

AMENDMENTS TO LB 690

Introduced by McGill

1 1. Insert the following new sections:

2 Section 1. Section 4-110, Revised Statutes Cumulative
3 Supplement, 2010, is amended to read:

4 4-110 Verification of lawful presence in the United
5 States pursuant to section 4-108 is not required for:

6 (1) Any purpose for which lawful presence in the United
7 States is not restricted by law, ordinance, or regulation;

8 (2) Assistance for health care services and products,
9 not related to an organ transplant procedure, that are necessary
10 for the treatment of an emergency medical condition, including
11 emergency labor and delivery, manifesting itself by acute symptoms
12 of sufficient severity, including severe pain, such that the
13 absence of immediate medical attention could reasonably be expected
14 to result in (a) placing the patient's health in serious jeopardy,
15 (b) serious impairment to bodily functions, or (c) serious
16 dysfunction of any bodily organ or part;

17 (3) Short-term, noncash, in-kind emergency disaster
18 relief;

19 (4) Public health assistance for immunizations with
20 respect to diseases and for testing and treatment of symptoms
21 of communicable diseases, whether or not such symptoms are caused
22 by a communicable disease; or

23 (5) Programs, services, or assistance necessary for the

1 protection of life or safety, such as soup kitchens, crisis
2 counseling and intervention, and short-term shelter, which (a)
3 deliver in-kind services at the community level, including those
4 which deliver such services through public or private, nonprofit
5 agencies and (b) do not condition the provision of assistance, the
6 amount of assistance provided, or the cost of assistance provided
7 on the income or resources of the recipient.

8 The Legislature finds that unborn children do not have
9 immigration status and therefor are not within the scope of section
10 4-108. Prenatal care services that are available pursuant to
11 section 68-915 and section 5 of this act to unborn children, whose
12 eligibility is independent of the mother's eligibility status,
13 shall not be deemed to be tied to the immigration status of the
14 mother and therefor are not included in the restrictions imposed by
15 section 4-108.

16 Sec. 3. Section 68-901, Revised Statutes Cumulative
17 Supplement, 2010, is amended to read:

18 68-901 Sections 68-901 to 68-969 and section 5 of this
19 act shall be known and may be cited as the Medical Assistance Act.

20 Sec. 4. Section 68-915, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 68-915 The following persons shall be eligible for
23 medical assistance:

- 24 (1) Dependent children as defined in section 43-504;
25 (2) Aged, blind, and disabled persons as defined in
26 sections 68-1002 to 68-1005;
27 (3) Children under nineteen years of age who are eligible

1 under section 1905(a)(i) of the federal Social Security Act;

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

4 (5) Children under nineteen years of age with a family
5 income equal to or less than two hundred percent of the Office
6 of Management and Budget income poverty guideline, as allowed
7 under Title XIX and Title XXI of the federal Social Security Act,
8 without regard to resources, and pregnant women with a family
9 income equal to or less than one hundred eighty-five percent of
10 the Office of Management and Budget income poverty guideline,
11 as allowed under Title XIX and Title XXI of the federal Social
12 Security Act, without regard to resources. Children described
13 in this subdivision and subdivision (6) of this section shall
14 remain eligible for six consecutive months from the date of
15 initial eligibility prior to redetermination of eligibility. The
16 department may review eligibility monthly thereafter pursuant to
17 rules and regulations adopted and promulgated by the department.
18 The department may determine upon such review that a child is
19 ineligible for medical assistance if such child no longer meets
20 eligibility standards established by the department;

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

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

27 (b) Equal to or less than one hundred thirty-three

1 percent of the Office of Management and Budget income poverty
2 guideline with eligible children over one year of age and under six
3 years of age; or

4 (c) Equal to or less than one hundred percent of the
5 Office of Management and Budget income poverty guideline with
6 eligible children six years of age or older and less than nineteen
7 years of age;

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

10 (8) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii),
11 disabled persons as defined in section 68-1005 with a family income
12 of less than two hundred fifty percent of the Office of Management
13 and Budget income poverty guideline and who, but for earnings in
14 excess of the limit established under 42 U.S.C. 1396d(q)(2)(B),
15 would be considered to be receiving federal Supplemental Security
16 Income. The department shall apply for a waiver to disregard any
17 unearned income that is contingent upon a trial work period in
18 applying the Supplemental Security Income standard. Such disabled
19 persons shall be subject to payment of premiums as a percentage of
20 family income beginning at not less than two hundred percent of
21 the Office of Management and Budget income poverty guideline. Such
22 premiums shall be graduated based on family income and shall not be
23 less than two percent or more than ten percent of family income;
24 and

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

27 (a) Have been screened for breast and cervical cancer

1 under the Centers for Disease Control and Prevention breast and
2 cervical cancer early detection program established under Title XV
3 of the federal Public Health Service Act, 42 U.S.C. 300k et seq.,
4 in accordance with the requirements of section 1504 of such act, 42
5 U.S.C. 300n, and who need treatment for breast or cervical cancer,
6 including precancerous and cancerous conditions of the breast or
7 cervix;

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

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

12 (d) Are not eligible for medical assistance under any
13 mandatory categorically needy eligibility group; ~~and-~~

14 (10) Persons receiving services described in section 5 of
15 this act.

16 Eligibility shall be determined under this section
17 using an income budgetary methodology that determines children's
18 eligibility at no greater than two hundred percent of the Office
19 of Management and Budget income poverty guideline and adult
20 eligibility using adult income standards no greater than the
21 applicable categorical eligibility standards established pursuant
22 to state or federal law. The department shall determine eligibility
23 under this section pursuant to such income budgetary methodology
24 and subdivision (1)(q) of section 68-1713.

25 Sec. 5. (1) Prenatal care and pregnancy-related services
26 described in subsection (2) of this section provided to a pregnant
27 woman under the age of eighteen years who has an income equal

1 to or less than one hundred eighty-five percent of the Office of
2 Management and Budget income poverty guideline but who does not
3 otherwise qualify for medical assistance under section 68-915 are
4 eligible for reimbursement under the Medical Assistance Act.

5 (2) The services provided pursuant to this section shall
6 be prenatal care and pregnancy-related services connected to the
7 health of the unborn child, including: (a) Professional fees for
8 labor and delivery, including live birth, fetal death, miscarriage,
9 and ectopic pregnancy; (b) pharmaceuticals and prescription
10 vitamins; (c) outpatient hospital care; (d) radiology, ultrasound,
11 and other necessary imaging; (e) necessary laboratory testing; (f)
12 hospital costs related to labor and delivery; (g) services related
13 to conditions that could complicate the pregnancy, including those
14 for diagnosis or treatment of illness or medical conditions that
15 threaten the carrying of the unborn child to full term or the
16 safe delivery of the unborn child; and (h) other pregnancy-related
17 services approved by the department. Services not covered under
18 this subsection include medical issues separate to the mother and
19 unrelated to pregnancy.

20 (3) Such coverage shall be implemented through the
21 creation of a separate program as allowed under Title XXI of
22 the federal Social Security Act, as amended, and 42 C.F.R. 457.10,
23 solely for the unborn children of mothers who are ineligible for
24 coverage under Title XIX of the federal Social Security Act. All
25 other aspects of the medical assistance program relating to the
26 State Child Health Insurance Program remain a medicaid expansion
27 program as defined in 42 C.F.R. 457.10.

1 (4) The department shall receive the state and federal
2 funds appropriated or provided for benefits provided pursuant to
3 this section. Within thirty days after the effective date of this
4 act, the department shall submit a state plan amendment or waiver
5 for approval by the federal Centers for Medicare and Medicaid
6 Services to provide coverage under the medical assistance plan to
7 persons eligible under this section.

8 (5) Eligibility shall be determined under this section
9 using an income budgetary methodology that determines children's
10 eligibility at no greater than one hundred eighty-five percent of
11 the Office of Management and Budget income poverty guideline.

12 2. Amend the repealer, renumber the remaining sections,
13 and correct internal references accordingly.