

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 518

Introduced by Janssen, 15.

Read first time January 23, 2013

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the medical assistance program; to amend
2 section 4-110, Reissue Revised Statutes of Nebraska, and
3 section 68-915, Revised Statutes Cumulative Supplement,
4 2012; to change provisions relating to verification of
5 lawful presence; to eliminate prenatal care for certain
6 children; to harmonize provisions; to repeal the original
7 sections; and to outright repeal section 68-972, Revised
8 Statutes Cumulative Supplement, 2012.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 4-110, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 4-110 Verification of lawful presence in the United
4 States pursuant to section 4-108 is not required for:

5 (1) Any purpose for which lawful presence in the United
6 States is not restricted by law, ordinance, or regulation;

7 (2) Assistance for health care services and products, not
8 related to an organ transplant procedure, that are necessary for the
9 treatment of an emergency medical condition, including emergency
10 labor and delivery, manifesting itself by acute symptoms of
11 sufficient severity, including severe pain, such that the absence of
12 immediate medical attention could reasonably be expected to result in
13 (a) placing the patient's health in serious jeopardy, (b) serious
14 impairment to bodily functions, or (c) serious dysfunction of any
15 bodily organ or part;

16 (3) Short-term, noncash, in-kind emergency disaster
17 relief;

18 (4) Public health assistance for immunizations with
19 respect to diseases and for testing and treatment of symptoms of
20 communicable diseases, whether or not such symptoms are caused by a
21 communicable disease; or

22 (5) Programs, services, or assistance necessary for the
23 protection of life or safety, such as soup kitchens, crisis
24 counseling and intervention, and short-term shelter, which (a)
25 deliver in-kind services at the community level, including those

1 which deliver such services through public or private, nonprofit
2 agencies and (b) do not condition the provision of assistance, the
3 amount of assistance provided, or the cost of assistance provided on
4 the income or resources of the recipient.

5 ~~The Legislature finds that unborn children do not have~~
6 ~~immigration status and therefor are not within the scope of section~~
7 ~~4-108. Prenatal care services available pursuant to sections 68-915~~
8 ~~and 68-972 to unborn children, whose eligibility is independent of~~
9 ~~the mother's eligibility status, shall not be deemed to be tied to~~
10 ~~the immigration status of the mother and therefor are not included in~~
11 ~~the restrictions imposed by section 4-108.~~

12 Sec. 2. Section 68-915, Revised Statutes Cumulative
13 Supplement, 2012, is amended to read:

14 68-915 The following persons shall be eligible for
15 medical assistance:

16 (1) Dependent children as defined in section 43-504;

17 (2) Aged, blind, and disabled persons as defined in
18 sections 68-1002 to 68-1005;

19 (3) Children under nineteen years of age who are eligible
20 under section 1905(a)(i) of the federal Social Security Act;

21 (4) Persons who are presumptively eligible as allowed
22 under sections 1920 and 1920B of the federal Social Security Act;

23 (5) Children under nineteen years of age with a family
24 income equal to or less than two hundred percent of the Office of
25 Management and Budget income poverty guideline, as allowed under

1 Title XIX and Title XXI of the federal Social Security Act, without
2 regard to resources, and pregnant women with a family income equal to
3 or less than one hundred eighty-five percent of the Office of
4 Management and Budget income poverty guideline, as allowed under
5 Title XIX and Title XXI of the federal Social Security Act, without
6 regard to resources. Children described in this subdivision and
7 subdivision (6) of this section shall remain eligible for six
8 consecutive months from the date of initial eligibility prior to
9 redetermination of eligibility. The department may review eligibility
10 monthly thereafter pursuant to rules and regulations adopted and
11 promulgated by the department. The department may determine upon such
12 review that a child is ineligible for medical assistance if such
13 child no longer meets eligibility standards established by the
14 department;

15 (6) For purposes of Title XIX of the federal Social
16 Security Act as provided in subdivision (5) of this section, children
17 with a family income as follows:

18 (a) Equal to or less than one hundred fifty percent of
19 the Office of Management and Budget income poverty guideline with
20 eligible children one year of age or younger;

21 (b) Equal to or less than one hundred thirty-three
22 percent of the Office of Management and Budget income poverty
23 guideline with eligible children over one year of age and under six
24 years of age; or

25 (c) Equal to or less than one hundred percent of the

1 Office of Management and Budget income poverty guideline with
2 eligible children six years of age or older and less than nineteen
3 years of age;

4 (7) Persons who are medically needy caretaker relatives
5 as allowed under 42 U.S.C. 1396d(a)(ii);

6 (8) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii),
7 disabled persons as defined in section 68-1005 with a family income
8 of less than two hundred fifty percent of the Office of Management
9 and Budget income poverty guideline and who, but for earnings in
10 excess of the limit established under 42 U.S.C. 1396d(q)(2)(B), would
11 be considered to be receiving federal Supplemental Security Income.
12 The department shall apply for a waiver to disregard any unearned
13 income that is contingent upon a trial work period in applying the
14 Supplemental Security Income standard. Such disabled persons shall be
15 subject to payment of premiums as a percentage of family income
16 beginning at not less than two hundred percent of the Office of
17 Management and Budget income poverty guideline. Such premiums shall
18 be graduated based on family income and shall not be less than two
19 percent or more than ten percent of family income; and

20 (9) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii),
21 persons who:

22 (a) Have been screened for breast and cervical cancer
23 under the Centers for Disease Control and Prevention breast and
24 cervical cancer early detection program established under Title XV of
25 the federal Public Health Service Act, 42 U.S.C. 300k et seq., in

1 accordance with the requirements of section 1504 of such act, 42
2 U.S.C. 300n, and who need treatment for breast or cervical cancer,
3 including precancerous and cancerous conditions of the breast or
4 cervix;

5 (b) Are not otherwise covered under creditable coverage
6 as defined in section ~~2701(e)~~2704 of the federal Public Health
7 Service Act, 42 U.S.C. ~~300gg(e)~~300gg-3(c)(1);

8 (c) Have not attained sixty-five years of age; and

9 (d) Are not eligible for medical assistance under any
10 mandatory categorically needy eligibility group. ~~;~~ ~~and~~

11 ~~(10) Persons eligible for services described in~~
12 ~~subsection (3) of section 68-972.~~

13 ~~Except as provided in section 68-972, eligibility~~
14 Eligibility shall be determined under this section using an income
15 budgetary methodology that determines children's eligibility at no
16 greater than two hundred percent of the Office of Management and
17 Budget income poverty guideline and adult eligibility using adult
18 income standards no greater than the applicable categorical
19 eligibility standards established pursuant to state or federal law.
20 The department shall determine eligibility under this section
21 pursuant to such income budgetary methodology and subdivision (1)(q)
22 of section 68-1713.

23 Sec. 3. Original section 4-110, Reissue Revised Statutes
24 of Nebraska, and section 68-915, Revised Statutes Cumulative
25 Supplement, 2012, are repealed.

1 Sec. 4. The following section is outright repealed:
2 Section 68-972, Revised Statutes Cumulative Supplement, 2012.