

LEGISLATIVE BILL 1063

Approved by the Governor April 11, 2012

Introduced by Cook, 13.

FOR AN ACT relating to medical assistance; to adopt the Children's Health and Treatment Act.

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

Section 1. Sections 1 to 5 of this act shall be known and may be cited as the Children's Health and Treatment Act.

Sec. 2. The purposes of the Children's Health and Treatment Act are to:

(1) Require that the guidelines and criteria that the Department of Health and Human Services utilizes to determine medical necessity for services under the medical assistance program be published by the department on its web site and web sites of its contractors for managed care and administrative services. The treating guidelines and criteria shall be referenced specifically to providers when utilized as a determination of medical necessity under the medical assistance program. Treating guidelines and criteria in effect on the effective date of this act shall be published on such web sites within thirty days after the effective date of this act. Notice of changes to treating guidelines and criteria shall be given to providers and time for public comment provided at least sixty days prior to implementation of such changes; and

(2) Require that the department collect and report on authorization and denial rates for behavioral health services for children under nineteen years of age.

Sec. 3. For purposes of the Children's Health and Treatment Act:

(1) Department means the Department of Health and Human Services; and

(2) Medical assistance program means the program established pursuant to section 68-903.

Sec. 4. The department shall report to the Health and Human Services Committee of the Legislature on utilization controls, including, but not limited to, the rates of initial service authorizations, reauthorizations subsequent to initial service authorizations, and denials for behavioral health services for children under nineteen years of age. The first report shall be due on October 1, 2012, and shall contain such rates of initial service authorizations, reauthorizations subsequent to initial service authorizations, and denials for behavioral health services for children under nineteen years of age for the first three quarters of 2012. Thereafter, on January 1, April 1, and July 1 of each year, the department shall report such rates of initial service authorizations, reauthorizations subsequent to initial service authorizations, and denials for behavioral health services for children under nineteen years of age for the previous calendar quarter.

Sec. 5. The department shall adopt and promulgate rules and regulations to carry out the Children's Health and Treatment Act. On and after April 1, 2013, the department shall not apply medical necessity criteria to determine medical necessity for children under nineteen years of age that have not been adopted and promulgated as rules and regulations pursuant to the Administrative Procedure Act.