LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 231

Introduced by Nelson, 6; Coash, 27; Johnson, 23; Nordquist, 7; Schilz, 47; Wallman, 30.
Read first time January 15, 2013
Committee: Health and Human Services

A BILL

FOR AN ACT relating to adult day services; to amend section 68-1206, Reissue Revised Statutes of Nebraska, and sections 68-908, 68-1204, and 81-2270, Revised Statutes Cumulative Supplement, 2012; to require a uniform rate for reimbursement; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 68-908, Revised Statutes Cumulative Supplement, 2012, is amended to read:

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

(2) The department may (a) enter into contracts and interagency agreements, (b) adopt and promulgate rules and regulations, (c) adopt fee schedules, (d) apply for and implement waivers and managed care plans for services for eligible recipients, including services under the Nebraska Behavioral Health Services Act, and (e) perform such other activities as necessary and appropriate to carry out its duties under the Medical Assistance Act. A covered item or service as described in section 68-911 that is furnished through a school-based health center, furnished by a provider, and furnished under a managed care plan pursuant to a waiver does not require prior consultation or referral by a patient's primary care physician to be covered. Any federally qualified health center providing services as a sponsoring facility of a school-based health center shall be reimbursed for such services provided at a school-based health center at the federally qualified health center reimbursement rate. Rates for adult day services shall be subject to section 81-2270.

(3) The department shall maintain the confidentiality of information regarding applicants for or recipients of medical assistance and such information shall only be used for purposes related to administration of the medical assistance program and the provision of such assistance or as otherwise permitted by federal
(4) (a) The department shall prepare an annual summary and analysis of the medical assistance program for legislative and public review, including, but not limited to, a description of eligible recipients, covered services, provider reimbursement, program trends and projections, program budget and expenditures, the status of implementation of the Medicaid Reform Plan, and recommendations for program changes.

(b) The department shall provide a draft report of such summary and analysis to the Medicaid Reform Council no later than September 15 of each year. The council shall conduct a public meeting no later than October 1 of each year to discuss and receive public comment regarding such report. The council shall provide any comments and recommendations regarding such report in writing to the department no later than November 1 of each year. The department shall submit a final report of such summary and analysis to the Governor, the Legislature, and the council no later than December 1 of each year. The report submitted to the Legislature shall be submitted electronically. Such final report shall include a response to each written recommendation provided by the council.

Sec. 2. Section 68-1204, Revised Statutes Cumulative Supplement, 2012, is amended to read:

68-1204 (1) For the purpose of providing or purchasing social services described in section 68-1202, the state hereby accepts and assents to all applicable provisions of the federal
Social Security Act, as amended. The Department of Health and Human Services may adopt and promulgate rules and regulations, enter into agreements, and adopt fee schedules with regard to social services described in section 68-1202. Rates for adult day services shall be subject to section 81-2270.

(2) The department shall adopt and promulgate rules and regulations to administer funds under Title XX of the federal Social Security Act, as amended, designated for specialized developmental disability services.

Sec. 3. Section 68-1206, Reissue Revised Statutes of Nebraska, is amended to read:

68-1206 (1) The Department of Health and Human Services shall administer the program of social services in this state. The department may contract with other social agencies for the purchase of social services at rates not to exceed those prevailing in the state or the cost at which the department could provide those services except as otherwise provided in section 81-2270. The statutory maximum payments for the separate program of aid to dependent children shall apply only to public assistance grants and shall not apply to payments for social services.

(2) In determining the rate or rates to be paid by the department for child care as defined in section 43-2605, the department shall adopt a fixed-rate schedule for the state or a fixed-rate schedule for an area of the state applicable to each child care program category of provider as defined in section 71-1910 which
may claim reimbursement for services provided by the federal Child
Care Subsidy program, except that the department shall not pay a rate
higher than that charged by an individual provider to that provider's
private clients. The schedule may provide separate rates for care for
infants, for children with special needs, including disabilities or
technological dependence, or for other individual categories of
children. The schedule shall be effective on October 1 of every year
and shall be revised annually by the department.

Sec. 4. Section 81-2270, Revised Statutes Cumulative
Supplement, 2012, is amended to read:

81-2270 (1) Services identified by care plans for those
not eligible for services provided through the home and community-
based waiver for the aged and disabled may be purchased with funds
appropriated through section 81-2235 based on a sliding-fee scale.

(2) The Division of Medicaid and Long-Term Care of the
Department of Health and Human Services shall establish and pay a
uniform rate for adult day services regardless of the source of funds
used to reimburse providers of adult day services. Such rate shall be
the rate established for payment of such services under the medicaid
waiver.

Sec. 5. Original section 68-1206, Reissue Revised
Statutes of Nebraska, and sections 68-908, 68-1204, and 81-2270,
Revised Statutes Cumulative Supplement, 2012, are repealed.