

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 482

FINAL READING

Introduced by Johnson, 37; Pahls, 31; Dierks, 40; Schimek, 27;
Stuthman, 22; Cornett, 45; Friend, 10

Read first time January 17, 2007

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to medical assistance; to amend section
2 71-7611, Revised Statutes Cumulative Supplement, 2006;
3 to adopt the Autism Treatment Program Act; to change
4 provisions relating to the Nebraska Health Care Cash
5 Fund regarding the transfer and distribution of funds;
6 to provide an operative date; to repeal the original
7 section; and to declare an emergency.

8 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 Autism Treatment Program Act.

3 Sec. 2. The purposes of the Autism Treatment Program Act
4 are to (1) create the Autism Treatment Program administered by the
5 Center for Autism Spectrum Disorders at the University of Nebraska
6 Medical Center and (2) provide for the development of a waiver or
7 an amendment to an existing waiver under the medical assistance
8 program established in section 68-903.

9 Sec. 3. The Autism Treatment Program is created. The
10 program shall be administered by the Center for Autism Spectrum
11 Disorders at the University of Nebraska Medical Center. The program
12 shall provide or coordinate the provision of statewide intensive
13 early intervention services based on behavioral principles for
14 children with a medical diagnosis of an autism spectrum disorder
15 or an educational verification of autism. The program shall utilize
16 private funds and funds transferred by the Legislature from the
17 Nebraska Health Care Cash Fund to the Autism Treatment Program
18 Cash Fund. Transfers from the Nebraska Health Care Cash Fund in
19 any fiscal year shall be contingent upon the receipt of private
20 matching funds for such program, with no less than one dollar
21 of private funds received for every two dollars transferred from
22 the Nebraska Health Care Cash Fund. Transfers from the Nebraska
23 Health Care Cash Fund under this section and section 71-7611 shall
24 be utilized as the state match for the waiver established under
25 section 5 of this act upon the approval of such waiver.

1 Sec. 4. The Autism Treatment Program Cash Fund is
2 created. The fund shall include revenue transferred from the
3 Nebraska Health Care Cash Fund and revenue received from gifts,
4 grants, bequests, donations, or other contributions from public or
5 private sources. The Autism Treatment Program Cash Fund shall be
6 administered by the Center for Autism Spectrum Disorders at the
7 University of Nebraska Medical Center for purposes of the Autism
8 Treatment Program created in section 3 of this act. Any money in
9 the fund available for investment shall be invested by the state
10 investment officer pursuant to the Nebraska Capital Expansion Act
11 and the Nebraska State Funds Investment Act.

12 Sec. 5. (1) The Department of Health and Human Services
13 shall apply for a waiver or an amendment to an existing waiver
14 under the medical assistance program established in section 68-903
15 for the purpose of providing medical assistance for intensive
16 early intervention services based on behavioral principles for
17 children with a medical diagnosis of an autism spectrum disorder
18 or an educational verification of autism. Such waiver shall not be
19 construed to create an entitlement to services provided under such
20 waiver.

21 (2) It is the intent of the Legislature that such
22 waiver (a) require means testing for and cost-sharing by recipient
23 families, (b) limit eligibility only to children for whom such
24 services have been initiated prior to the age of nine years,
25 (c) limit the number of children served according to available

1 funding, (d) require demonstrated progress toward the attainment
2 of treatment goals as a condition for continued receipt of medical
3 assistance benefits for such treatment, (e) be developed in
4 consultation with the Health and Human Services Committee of
5 the Legislature and the federal Centers for Medicare and Medicaid
6 Services and with the input of parents and families of children
7 with autism spectrum disorders and organizations advocating on
8 behalf of such persons, and (f) be submitted to the federal Centers
9 for Medicare and Medicaid Services as soon as practicable, but no
10 later than July 1, 2008.

11 Sec. 6. Section 71-7611, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 71-7611 (1) The Nebraska Health Care Cash Fund is
14 created. The State Treasurer shall transfer ~~fifty-two~~ fifty-five
15 million dollars annually no later than July 15 from the Nebraska
16 Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco
17 Settlement Trust Fund to the Nebraska Health Care Cash Fund.
18 The state investment officer upon consultation with the Nebraska
19 Investment Council shall advise the State Treasurer on the amounts
20 to be transferred from the Nebraska Medicaid Intergovernmental
21 Trust Fund and from the Nebraska Tobacco Settlement Trust
22 Fund under this section in order to sustain such transfers in
23 perpetuity. The state investment officer shall report to the
24 Legislature on or before October 1 of every even-numbered year on
25 the sustainability of such transfers.

1 (2) Any money in the Nebraska Health Care Cash Fund
2 available for investment shall be invested by the state investment
3 officer pursuant to the Nebraska Capital Expansion Act and the
4 Nebraska State Funds Investment Act.

5 (3) One million dollars in the Nebraska Health Care Cash
6 Fund is designated each year for the Autism Treatment Program
7 Act for five fiscal years beginning in fiscal year 2007-08 and
8 shall be distributed in each fiscal year as follows: (a) First,
9 to the Department of Health and Human Services for costs related
10 to application and implementation of the waiver; (b) second, to
11 the department for other medical costs for children who would
12 not otherwise qualify for medicaid except for the waiver; and (c)
13 third, the balance to the Autism Treatment Program Cash Fund. The
14 State Treasurer shall transfer the balance of the funding to the
15 Autism Treatment Program Cash Fund based on the estimated costs
16 of administrative and other medical costs as determined by the
17 Legislature through the appropriation process. The transfers to
18 the Autism Treatment Program Cash Fund in any fiscal year shall
19 be contingent upon the receipt of private matching funds under
20 the Autism Treatment Program Act, with no less than one dollar of
21 private funds received for every two dollars transferred from the
22 Nebraska Health Care Cash Fund to the Autism Treatment Program Cash
23 Fund.

24 ~~(3) The State Treasurer shall transfer two million~~
25 ~~dollars from the Nebraska Health Care Cash Fund to the University~~

1 of Nebraska Medical Center Designated Cash Fund within fifteen days
2 after July 1, 2005.

3 ~~(4)~~ The State Treasurer shall transfer two million
4 dollars from the Nebraska Health Care Cash Fund to the University
5 of Nebraska Medical Center Designated Cash Fund within fifteen days
6 after July 1, 2006.

7 ~~(5)~~ The State Treasurer shall transfer one million nine
8 hundred thirty-nine thousand eight hundred sixty-three dollars
9 from the Nebraska Health Care Cash Fund to the Nebraska Capital
10 Construction Fund within five days after July 1, 2005.

11 ~~(6)~~ The State Treasurer shall transfer seven hundred
12 thousand dollars from the Nebraska Health Care Cash Fund to the
13 Nebraska Capital Construction Fund within five days after July 1,
14 2005.

15 ~~(7)~~ (4) The University of Nebraska and postsecondary
16 educational institutions having colleges of medicine in Nebraska
17 and their affiliated research hospitals in Nebraska, as a condition
18 of receiving any funds appropriated or transferred from the
19 Nebraska Health Care Cash Fund, shall not discriminate against
20 any person on the basis of sexual orientation.

21 Sec. 7. This act becomes operative on July 1, 2007.

22 Sec. 8. Original section 71-7611, Revised Statutes
23 Cumulative Supplement, 2006, is repealed.

24 Sec. 9. Since an emergency exists, this act takes effect
25 when passed and approved according to law.