

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1063

Final Reading

Introduced by Cook, 13.

Read first time January 18, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to medical assistance; to adopt the Children's

2 Health and Treatment Act.

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

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

3 Sec. 2. The purposes of the Children's Health and
4 Treatment Act are to:

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

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

21 Sec. 3. For purposes of the Children's Health and
22 Treatment Act:

23 (1) Department means the Department of Health and Human
24 Services; and

25 (2) Medical assistance program means the program

1 established pursuant to section 68-903.

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

17 Sec. 5. The department shall adopt and promulgate rules
18 and regulations to carry out the Children's Health and Treatment Act.
19 On and after April 1, 2013, the department shall not apply medical
20 necessity criteria to determine medical necessity for children under
21 nineteen years of age that have not been adopted and promulgated as
22 rules and regulations pursuant to the Administrative Procedure Act.