

AMENDMENTS TO LB 1063

Introduced by Cook

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

3           Section 1. Sections 1 to 5 of this act shall be known and  
4 may be cited as the Children's Health and Treatment Act.

5           Sec. 2. The purpose of the Children's Health and  
6 Treatment Act are to:

7           (1) Require that the guidelines and criteria that the  
8 Department of Health and Human Services utilizes to determine  
9 medical necessity for services under the medical assistance program  
10 be published by the department on its web site and web sites of  
11 its contractors for managed care and administrative services. The  
12 treating guidelines and criteria shall be referenced specifically  
13 to providers when utilized as a determination of medical necessity  
14 under the medical assistance program. Treating guidelines and  
15 criteria in effect on the effective date of this act shall be  
16 published on such web sites within thirty days after the effective  
17 date of this act. Notice of changes to treating guidelines and  
18 criteria shall be given to providers and time for public comment  
19 provided at least sixty days prior to implementation of such  
20 changes; and

21           (2) Require that the department collect and report on  
22 authorization and denial rates for behavioral health services for  
23 children under nineteen years of age.

1           Sec. 3. For purposes of the Children's Health and  
2 Treatment Act:

3           (1) Department means the Department of Health and Human  
4 Services; and

5           (2) Medical assistance program means the program  
6 established pursuant to section 68-903.

7           Sec. 4. The department shall report to the Health  
8 and Human Services Committee of the Legislature on utilization  
9 controls, including, but not limited to, the rates of initial  
10 service authorizations, reauthorizations subsequent to initial  
11 service authorizations, and denials for behavioral health services  
12 for children under nineteen years of age. The first report  
13 shall be due on October 1, 2012, and shall contain such rates  
14 of initial service authorizations, reauthorizations subsequent to  
15 initial service authorizations, and denials for behavioral health  
16 services for children under nineteen years of age for the first  
17 three quarters of 2012. Thereafter, on January 1, April 1, and  
18 July 1 of each year, the department shall report such rates  
19 of initial service authorizations, reauthorizations subsequent to  
20 initial service authorizations, and denials for behavioral health  
21 services for children under nineteen years of age for the previous  
22 calendar quarter.

23           Sec. 5. The department shall adopt and promulgate rules  
24 and regulations to carry out the Children's Health and Treatment  
25 Act. On and after April 1, 2013, the department shall not apply  
26 medical necessity criteria to determine medical necessity for  
27 children under nineteen years of age that have not been adopted and

- 1 promulgated as rules and regulations pursuant to the Administrative
- 2 Procedure Act.