

LEGISLATURE OF NEBRASKA  
NINETY-NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 625**

Introduced by Combs, 32

Read first time January 19, 2005

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to public health and welfare; to adopt the  
2 Medicaid Insurance for Workers with Disabilities Act; and  
3 to provide a termination date.  
4 Be it enacted by the people of the State of Nebraska,

1           Section 1.     Sections 1 to 5 of this act shall be known  
2 and may be cited as the Medicaid Insurance for Workers with  
3 Disabilities Act.

4           Sec. 2.     For purposes of the Medicaid Insurance for  
5 Workers with Disabilities Act:

6           (1) Department means the Department of Health and Human  
7 Services Finance and Support;

8           (2) Person with a disability who is employed means a  
9 person who is at least sixteen years of age but less than  
10 sixty-five years of age and who (a) is disabled under Title II or  
11 Title XVI of the federal Social Security Act as such act existed on  
12 January 1, 2005, or (b) has been determined to be disabled by the  
13 State Review Team; and

14          (3) An employed individual with a medically improved  
15 condition means a person who (a) is at least sixteen but less than  
16 sixty-five years of age, (b) ceases to be eligible for medical  
17 assistance under the medical assistance program established in  
18 section 68-1018 because the individual, by reason of medical  
19 improvement, is determined at the time of a regularly scheduled  
20 continuing disability review to no longer be eligible for benefits,  
21 (c) continues to have a severe medically determinable impairment,  
22 and (d) (i) is earning at least the applicable minimum wage and  
23 working at least forty hours per month or (ii) is engaged in a work  
24 effort that meets substantial and reasonable threshold criteria for  
25 hours of work, wages, or other measures.

26          Sec. 3.     (1) Medical assistance from the medical  
27 assistance program established in section 68-1018 shall continue to  
28 be paid on behalf of a person with a disability who is employed,

1 including an employed individual with a medically improved  
2 condition, whose family income is less than four hundred fifty  
3 percent of the Office of Management and Budget income poverty  
4 guideline for the size of family involved. Allowable assets for  
5 participation in the program shall be (a) twenty thousand dollars  
6 for a family of one, (b) thirty thousand dollars for a family of  
7 two, and (c) forty thousand dollars for a family of three or more.

8 (2) Such recipients of medical assistance whose family  
9 income is one hundred percent or more of the federal poverty level  
10 may be required to pay a premium in an amount established by the  
11 department in rules and regulations using a sliding-fee or  
12 tiered-fee approach, but the premium shall not exceed seven percent  
13 of the recipient family's unearned income and three percent of the  
14 recipient family's earned income.

15 Sec. 4. In order to increase the utilization and  
16 effectiveness of the medicaid insurance program for workers with  
17 disabilities under section 3 of this act, the department shall:

18 (1) Provide education and training about the program to  
19 all appropriate staff of the department;

20 (2) Conduct outreach and education about the availability  
21 and benefits of the program focused on the medicaid populations  
22 that can benefit from the program;

23 (3) Submit a report to the Legislature and Governor, on  
24 an annual basis, to show the effectiveness of the program in  
25 achieving the purpose for which it was established. The report  
26 shall contain the following information: (a) The number of  
27 individuals enrolled in the program, (b) demographic information  
28 about the recipients, including age, gender, disability type,

1 ethnicity, educational level, county of residence, Title II  
2 eligibility, earned income, and amount of premium payment, (c)  
3 internal and external educational activities about the availability  
4 and purpose of the program, (d) outreach activities to increase the  
5 utilization of the program, and (e) the costs and benefits of the  
6 medical assistance provided pursuant to section 3 of this act; and  
7 (4) Establish a Medicaid Insurance for Workers with  
8 Disabilities Program Advisory Committee to advise the department  
9 regarding implementation of the Medicaid Insurance for Workers with  
10 Disabilities Act. The advisory committee shall consist of the  
11 Director of Finance and Support, the Director of the Division of  
12 Rehabilitation Services of the State Department of Education, a  
13 member of the Health and Human Services Committee of the  
14 Legislature, a representative from the Governor's Policy Research  
15 Office, a representative of the Legislative Fiscal Analyst, a  
16 representative from the state benefits planning, assistance, and  
17 outreach program agency, a representative from the federally  
18 designated protection and advocacy system, a representative from  
19 the Disability Determinations Service, and at least an equal number  
20 of persons with disabilities or working persons whose medical  
21 condition has improved.

22 Sec. 5. The department shall adopt and promulgate rules  
23 and regulations to carry out the Medicaid Insurance for Workers  
24 with Disabilities Act.

25 Sec. 6. The Medicaid Insurance for Workers with  
26 Disabilities Act terminates on June 30, 2010, unless reauthorized  
27 by the Legislature.