

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 467**

Introduced by Campbell, 25; at the request of the Governor.

Read first time January 14, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to public assistance; to amend sections 68-915  
2 and 68-1723, Reissue Revised Statutes of Nebraska; to  
3 change eligibility provisions relating to the medical  
4 assistance program; to harmonize provisions; to provide  
5 an operative date; to repeal the original sections; and  
6 to declare an emergency.

7 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 68-915, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   68-915 ~~The~~ Except as provided in subsection (2) of  
4 section 68-1723, the following persons shall be eligible for medical  
5 assistance:

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

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

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

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

13                   (5) Children under nineteen years of age with a family  
14 income equal to or less than two hundred percent of the Office of  
15 Management and Budget income poverty guideline, as allowed under  
16 Title XIX and Title XXI of the federal Social Security Act, without  
17 regard to resources, and pregnant women with a family income equal to  
18 or less than one hundred eighty-five percent of the Office of  
19 Management and Budget income poverty guideline, as allowed under  
20 Title XIX and Title XXI of the federal Social Security Act, without  
21 regard to resources. Children described in this subdivision and  
22 subdivision (6) of this section shall remain eligible for six  
23 consecutive months from the date of initial eligibility prior to  
24 redetermination of eligibility. The department may review eligibility  
25 monthly thereafter pursuant to rules and regulations adopted and

1 promulgated by the department. The department may determine upon such  
2 review that a child is ineligible for medical assistance if such  
3 child no longer meets eligibility standards established by the  
4 department;

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

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

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

15 (c) Equal to or less than one hundred percent of the  
16 Office of Management and Budget income poverty guideline with  
17 eligible children six years of age or older and less than nineteen  
18 years of age;

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

21 (8) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii),  
22 disabled persons as defined in section 68-1005 with a family income  
23 of less than two hundred fifty percent of the Office of Management  
24 and Budget income poverty guideline and who, but for earnings in  
25 excess of the limit established under 42 U.S.C. 1396d(q)(2)(B), would

1 be considered to be receiving federal Supplemental Security Income.  
2 The department shall apply for a waiver to disregard any unearned  
3 income that is contingent upon a trial work period in applying the  
4 Supplemental Security Income standard. Such disabled persons shall be  
5 subject to payment of premiums as a percentage of family income  
6 beginning at not less than two hundred percent of the Office of  
7 Management and Budget income poverty guideline. Such premiums shall  
8 be graduated based on family income and shall not be less than two  
9 percent or more than ten percent of family income; and

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

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

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

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

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

1 Eligibility shall be determined under this section using  
2 an income budgetary methodology that determines children's  
3 eligibility at no greater than two hundred percent of the Office of  
4 Management and Budget income poverty guideline and adult eligibility  
5 using adult income standards no greater than the applicable  
6 categorical eligibility standards established pursuant to state or  
7 federal law. The department shall determine eligibility under this  
8 section pursuant to such income budgetary methodology and subdivision  
9 (1)(q) of section 68-1713.

10 Sec. 2. Section 68-1723, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 68-1723 (1) Cash assistance shall be provided only while  
13 recipients are actively engaged in the specific activities outlined  
14 in the self-sufficiency contract developed under section 68-1719. If  
15 the recipients are not actively engaged in these activities, no cash  
16 assistance shall be paid.

17 (2) Recipient families with at least one adult with the  
18 capacity to work, as determined by the comprehensive assets  
19 assessment, shall participate in the self-sufficiency contract as a  
20 condition of receiving cash assistance. If any such adult fails to  
21 cooperate in carrying out the terms of the contract, the family shall  
22 be ineligible for cash assistance and the noncooperating adult shall  
23 be ineligible for medical assistance under the medical assistance  
24 program. A woman who is pregnant or within the sixty-day period  
25 beginning on the last day of pregnancy and who is eligible for

1 medical assistance under the medical assistance program remains  
2 eligible for such assistance unless she refuses to cooperate by  
3 identifying and providing information to assist the department in  
4 pursuing third parties who may be liable to pay for care and services  
5 on her behalf, except that she may be able to waive cooperation for  
6 good cause as defined in federal law.

7 (a) Adult members of recipient families whose youngest  
8 child is between the ages of twelve weeks and six months shall engage  
9 in an individually determined number of part-time hours in activities  
10 such as family nurturing, preemployment skills, or education.

11 (b) Participation in activities outlined in the self-  
12 sufficiency contract shall not be required for one parent of a  
13 recipient family whose youngest child is under the age of twelve  
14 weeks.

15 (c) Cash assistance under section 68-1724 shall be  
16 extended: (i) To cover the twelve-week postpartum recovery period for  
17 children born to recipient families; and (ii) to recognize special  
18 medical conditions of such children requiring the presence of at  
19 least one adult member of the recipient family, as determined by the  
20 state, which extend past the age of twelve weeks.

21 (d) Full participation in the activities outlined in the  
22 self-sufficiency contract shall be required for adult members of a  
23 two-parent recipient family whose youngest child is over the age of  
24 six months. Part-time participation in activities outlined in the  
25 self-sufficiency contract shall be required for an adult member of a

1 single-parent recipient family whose youngest child is under the age  
2 of six years.

3 (e) In cases in which the only adults in the recipient  
4 family do not have parental responsibility which shall mean such  
5 adults are not the biological or adoptive parents or stepparents of  
6 the children in their care, and assistance is requested for all  
7 family members, including the adults, the family shall participate in  
8 the activities outlined in the self-sufficiency contract as a  
9 condition of receiving cash assistance.

10 (f) Unemployed or underemployed absent and able-to-work  
11 parents of children in the recipient family may participate in self-  
12 sufficiency contracts, employment, and payment of child support, and  
13 such absent parents may be required to pay all or a part of the costs  
14 of the self-sufficiency contracts.

15 (3) Individual recipients and recipient families shall  
16 have the right to request an administrative hearing (a) for the  
17 purpose of reviewing compliance by the state with the terms of the  
18 self-sufficiency contract or (b) for the purpose of reviewing a  
19 determination by the department that the recipient or recipient  
20 family has not complied with the terms of the self-sufficiency  
21 contract. It is the intent of the Legislature that an independent  
22 mediation appeal process be developed as an option to be considered.

23 Sec. 3. This act becomes operative on July 1, 2011.

24 Sec. 4. Original sections 68-915 and 68-1723, Reissue  
25 Revised Statutes of Nebraska, are repealed.

1                   Sec. 5. Since an emergency exists, this act takes effect  
2   when passed and approved according to law.