

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1169

Introduced by White, 8.

Read first time January 23, 2008

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to veterans; to authorize health care
2 assistance for certain Nebraska veterans of Operation
3 Enduring Freedom and Operation Iraqi Freedom.
4 Be it enacted by the people of the State of Nebraska,

1 Section 1. There is established in and for the State
2 of Nebraska an assistance program for Nebraska veterans of
3 Operation Enduring Freedom and Operation Iraqi Freedom who are
4 in need of comprehensive post-acute brain injury services that
5 are determined to be not reimbursable under the federal TRICARE
6 program. The assistance provided under this section shall be
7 limited to comprehensive post-acute brain injury services that are
8 not reimbursable under the federal TRICARE program. This assistance
9 program shall be administered by the Department of Health and
10 Human Services. The department shall adopt and promulgate rules and
11 regulations to carry out sections 1 to 4 of this act.

12 Sec. 2. In order to qualify for comprehensive post-acute
13 brain injury services assistance under section 1 of this act, an
14 individual:

15 (1) Shall be a bona fide resident of the State of
16 Nebraska;
17 (2) Shall be a veteran of Operation Enduring Freedom or
18 Operation Iraqi Freedom; and
19 (3) Shall have had coverage for comprehensive post-acute
20 brain injury services or a portion of such services denied under
21 the federal TRICARE program.

22 Sec. 3. Upon the filing of an application for
23 comprehensive post-acute brain injury services assistance under
24 section 1 of this act, the Department of Health and Human Services
25 shall make such investigation as it deems necessary to determine

1 the circumstances existing in each case. The applicant shall be
2 notified in writing as to the approval or disapproval of any
3 application, the services to be provided, any change in the
4 services to be provided, and the discontinuance of services. The
5 department shall provide an opportunity for a fair hearing to any
6 individual whose claim for assistance is denied, is not granted in
7 full, or is not acted upon with reasonable promptness. An appeal
8 shall be taken by filing with the department a written notice of
9 appeal setting forth the facts on which the appeal is based. The
10 department shall thereupon, in writing, notify the appellant of
11 the time and place for hearing which shall be not less than one
12 week or more than six weeks from the date of such notice. Hearings
13 shall be before the duly authorized agent of the department. On the
14 basis of evidence adduced, the duly authorized agent shall enter a
15 final order on such appeal, which order shall be transmitted to
16 the appellant.

17 Sec. 4. Comprehensive post-acute brain injury services
18 authorized under section 1 of this act shall be provided and
19 reimbursed in the same manner as under the Medical Assistance
20 Act. Providers who have contracted with the department under the
21 medical assistance program may provide comprehensive post-acute
22 brain injury services pursuant to the assistance program authorized
23 under section 1 of this act and shall be reimbursed at the same
24 contract rates as under the medical assistance program for such
25 services.