

E AND R AMENDMENTS TO LB 62

Introduced by Ballard, 21, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Section 68-908, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 68-908 (1) The department shall administer the medical assistance
6 program.

7 (2) The department may (a) enter into contracts and interagency
8 agreements, (b) adopt and promulgate rules and regulations, (c) adopt fee
9 schedules, (d) apply for and implement waivers and managed care plans for
10 services for eligible recipients, including services under the Nebraska
11 Behavioral Health Services Act, and (e) perform such other activities as
12 necessary and appropriate to carry out its duties under the Medical
13 Assistance Act. A covered item or service as described in section 68-911
14 that is furnished through a school-based health center, furnished by a
15 provider, and furnished under a managed care plan pursuant to a waiver
16 does not require prior consultation or referral by a patient's primary
17 care physician to be covered. Any federally qualified health center
18 providing services as a sponsoring facility of a school-based health
19 center shall be reimbursed for such services provided at a school-based
20 health center at the federally qualified health center reimbursement
21 rate.

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

27 (4) The department shall prepare an annual summary and analysis of

1 the medical assistance program for legislative and public review. The
2 department shall submit a report of such summary and analysis to the
3 Governor and the Legislature electronically no later than December 1 of
4 each year. The annual summary shall include, but not be limited to:

5 (a) The number and percentage of applications approved and denied;

6 (b) The number of eligibility determinations, including the number
7 and percentage of those individuals remaining enrolled, terminations, and
8 other determinations;

9 (c) The number of case closures in the medical assistance program
10 and the Children's Health Insurance Program and the specific reason for
11 the closure broken down by (i) eligibility category, including program
12 type, (ii) local public health district or other geographic area, and
13 (iii) race or ethnicity, if available;

14 (d) The number of medical assistance program and Children's Health
15 Insurance Program enrollees broken down by (i) eligibility category,
16 including program type, (ii) local public health district or other
17 geographic area, and (iii) race or ethnicity, if available;

18 (e) The number and percentage of redeterminations or renewals
19 processed ex parte, broken down by (i) eligibility category, including
20 program type and (ii) race or ethnicity, if available;

21 (f) The average number of days required to process applications for
22 the medical assistance program and Children's Health Insurance Program,
23 separating the data by applicants with modified adjusted gross income and
24 nonmodified adjusted gross income eligibility;

25 (g) The rate of re-enrollment within ninety days of termination and
26 within twelve months of termination, broken down by (i) eligibility
27 category, including program type, (ii) local public health district or
28 other geographic area, and (iii) race or ethnicity, if available;

29 (h) The average client call duration;

30 (i) The client call abandonment rate;

31 (j) The number of requests for a fair hearing separated by (i)

1 eligibility category and program type, (ii) outcome, and (iii) amount of
2 time until final disposition; and

3 (k) A link to the medical assistance program fair hearing decisions
4 that have been redacted to protect private and health information, which
5 shall be posted on the department's website.

6 Sec. 2. 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;

27 (o) Rural health clinic services; and

28 (p) Federally qualified health center services.

29 (2) In addition to coverage otherwise required under this section,
30 medical assistance may include coverage for health care and related
31 services as permitted but not required under Title XIX of the federal

1 Social Security Act, including, but not limited to:

2 (a) Prescribed drugs;

3 (b) Intermediate care facilities for persons with developmental
4 disabilities;

5 (c) Home and community-based services for aged persons and persons
6 with disabilities;

7 (d) Dental services;

8 (e) Rehabilitation services;

9 (f) Personal care services;

10 (g) Durable medical equipment;

11 (h) Medical transportation services;

12 (i) Vision-related services;

13 (j) Speech therapy services;

14 (k) Physical therapy services;

15 (l) Chiropractic services;

16 (m) Occupational therapy services;

17 (n) Optometric services;

18 (o) Podiatric services;

19 (p) Hospice services;

20 (q) Mental health and substance abuse services;

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

22 (s) Administrative expenses related to administrative activities,
23 including outreach services, provided by school districts and educational
24 service units to students who are eligible or potentially eligible for
25 medical assistance.

26 (3) No later than July 1, 2009, the department shall submit a state
27 plan amendment or waiver to the federal Centers for Medicare and Medicaid
28 Services to provide coverage under the medical assistance program for
29 community-based secure residential and subacute behavioral health
30 services for all eligible recipients, without regard to whether the
31 recipient has been ordered by a mental health board under the Nebraska

1 Mental Health Commitment Act to receive such services.

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

14 (5) No later than January 1, 2023, the department shall provide
15 coverage for continuous glucose monitors under the medical assistance
16 program for all eligible recipients who have a prescription for such
17 device.

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

24 (7)(a) No later than January 1, 2024, the department shall provide
25 coverage, and reimbursement to providers, for all necessary translation
26 and interpretation services for eligible recipients utilizing a medical
27 assistance program service. The department shall take all actions
28 necessary to maximize federal funding to carry out this subsection.

29 (b) The services described in subdivision (7)(a) of this section
30 shall be funded by the Medicaid Managed Care Excess Profit Fund as
31 described in section 68-996.

1 Sec. 3. Section 68-996, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 68-996 The Medicaid Managed Care Excess Profit Fund is created. The
4 fund shall contain money returned to the State Treasurer pursuant to
5 subdivision (3) of section 68-995. The fund shall first be used to offset
6 any losses under subdivision (2) of section 68-995 and then to provide
7 for services addressing the health needs of adults and children under the
8 Medical Assistance Act, including filling service gaps, providing system
9 improvements, translation and interpretation services, and sustaining
10 access to care as determined by the Legislature. The fund shall only be
11 used for the purposes described in this section. Any money in the fund
12 available for investment shall be invested by the state investment
13 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
14 State Funds Investment Act.

15 Sec. 4. The Department of Health and Human Services shall
16 electronically submit a report to the Health and Human Services Committee
17 of the Legislature by November 1 of each year on the current and
18 anticipated expenditures for the Temporary Assistance for Needy Families
19 program funds allocated pursuant to the federal Personal Responsibility
20 and Work Opportunity Reconciliation Act of 1996, Public Law 104-193. Such
21 report shall provide the committee with all necessary and appropriate
22 information to enable the committee to conduct a meaningful evaluation of
23 such expenditures. Such information shall include, but not be limited to:

24 (1) A clear description of programs and services currently funded by
25 the Temporary Assistance for Needy Families program;

26 (2) A clear explanation of each purpose met by such program or
27 service;

28 (3) For programs and services provided by entities other than the
29 state, a clear description of the recipient of Temporary Assistance to
30 Needy Families funds;

31 (4) For programs other than the aid to dependent children program, a

1 clear statement explaining how an expenditure for that program or service
2 is more likely to help families achieve economic mobility and self-
3 sufficiency than an increase in expenditures for the aid to dependent
4 children program;

5 (5) The number of persons served under each program or service; and
6 (6) All costs and expenditures associated with each program or
7 service.

8 Sec. 5. Original section 68-908, Reissue Revised Statutes of
9 Nebraska, section 68-996, Revised Statutes Cumulative Supplement, 2022,
10 and section 68-911, Revised Statutes Supplement, 2023, are repealed.

11 2. On page 1, strike beginning with "the" in line 1 through line 4
12 and insert "public health and welfare; to amend section 68-908, Reissue
13 Revised Statutes of Nebraska, section 68-996, Revised Statutes Cumulative
14 Supplement, 2022, and section 68-911, Revised Statutes Supplement, 2023;
15 to change provisions relating to the annual summary and analysis of the
16 medical assistance program; to provide for coverage of translation and
17 interpretation services under the medical assistance program; to change
18 provisions relating to the Medicaid Managed Care Excess Profit Fund; to
19 require a report relating to the Temporary Assistance for Needy Families
20 program; and to repeal the original sections."