
31 of the United States Department of Health and Human Services, black woman

1 die of pregnancy-related causes at a rate about three times higher than
2 those of white women.

3 (2) The Department of Health and Human Services shall develop and
4 provide instruction to appropriate health professionals licensed,
5 certified, or registered under the Uniform Credentialing Act regarding
6 health screenings for maternal hypertension, gestational diabetes, and
7 obesity. Such instruction shall include information specific to the
8 health of black women.

9 Sec. 5. Section 68-901, Revised Statutes Supplement, 2019, is
10 amended to read:

11 68-901 Sections 68-901 to 68-994 and section 6 of this act shall be
12 known and may be cited as the Medical Assistance Act.

13 Sec. 6. Section 68-915, Revised Statutes Supplement, 2019, is
14 amended to read:

15 68-915 The following persons shall be eligible for medical
16 assistance:

17 (1) Dependent children as defined in section 43-504;

18 (2) Aged, blind, and disabled persons as defined in sections 68-1002
19 to 68-1005;

20 (3) Children under nineteen years of age who are eligible under
21 section 1905(a)(i) of the federal Social Security Act;

22 (4) Persons who are presumptively eligible as allowed under sections
23 1920 and 1920B of the federal Social Security Act;

24 (5)(a) (5) Children under nineteen years of age with a family income
25 equal to or less than two hundred percent of the Office of Management and
26 Budget income poverty guideline, as allowed under Title XIX and Title XXI
27 of the federal Social Security Act, without regard to resources, and (b)
28 pregnant women, or postpartum women for a period of twelve months, with a
29 family income equal to or less than one hundred eighty-five percent of
30 the Office of Management and Budget income poverty guideline, as allowed
31 under Title XIX and Title XXI of the federal Social Security Act, without

1 regard to resources. Children described in this subdivision and
2 subdivision (6) of this section shall remain eligible for six consecutive
3 months from the date of initial eligibility prior to redetermination of
4 eligibility. The department may review eligibility monthly thereafter
5 pursuant to rules and regulations adopted and promulgated by the
6 department. The department may determine upon such review that a child is
7 ineligible for medical assistance if such child no longer meets
8 eligibility standards established by the department;

9 (6) For purposes of Title XIX of the federal Social Security Act as
10 provided in subdivision (5) of this section, children with a family
11 income as follows:

12 (a) Equal to or less than one hundred fifty percent of the Office of
13 Management and Budget income poverty guideline with eligible children one
14 year of age or younger;

15 (b) Equal to or less than one hundred thirty-three percent of the
16 Office of Management and Budget income poverty guideline with eligible
17 children over one year of age and under six years of age; or

18 (c) Equal to or less than one hundred percent of the Office of
19 Management and Budget income poverty guideline with eligible children six
20 years of age or older and less than nineteen years of age;

21 (7) Persons who are medically needy caretaker relatives as allowed
22 under 42 U.S.C. 1396d(a)(ii);

23 (8) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii), disabled persons
24 as defined in section 68-1005 with a family income of less than two
25 hundred fifty percent of the Office of Management and Budget income
26 poverty guideline and who, but for earnings in excess of the limit
27 established under 42 U.S.C. 1396d(q)(2)(B), would be considered to be
28 receiving federal Supplemental Security Income. The department shall
29 apply for a waiver to disregard any unearned income that is contingent
30 upon a trial work period in applying the Supplemental Security Income
31 standard. Such disabled persons shall be subject to payment of premiums

1 as a percentage of family income beginning at not less than two hundred
2 percent of the Office of Management and Budget income poverty guideline.
3 Such premiums shall be graduated based on family income and shall not be
4 less than two percent or more than ten percent of family income;

5 (9) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii), persons who:

6 (a) Have been screened for breast and cervical cancer under the
7 Centers for Disease Control and Prevention breast and cervical cancer
8 early detection program established under Title XV of the federal Public
9 Health Service Act, 42 U.S.C. 300k et seq., in accordance with the
10 requirements of section 1504 of such act, 42 U.S.C. 300n, and who need
11 treatment for breast or cervical cancer, including precancerous and
12 cancerous conditions of the breast or cervix;

13 (b) Are not otherwise covered under creditable coverage as defined
14 in section 2701(c) of the federal Public Health Service Act, 42 U.S.C.
15 300gg(c);

16 (c) Have not attained sixty-five years of age; and

17 (d) Are not eligible for medical assistance under any mandatory
18 categorically needy eligibility group;

19 (10) Persons eligible for services described in subsection (3) of
20 section 68-972; and

21 (11) Persons eligible pursuant to section 68-992.

22 Except as provided in section 68-972, eligibility shall be
23 determined under this section using an income budgetary methodology that
24 determines children's eligibility at no greater than two hundred percent
25 of the Office of Management and Budget income poverty guideline and adult
26 eligibility using adult income standards no greater than the applicable
27 categorical eligibility standards established pursuant to state or
28 federal law. The department shall determine eligibility under this
29 section pursuant to such income budgetary methodology and subdivision (1)
30 (q) of section 68-1713.

31 Sec. 7. (1) The Department of Health and Human Services shall

1 reimburse a recipient of medical assistance for the services of a doula.
2 Such reimbursement shall be paid by state funds.

3 (2) For purposes of this section, doula means a person who provides
4 guidance and support to a pregnant woman during labor and who provides
5 guidance and support to the mother of a newborn.

6 Sec. 8. The Department of Health and Human Services shall develop
7 and implement a pilot program regarding racial disparity across
8 socioeconomic groups and the social determinants of health for pregnant
9 women and mothers. Such program shall include housing assistance and home
10 visitation for expecting or new mothers.

11 Sec. 9. Original section 38-129, Reissue Revised Statutes of
12 Nebraska, and sections 38-101, 68-901, and 68-915, Revised Statutes
13 Supplement, 2019, are repealed.