

AMENDMENTS TO LB333

(Amendments to Standing Committee amendments, AM1022)

Introduced by Riepe, 12.

1           1. Strike sections 1, 10, and 15 and insert the following new  
2 sections:

3           Section 1. Section 68-104, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           68-104 The Department of Health and Human Services shall be the  
6 overseer of the poor and shall be vested with the entire and exclusive  
7 superintendence of the poor in this state, except that the county board  
8 of each county shall furnish such medical service as may be required for  
9 the poor of the county who are not eligible for other medical assistance  
10 programs and general assistance for the poor of the county. Any person  
11 who is or becomes ineligible for other medical assistance programs due to  
12 his or her own actions or inactions shall also be ineligible for medical  
13 services from the county.

14           The county board of each county shall administer the medical  
15 assistance provided pursuant to this section. A county board may enter  
16 into an agreement with the Department of Health and Human Services which  
17 allows the department to aid in the administration of such medical  
18 assistance program. In providing medical and hospital care for the poor,  
19 the county board shall make use of any existing facilities, including  
20 tax-supported hospitals and charitable clinics so far as the same may be  
21 available, and shall use the financial eligibility criteria established  
22 for the standard of need developed by the county pursuant to section  
23 68-126.

24           A county board may transfer funds designated for public assistance  
25 to the Department of Health and Human Services for purposes of payments  
26 to providers who serve eligible recipients of medical assistance or low-

1 income uninsured persons and meet federal and state disproportionate-  
2 share payment requirements pursuant to subdivision (2)(c) of section  
3 68-910.

4 Effective July 1, 2017, nothing in this section shall mandate that a  
5 county board furnish medical assistance or general assistance to any  
6 person due to the termination of the State Disability Program.

7 Sec. 2. Section 68-915, Revised Statutes Cumulative Supplement,  
8 2016, is amended to read:

9 68-915 The following persons shall be eligible for medical  
10 assistance:

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

12 (2) Aged, blind, and disabled persons as defined in sections 68-1002  
13 to 68-1004 ~~68-1005~~;

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

16 (4) Persons who are presumptively eligible as allowed under sections  
17 1920 and 1920B of the federal Social Security Act;

18 (5) Children under nineteen years of age with a family income equal  
19 to or less than two hundred percent of the Office of Management and  
20 Budget income poverty guideline, as allowed under Title XIX and Title XXI  
21 of the federal Social Security Act, without regard to resources, and  
22 pregnant women with a family income equal to or less than one hundred  
23 eighty-five percent of the Office of Management and Budget income poverty  
24 guideline, as allowed under Title XIX and Title XXI of the federal Social  
25 Security Act, without regard to resources. Children described in this  
26 subdivision and subdivision (6) of this section shall remain eligible for  
27 six consecutive months from the date of initial eligibility prior to  
28 redetermination of eligibility. The department may review eligibility  
29 monthly thereafter pursuant to rules and regulations adopted and  
30 promulgated by the department. The department may determine upon such  
31 review that a child is ineligible for medical assistance if such child no

1 longer meets eligibility standards established by the department;

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

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

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

11 (c) Equal to or less than one hundred percent of the Office of  
12 Management and Budget income poverty guideline with eligible children six  
13 years of age or older and less than nineteen years of age;

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

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

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

30 (a) Have been screened for breast and cervical cancer under the  
31 Centers for Disease Control and Prevention breast and cervical cancer

1 early detection program established under Title XV of the federal Public  
2 Health Service Act, 42 U.S.C. 300k et seq., in accordance with the  
3 requirements of section 1504 of such act, 42 U.S.C. 300n, and who need  
4 treatment for breast or cervical cancer, including precancerous and  
5 cancerous conditions of the breast or cervix;

6 (b) Are not otherwise covered under creditable coverage as defined  
7 in section 2701(c) of the federal Public Health Service Act, 42 U.S.C.  
8 300gg(c);

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

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

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

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

23 Sec. 11. Sections 1, 2, 15, and 17 of this act become operative on  
24 July 1, 2017. Sections 7, 12, and 16 of this act become operative on  
25 October 1, 2017. Sections 8 and 13 of this act become operative three  
26 calendar months after the adjournment of this legislative session. The  
27 other sections of this act become operative on their effective date.

28 Sec. 15. Original section 68-104, Reissue Revised Statutes of  
29 Nebraska, and section 68-915, Revised Statutes Cumulative Supplement,  
30 2016, are repealed.

31 Sec. 17. The following sections are outright repealed: Sections

- 1 68-1005 and 71-1113, Reissue Revised Statutes of Nebraska.
- 2       2. On page 7, strike beginning with "Beginning" in line 22 through
- 3 line 26 and show the old matter as stricken.
- 4       3. On page 11, line 5, strike "sections 68-1005 and" and insert
- 5 "section"; and in line 6 strike "are" and insert "is".
- 6       4. Renumber the remaining sections and correct internal references
- 7 accordingly.