

LEGISLATIVE BILL 494

Approved by the Governor May 18, 2011

Introduced by Nordquist, 7; Ashford, 20; Campbell, 25; Howard, 9; Mello, 5.

FOR AN ACT relating to the Medical Assistance Act; to amend section 68-914, Reissue Revised Statutes of Nebraska; to provide duties for the Department of Health and Human Services regarding applications for medical assistance; to repeal the original section; and to declare an emergency.

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

Section 1. Section 68-914, Reissue Revised Statutes of Nebraska, is amended to read:

68-914 (1) An applicant for medical assistance shall file an application with the department in a manner and form prescribed by the department. The department shall process each application to determine whether the applicant is eligible for medical assistance. The department shall provide a determination of eligibility for medical assistance in a timely manner in compliance with 42 C.F.R. 435.911, including, but not limited to, a timely determination of eligibility for coverage of an emergency medical condition, such as labor and delivery.

(2) The department shall notify an applicant for or recipient of medical assistance of any decision of the department to deny or discontinue eligibility or to deny or modify medical assistance. Decisions of the department, including the failure of the department to act with reasonable promptness, may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.

Sec. 2. Original section 68-914, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.