

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 922**

Introduced by Vargas, 7.

Read first time January 09, 2018

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to health care coverage; to amend section
- 2 4-110, Reissue Revised Statutes of Nebraska; to adopt the All Kids
- 3 Health Care Program Act; to provide an exemption from verification
- 4 of lawful presence as prescribed; and to repeal the original
- 5 section.
- 6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 3 of this act shall be known and may be  
2 cited as the All Kids Health Care Program Act.

3           Sec. 2. The Legislature finds that:

4           (1) All children should have access to health care coverage to  
5 ensure they are healthy and ready to learn;

6           (2) Many children in Nebraska presently do not have health care  
7 coverage due to their immigration status; and

8           (3) Extending health care coverage to all low-income children,  
9 regardless of their immigration status, is a benefit to the health of all  
10 Nebraskans and will improve the welfare of and economic conditions in  
11 Nebraska.

12           Sec. 3. (1) The All Kids Health Care Program is created.  
13 Notwithstanding any other provision of law, children under nineteen years  
14 of age with a family income equal to or less than two hundred percent of  
15 the Office of Management and Budget income poverty guideline who meet all  
16 eligibility requirements under the Medical Assistance Act but for their  
17 immigration status shall be eligible for the All Kids Health Care  
18 Program.

19           (2) Children eligible for the All Kids Health Care Program shall not  
20 be considered nonresidents of Nebraska based solely upon their  
21 immigration status.

22           (3) The All Kids Health Care Program shall provide eligible children  
23 with the same benefits and services provided under the medical assistance  
24 program established pursuant to section 68-911.

25           (4) The All Kids Health Care Program shall be a separate program  
26 from the medical assistance program but shall be administered by the  
27 Department of Health and Human Services in the same manner as the medical  
28 assistance program to the greatest extent possible.

29           (5) Benefits, services, and program administration under this  
30 section shall be provided with state-only funds if federal matching funds  
31 are not available for such benefits, services, or program administration.

1 The department shall maximize federal matching funds in implementing this  
2 section to the extent allowable under state and federal law.

3 (6) All information regarding applicants or recipients under the All  
4 Kids Health Care Program shall be subject to the confidentiality  
5 requirements of subsection (3) of section 68-908 and subject to  
6 confidentiality requirements under federal law.

7 Sec. 4. Section 4-110, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 4-110 Verification of lawful presence in the United States pursuant  
10 to section 4-108 is not required for:

11 (1) Any purpose for which lawful presence in the United States is  
12 not restricted by law, ordinance, or regulation;

13 (2) Assistance for health care services and products, not related to  
14 an organ transplant procedure, that are necessary for the treatment of an  
15 emergency medical condition, including emergency labor and delivery,  
16 manifesting itself by acute symptoms of sufficient severity, including  
17 severe pain, such that the absence of immediate medical attention could  
18 reasonably be expected to result in (a) placing the patient's health in  
19 serious jeopardy, (b) serious impairment to bodily functions, or (c)  
20 serious dysfunction of any bodily organ or part;

21 (3) Short-term, noncash, in-kind emergency disaster relief;

22 (4) Public health assistance for immunizations with respect to  
23 diseases and for testing and treatment of symptoms of communicable  
24 diseases, whether or not such symptoms are caused by a communicable  
25 disease;~~or~~

26 (5) Programs, services, or assistance necessary for the protection  
27 of life or safety, such as soup kitchens, crisis counseling and  
28 intervention, and short-term shelter, which (a) deliver in-kind services  
29 at the community level, including those which deliver such services  
30 through public or private, nonprofit agencies and (b) do not condition  
31 the provision of assistance, the amount of assistance provided, or the

1 cost of assistance provided on the income or resources of the recipient;  
2 or -

3 (6) Children under nineteen years of age applying for or eligible  
4 for the All Kids Health Care Program pursuant to section 3 of this act.

5 The Legislature finds that unborn children do not have immigration  
6 status and therefor are not within the scope of section 4-108. Prenatal  
7 care services available pursuant to sections 68-915 and 68-972 to unborn  
8 children, whose eligibility is independent of the mother's eligibility  
9 status, shall not be deemed to be tied to the immigration status of the  
10 mother and therefor are not included in the restrictions imposed by  
11 section 4-108.

12 Sec. 5. Original section 4-110, Reissue Revised Statutes of  
13 Nebraska, is repealed.