

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 441

Introduced by Morfeld, 46.

Read first time January 17, 2017

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Medical Assistance Act; to amend
- 2 section 68-915, Revised Statutes Cumulative Supplement, 2016; to
- 3 change provisions relating to eligibility; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-915, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 68-915 The following persons shall be eligible for medical
4 assistance:

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

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

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

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

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

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

30 (a) Equal to or less than one hundred fifty percent of the Office of
31 Management and Budget income poverty guideline with eligible children one

1 year of age or younger;

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

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

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

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

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

24 (a) Have been screened for breast and cervical cancer under the
25 Centers for Disease Control and Prevention breast and cervical cancer
26 early detection program established under Title XV of the federal Public
27 Health Service Act, 42 U.S.C. 300k et seq., in accordance with the
28 requirements of section 1504 of such act, 42 U.S.C. 300n, and who need
29 treatment for breast or cervical cancer, including precancerous and
30 cancerous conditions of the breast or cervix;

31 (b) Are not otherwise covered under creditable coverage as defined

1 in section 2701(c) of the federal Public Health Service Act, 42 U.S.C.
2 300gg(c);

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

4 (d) Are not eligible for medical assistance under any mandatory
5 categorically needy eligibility group; ~~and~~

6 (10) Persons eligible for services described in subsection (3) of
7 section 68-972; ~~and -~~

8 (11) Persons described under section 1902 (a)(10)(A)(i)(VIII) of the
9 federal Social Security Act, as amended, 42 U.S.C. 1396a (a)(10)(A)(i)
10 (VIII), as such act and section existed on January 1, 2017, subject to
11 the following:

12 (a) The department shall submit a state plan amendment to cover
13 newly eligible individuals in accordance with section 1902 (a)(10)(A)(i)
14 (VIII) of the federal Social Security Act, as amended, 42 U.S.C. 1396a
15 (a)(10)(A)(i)(VIII), as such act and section existed on January 1, 2017;

16 (b) Such state plan amendment shall request as the alternative
17 benefit plan a benchmark benefit package as defined in section 1937(b)(1)
18 (D) of the federal Social Security Act, as amended, 42 U.S.C. 1396u-7(b)
19 (1)(D), as such act and section existed on January 1, 2017, for
20 Secretary-approved coverage that shall include full medicaid benefit
21 coverage, including mandatory and optional coverage, under section 68-911
22 in the amount, duration, and scope in effect on January 1, 2017, and any
23 additional wraparound benefits required under federal law; and

24 (c) The department may adopt and promulgate rules and regulations to
25 carry out coverage for newly eligible individuals under this subdivision
26 (11).

27 Except as provided in section 68-972, eligibility shall be
28 determined under this section using an income budgetary methodology that
29 determines children's eligibility at no greater than two hundred percent
30 of the Office of Management and Budget income poverty guideline and adult
31 eligibility using adult income standards no greater than the applicable

1 categorical eligibility standards established pursuant to state or
2 federal law. The department shall determine eligibility under this
3 section pursuant to such income budgetary methodology and subdivision (1)
4 (q) of section 68-1713.

5 Sec. 2. Original section 68-915, Revised Statutes Cumulative
6 Supplement, 2016, is repealed.