

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 518

Introduced by Howard, 9

Read first time January 17, 2007

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Medical Assistance Act; to amend section
2 68-915, Revised Statutes Cumulative Supplement, 2006; to
3 change and eliminate provisions relating to eligibility
4 of certain children as prescribed; and to repeal the
5 original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-915, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 68-915 The following persons shall be eligible for
4 medical assistance:

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

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

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

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

12 (5) Children under nineteen years of age and pregnant
13 women with a family income equal to or less than one hundred
14 eighty-five percent of the Office of Management and Budget income
15 poverty guideline, as allowed under Title XIX and Title XXI of
16 the federal Social Security Act, without regard to resources.

17 Children described in this subdivision and subdivision (6) of this
18 section shall remain eligible for ~~six~~ twelve consecutive months
19 from the date of ~~initial~~ eligibility prior to redetermination
20 of eligibility; ~~— The department may review eligibility monthly~~
21 ~~thereafter pursuant to rules and regulations adopted and~~
22 ~~promulgated by the department. The department may determine upon~~
23 ~~such review that a child is ineligible for medical assistance if~~
24 ~~such child no longer meets eligibility standards established by the~~
25 ~~department;~~

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

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

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

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

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

17 (8) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii),
18 disabled persons as defined in section 68-1005 with a family income
19 of less than two hundred fifty percent of the Office of Management
20 and Budget income poverty guideline and who, but for earnings in
21 excess of the limit established under 42 U.S.C. 1396d(q)(2)(B),
22 would be considered to be receiving federal Supplemental Security
23 Income. The Department of Health and Human Services shall apply for
24 a waiver to disregard any unearned income that is contingent upon
25 a trial work period in applying the Supplemental Security Income

1 standard. Such disabled persons shall be subject to payment of
2 premiums as a percentage of family income beginning at not less
3 than two hundred percent of the Office of Management and Budget
4 income poverty guideline. Such premiums shall be graduated based on
5 family income and shall not be less than two percent or more than
6 ten percent of family income; and

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

9 (a) Have been screened for breast and cervical cancer
10 under the Centers for Disease Control and Prevention breast and
11 cervical cancer early detection program established under Title XV
12 of the federal Public Health Service Act, 42 U.S.C. 300k et seq.,
13 in accordance with the requirements of section 1504 of such act, 42
14 U.S.C. 300n, and who need treatment for breast or cervical cancer,
15 including precancerous and cancerous conditions of the breast or
16 cervix;

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

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

21 (d) Are not eligible for medical assistance under any
22 mandatory categorically needy eligibility group.

23 Eligibility shall be determined under this section
24 using an income budgetary methodology that determines children's
25 eligibility at no greater than one hundred eighty-five percent of

1 the Office of Management and Budget income poverty guideline and
2 adult eligibility using adult income standards no greater than the
3 applicable categorical eligibility standards established pursuant
4 to state or federal law. The department shall determine eligibility
5 under this section pursuant to such income budgetary methodology
6 and subdivision (1)(s) of section 68-1713.

7 Sec. 2. Original section 68-915, Revised Statutes
8 Cumulative Supplement, 2006, is repealed.