

ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011
COMMITTEE STATEMENT
LB456

Hearing Date: Wednesday February 23, 2011
Committee On: Health and Human Services
Introducer: Health and Human Services
One Liner: Change provisions relating to health and human services

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 6 Senators Campbell, Cook, Gloor, Howard, Krist, Wallman
Nay:
Absent:
Present Not Voting: 1 Senator Bloomfield

Proponents:
Michelle Chaffee

Kerry Winterer

Representing:
Legal Counsel to the Health and Human Services
Committee
Department of Health and Human Services

Opponents:
James Goddard

Representing:
CAFCON; NAMI Nebraska; Nebraska Appleseed
Center for Law in the Public Interest; Nebraska
Association of Behavioral Health Organizations;
Nebraska Chapter of the National Association of Social
Workers; Nebraska Child Health Alliance; Nebraska
Health Care Association; Nebraska Medical
Association; Nebraska Psychological Association;
Voices for Children in Nebraska
Nebraska Health Care Association
Hungington Park Care Center, Papillion, NE
Celebrate Life - Birchwood Manor of North Bend, NE
Nebraska Association of Trial Attorneys

Brendon Polt
John Turner
Pamela Griffin
John Lindsay

Neutral:

Representing:

Summary of purpose and/or changes:

LB 456 provides the following changes in the area of health and human services. The bill:

- Changes the state law regarding references to the Federal Social Security Act in State Medicaid statutes. This section removes "accepts and assents" and authorizes the Department to adopt and promulgate rules and regulations and take such other actions as are necessary to secure federal matching funds under the applicable provisions of the federal Social Security Act. Nebraska law adopts by reference the Federal Social Security Act as it existed on January 1, 2010. Nebraska case law provides that a state statute may incorporate by reference a federal statute, but only as to the date such state statute became effective and not all future changes in federal law. This statute must be updated each year so any federal Medicaid changes that have been made are incorporated by reference. (Section 1)

- Adds provisions in Nebraska law (Section 71-503.01) related to the sharing of communicable disease, illness or poisoning information to control or prevent the spread of serious disease, or to diminish an imminent threat to public health. First, this section allows the sharing of such information with Tribes to allow for coordination and response. Second, this section provides explicit authority to the Chief Medical Officer of the Department of Health and Human Services to release such information to the extent necessary to protect the public. This section is important because it provides clear authority to share information to detect and locate sources of serious disease, illness or poisoning to control, prevent or diminish its effects.
- Changes Nebraska law relating to purchases by electronic benefits transfer or food coupons. In the federal law, the Supplemental Nutrition Assistance Program (SNAP) no longer references "food coupons" or "food stamps." This bill will update the reference to the federal program.
- Eliminates the Advisory Committee for the State Unit on Aging (also referred to as the Division of Medicaid and Long-Term Care Advisory Committee on Aging). The elimination of the Advisory Committee for the State Unit on Aging would provide a cost benefit to the state while the majority of the functions of the committee would continue to be carried out by other, existing entities, including the oversight and planning functions performed by DHHS.
- Eliminates the Nursing Home Advisory Council. The elimination of this council is advisable since the Division of Public Health has already established a Long Term Care (LTC) Provider Group which is comprised of representatives of nursing homes from across the State.

Explanation of amendments:

The amendment becomes the bill and makes the technical change of updating the statute language from 2010 to 2011 in the same manner that has been done legislatively since 1996. The amendment changes the state law regarding references to Title XIX and Title XXI of the Federal Social Security Act in the state Medicaid statute, 69-906. Nebraska case law provides that a state statute may incorporate by reference a federal statute, but only as to the date such state statute became effective and not all future changes in federal law. Present Nebraska law adopts by reference the Federal Social Security Act as it existed on January 1, 2010. Therefore Nebraska statute needs updating so federal changes that have been made are incorporated by reference. Accordingly, the amendment provides for a change in Nebraska statute 68-906 to incorporate by reference the federal changes from January 1, 2010 to as existed on January 1, 2011.

Kathy Campbell, Chairperson