

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 323

Introduced by Crawford, 45; Linehan, 39.

Read first time January 16, 2019

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, as
- 3 amended by section 3, Initiative Law 2018, No. 427; to change
- 4 eligibility requirements for certain disabled persons; and to repeal
- 5 the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-915, Revised Statutes Cumulative Supplement,
2 2016, as amended by section 3, Initiative Law 2018, No. 427, is amended
3 to read:

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

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

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

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

11 (4) Persons who are presumptively eligible as allowed under sections
12 1920 and 1920B of the federal Social Security Act;

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

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

31 (a) Equal to or less than one hundred fifty percent of the Office of

1 Management and Budget income poverty guideline with eligible children one
2 year of age or younger;

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

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

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

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

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

28 (a) Have been screened for breast and cervical cancer under the
29 Centers for Disease Control and Prevention breast and cervical cancer
30 early detection program established under Title XV of the federal Public
31 Health Service Act, 42 U.S.C. 300k et seq., in accordance with the

1 requirements of section 1504 of such act, 42 U.S.C. 300n, and who need
2 treatment for breast or cervical cancer, including precancerous and
3 cancerous conditions of the breast or cervix;

4 (b) Are not otherwise covered under creditable coverage as defined
5 in section 2701(c) of the federal Public Health Service Act, 42 U.S.C.
6 ~~300gg-3(c)~~ ~~300gg(c)~~;

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

8 (d) Are not eligible for medical assistance under any mandatory
9 categorically needy eligibility group;

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

12 (11) Persons eligible pursuant to section 2 of this act.

13 Except as provided in subsection (8) of this section and section
14 68-972, eligibility shall be determined under this section using an
15 income budgetary methodology that determines children's eligibility at no
16 greater than two hundred percent of the Office of Management and Budget
17 income poverty guideline and adult eligibility using adult income
18 standards no greater than the applicable categorical eligibility
19 standards established pursuant to state or federal law. Except as
20 otherwise provided in subsection (8) of this section, the ~~The~~ department
21 shall determine eligibility under this section pursuant to such income
22 budgetary methodology and subdivision (1)(q) of section 68-1713.

23 Sec. 2. Original section 68-915, Revised Statutes Cumulative
24 Supplement, 2016, as amended by section 3, Initiative Law 2018, No. 427,
25 is repealed.