

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 938**

Introduced by Stuthman, 22.

Read first time January 14, 2010

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Medical Assistance Act; to amend  
2 sections 68-907 and 68-911, Reissue Revised Statutes of  
3 Nebraska; to define a term; to provide for reimbursement  
4 of federally qualified health centers as prescribed; to  
5 harmonize provisions; to repeal the original sections;  
6 and to declare an emergency.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 68-907, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           68-907 For purposes of the Medical Assistance Act:

4           (1) Committee means the Health and Human Services  
5 Committee of the Legislature;

6           (2) Department means the Department of Health and Human  
7 Services;

8           (3) Federally qualified health center has the definition  
9 found in section 1905(1)(2)(B) of the federal Social Security  
10 Act, 42 U.S.C. 1396d(1)(2)(B), as such act and section existed on  
11 January 1, 2010;

12           ~~(3)~~ (4) Medicaid Reform Plan means the Medicaid Reform  
13 Plan submitted on December 1, 2005, pursuant to the Medicaid Reform  
14 Act enacted pursuant to Laws 2005, LB 709;

15           ~~(4)~~ (5) Medicaid state plan means the comprehensive  
16 written document, developed and amended by the department and  
17 approved by the federal Centers for Medicare and Medicaid Services,  
18 which describes the nature and scope of the medical assistance  
19 program and provides assurances that the department will administer  
20 the program in compliance with federal requirements;

21           ~~(5)~~ (6) Provider means a person providing health care or  
22 related services under the medical assistance program; and

23           ~~(6)~~ (7) Waiver means the waiver of applicability to  
24 the state of one or more provisions of federal law relating to  
25 the medical assistance program based on an application by the

1 department and approval of such application by the federal Centers  
2 for Medicare and Medicaid Services.

3 Sec. 2. Section 68-911, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 68-911 (1) Medical assistance shall include coverage for  
6 health care and related services as required under Title XIX of the  
7 federal Social Security Act, including, but not limited to:

- 8 (a) Inpatient and outpatient hospital services;  
9 (b) Laboratory and X-ray services;  
10 (c) Nursing facility services;  
11 (d) Home health services;  
12 (e) Nursing services;  
13 (f) Clinic services;  
14 (g) Physician services;  
15 (h) Medical and surgical services of a dentist;  
16 (i) Nurse practitioner services;  
17 (j) Nurse midwife services;  
18 (k) Pregnancy-related services;  
19 (l) Medical supplies; and  
20 (m) Early and periodic screening and diagnosis and  
21 treatment services for children.

22 (2) In addition to coverage otherwise required under this  
23 section, medical assistance may include coverage for health care  
24 and related services as permitted but not required under Title XIX  
25 of the federal Social Security Act, including, but not limited to:

- 1 (a) Prescribed drugs;
- 2 (b) Intermediate care facilities for the mentally  
3 retarded;
- 4 (c) Home and community-based services for aged persons  
5 and persons with disabilities;
- 6 (d) Dental services;
- 7 (e) Rehabilitation services;
- 8 (f) Personal care services;
- 9 (g) Durable medical equipment;
- 10 (h) Medical transportation services;
- 11 (i) Vision-related services;
- 12 (j) Speech therapy services;
- 13 (k) Physical therapy services;
- 14 (l) Chiropractic services;
- 15 (m) Occupational therapy services;
- 16 (n) Optometric services;
- 17 (o) Podiatric services;
- 18 (p) Hospice services;
- 19 (q) Mental health and substance abuse services;
- 20 (r) Hearing screening services for newborn and infant  
21 children; and
- 22 (s) Administrative expenses related to administrative  
23 activities, including outreach services, provided by school  
24 districts and educational service units to students who are  
25 eligible or potentially eligible for medical assistance.

1           (3) No later than July 1, 2009, the department  
2 shall submit a state plan amendment or waiver to the federal  
3 Centers for Medicare and Medicaid Services to provide coverage  
4 under the medical assistance program for community-based secure  
5 residential and subacute behavioral health services for all  
6 eligible recipients, without regard to whether the recipient has  
7 been ordered by a mental health board under the Nebraska Mental  
8 Health Commitment Act to receive such services.

9           (4) No later than July 1, 2010, the department shall  
10 submit a state plan amendment to the federal Centers for Medicare  
11 and Medicaid Services to provide for payment for services of  
12 federally qualified health centers, and shall actually pay  
13 federally qualified health centers, in an amount, calculated on  
14 a per-visit basis, that is equal to one hundred percent of the  
15 average of the costs of the federally qualified health center of  
16 furnishing such services which are reasonable and related to the  
17 cost of furnishing such services, except that, if such amount  
18 is less than the prospective payment system rate determined in  
19 compliance with section 1902(bb) of the federal Society Security  
20 Act, 42 U.S.C. 1396a(bb), as such act and section existed on  
21 January 1, 2010, the department shall make payment to the federally  
22 qualified health center at such prospective payment system rate.

23           Sec. 3. Original sections 68-907 and 68-911, Reissue  
24 Revised Statutes of Nebraska, are repealed.

25           Sec. 4. Since an emergency exists, this act takes effect

LB 938

LB 938

1 when passed and approved according to law.