

ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019
COMMITTEE STATEMENT
LB323

Hearing Date: Thursday February 28, 2019
Committee On: Health and Human Services
Introducer: Crawford
One Liner: Change eligibility provisions under the Medical Assistance Act for certain disabled persons

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

| | | |
|----------------------------|---|--|
| Aye: | 6 | Senators Arch, Cavanaugh, Hansen, B., Howard, Murman, Williams |
| Nay: | | |
| Absent: | 1 | Senator Walz |
| Present Not Voting: | | |

Oral Testimony:

Proponents:

Senator Sue Crawford
Edison McDonald
Erin Phillips
Mark Bulger
Doug Dunning

Representing:

Introducer
The Arc of Nebraska
People First of Nebraska
Self
Ollie Webb Center, Inc.

Opponents:

Thomas "Rocky" Thompson

Representing:

Department of Health and Human Services

Neutral:

Shauna Dahlgren
Brad Meurrens

Representing:

Easterseals Nebraska
Disability Rights Nebraska

Summary of purpose and/or changes:

LB 323 amends the Medical Assistance Act, specifically the eligibility requirements in Neb. Rev. Stat. 68-915 as they relate to certain persons with disabilities.

Neb. Rev. Stat. 68-915(8) details eligibility for persons with disabilities who, because they receive Medicaid and are accessing health care, are able to work and earn income. Often referred to as the Medicaid buy-in program, it allows individuals to pay a premium on a sliding scale to maintain Medicaid coverage.

LB 323 changes the authorizing references of federal law from the Balanced Budget Act of 1997 to the Ticket to Work and Work Incentives Improvement Act of 1999. (Sec. 1(8), page 3, lines 11-12.) The reference to Ticket to Work allows persons who are "medically improved" and are therefore able to work more, to maintain Medicaid coverage with premiums when their job status causes them to lose SSI.

LB 323 strikes language that makes the disregard of unearned income contingent on a trial work period (Sec. 1(8), page 3, lines 18-19) and amends this section so that premiums must not exceed seven and one half percent of the family's income. (Sec. 1(8), page 3, lines 23.)

LB 323 also inserts language instructing the Department of Health and Human Services (DHHS) not to include assets or available resources in determining eligibility. (Sec. 1(8), page 3, lines 24-26.)

Additional language is inserted to exclude the eligibility requirements in subsection (8) from certain methodologies for determining eligibility under Nebraska's Medicaid Act. (Sec. 1(11), page 4, lines 13 and 19-20.)

Explanation of amendments:

AM 678 replaces the green copy and becomes the bill.

Like the green copy of LB 323, AM 678 changes the authorizing references of federal law from the Balanced Budget Act of 1997 to the Ticket to Work and Work Incentives Improvement Act of 1999. (AM 678, sec. 1, page 2, lines 17-25.) To be eligible a family's income must still be below 250% of the poverty guidelines.

AM 323 strikes the language requiring DHHS to apply for a waiver to disregard unearned income and strikes the reference to the trial work period. (AM 678, page 2, lines 23-25.) Similarly, the language regarding Supplemental Security Income is struck. (AM 678, page2, lines 20-23.) Neither provision is necessary under the Ticket to Work law.

AM 323 maintains the amended cap on premiums of 7 1/2% from the green copy of LB 323. (Page 2, lines 29-30.)

AM 323 does not remove the assets limits for eligibility as originally proposed in LB 323. Current law would remain intact.

The remainder of AM 323 mirrors the green copy.

Sara Howard, Chairperson