

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 826

Introduced by Dubas, 34; Campbell, 25; Cook, 13; Krist, 10; Lathrop,
12; McGill, 26; Mello, 5; Nordquist, 7.

Read first time January 05, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Medical Assistance Act; to amend section
2 68-912, Reissue Revised Statutes of Nebraska; to provide
3 duties for the Department of Health and Human Services
4 relating to rules and regulations as prescribed; and to
5 repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-912, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 68-912 (1) The department may establish (a) premiums,
4 copayments, and deductibles for goods and services provided under the
5 medical assistance program, (b) limits on the amount, duration, and
6 scope of goods and services that recipients may receive under the
7 medical assistance program, and (c) requirements for recipients of
8 medical assistance as a necessary condition for the continued receipt
9 of such assistance, including, but not limited to, active
10 participation in care coordination and appropriate disease management
11 programs and activities.

12 (2) In establishing and limiting coverage for services
13 under the medical assistance program, the department shall consider
14 (a) the effect of such coverage and limitations on recipients of
15 medical assistance and medical assistance expenditures, (b) the
16 public policy in section 68-905, (c) the experience and outcomes of
17 other states, (d) the nature and scope of benchmark or benchmark-
18 equivalent health insurance coverage as recognized under federal law,
19 and (e) other relevant factors as determined by the department.

20 (3) Coverage for mandatory and optional services and
21 limitations on covered services as established by the department
22 prior to July 1, 2006, shall remain in effect until revised, amended,
23 repealed, or nullified pursuant to law. Any proposed reduction or
24 expansion of services or limitation of covered services by the
25 department under this section shall be subject to the reporting and

1 review requirements of section 68-909.

2 (4) Except as otherwise provided in this subsection,
3 proposed rules and regulations under this section relating to the
4 establishment of premiums, copayments, or deductibles for eligible
5 recipients or limits on the amount, duration, or scope of covered
6 services for eligible recipients shall not become effective until the
7 conclusion of the earliest regular session of the Legislature in
8 which there has been a ~~reasonable opportunity for~~ legislative
9 consideration of such rules and regulations. This subsection does not
10 apply to rules and regulations that are (a) required by federal or
11 state law, (b) related to a waiver in which recipient participation
12 is voluntary, or (c) proposed due to a loss of federal matching funds
13 relating to a particular covered service or eligibility category.
14 Legislative consideration includes, but is not limited to, the
15 introduction of a legislative bill, a legislative resolution, or an
16 amendment to pending legislation relating to such rules and
17 regulations.

18 Sec. 2. Original section 68-912, Reissue Revised Statutes
19 of Nebraska, is repealed.