

AMENDMENTS TO LB857

(Amendments to Standing Committee amendments, AM2409)

Introduced by Bosn, 25.

1 1. Insert the following new sections:

2 Section 1. Section 68-901, Revised Statutes Supplement, 2023, is
3 amended to read:

4 68-901 Sections 68-901 to 68-9,104 and sections 2 to 7 of this act
5 shall be known and may be cited as the Medical Assistance Act.

6 Sec. 8. Section 68-911, Revised Statutes Supplement, 2023, is
7 amended to read:

8 68-911 (1) Medical assistance shall include coverage for health care
9 and related services as required under Title XIX of the federal Social
10 Security Act, including, but not limited to:

11 (a) Inpatient and outpatient hospital services;

12 (b) Laboratory and X-ray services;

13 (c) Nursing facility services;

14 (d) Home health services;

15 (e) Nursing services;

16 (f) Clinic services;

17 (g) Physician services;

18 (h) Medical and surgical services of a dentist;

19 (i) Nurse practitioner services;

20 (j) Nurse midwife services;

21 (k) Pregnancy-related services;

22 (l) Medical supplies;

23 (m) Mental health and substance abuse services;

24 (n) Early and periodic screening and diagnosis and treatment
25 services for children which shall include both physical and behavioral
26 health screening, diagnosis, and treatment services;

1 (o) Rural health clinic services; and

2 (p) Federally qualified health center services.

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

7 (a) Prescribed drugs;

8 (b) Intermediate care facilities for persons with developmental
9 disabilities;

10 (c) Home and community-based services for aged persons and persons
11 with disabilities;

12 (d) Dental services;

13 (e) Rehabilitation services;

14 (f) Personal care services;

15 (g) Durable medical equipment;

16 (h) Medical transportation services;

17 (i) Vision-related services;

18 (j) Speech therapy services;

19 (k) Physical therapy services;

20 (l) Chiropractic services;

21 (m) Occupational therapy services;

22 (n) Optometric services;

23 (o) Podiatric services;

24 (p) Hospice services;

25 (q) Mental health and substance abuse services;

26 (r) Hearing screening services for newborn and infant children; and

27 (s) Administrative expenses related to administrative activities,
28 including outreach services, provided by school districts and educational
29 service units to students who are eligible or potentially eligible for
30 medical assistance.

31 (3) No later than July 1, 2009, the department shall submit a state

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

7 (4) On or before October 1, 2014, the department, after consultation
8 with the State Department of Education, shall submit a state plan
9 amendment to the federal Centers for Medicare and Medicaid Services, as
10 necessary, to provide that the following are direct reimbursable services
11 when provided by school districts as part of an individualized education
12 program or an individualized family service plan: Early and periodic
13 screening, diagnosis, and treatment services for children; medical
14 transportation services; mental health services; nursing services;
15 occupational therapy services; personal care services; physical therapy
16 services; rehabilitation services; speech therapy and other services for
17 individuals with speech, hearing, or language disorders; and vision-
18 related services.

19 (5)(a) ~~(5)~~ No later than January 1, 2023, the department shall
20 provide coverage for continuous glucose monitors under the medical
21 assistance program for all eligible recipients who have a prescription
22 for such device.

23 (b) Effective August 1, 2024, eligible recipients shall include all
24 individuals who meet local coverage determinations, as defined in section
25 1869(f)(2)(B) of the federal Social Security Act, as amended, as such act
26 existed on January 1, 2024, and shall include individuals with
27 gestational diabetes.

28 (c) It is the intent of the Legislature that no more than six
29 hundred thousand dollars be appropriated annually from the Medicaid
30 Managed Care Excess Profit Fund, as described in section 68-996, for the
31 purpose of implementing subdivision (5)(b) of this section. Any amount in

1 excess of six hundred thousand dollars shall be funded by the Medicaid
2 Managed Care Excess Profit Fund.

3 (6) On or before October 1, 2023, the department shall seek federal
4 approval for federal matching funds from the federal Centers for Medicare
5 and Medicaid Services through a state plan amendment or waiver to extend
6 postpartum coverage for beneficiaries from sixty days to at least six
7 months. Nothing in this subsection shall preclude the department from
8 submitting a state plan amendment for twelve months.

9 Sec. 9. Section 68-996, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 68-996 The Medicaid Managed Care Excess Profit Fund is created. The
12 fund shall contain money returned to the State Treasurer pursuant to
13 subdivision (3) of section 68-995. The fund shall first be used to offset
14 any losses under subdivision (2) of section 68-995 and then to provide
15 for services addressing the health needs of adults and children under the
16 Medical Assistance Act, including filling service gaps, providing system
17 improvements, providing coverage for continuous glucose monitors as
18 described in section 68-911, and sustaining access to care as determined
19 by the Legislature. The fund shall only be used for the purposes
20 described in this section. Any money in the fund available for investment
21 shall be invested by the state investment officer pursuant to the
22 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
23 Act.

24 2. Renumber the remaining sections and correct the repealer
25 accordingly.