

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 955

Introduced by Walz, 15.

Read first time January 13, 2020

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to medical assistance; to amend section
- 2 68-914, Reissue Revised Statutes of Nebraska; to change provisions
- 3 related to discontinued eligibility for or modification of medical
- 4 assistance; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-914, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 68-914 (1) An applicant for medical assistance shall file an
4 application with the department in a manner and form prescribed by the
5 department. The department shall process each application to determine
6 whether the applicant is eligible for medical assistance. The department
7 shall provide a determination of eligibility for medical assistance in a
8 timely manner in compliance with 42 C.F.R. 435.911, including, but not
9 limited to, a timely determination of eligibility for coverage of an
10 emergency medical condition, such as labor and delivery.

11 (2) The department shall notify an applicant for or recipient of
12 medical assistance of any decision of the department to deny or
13 discontinue eligibility or to deny or modify medical assistance.
14 Decisions of the department, including the failure of the department to
15 act with reasonable promptness, may be appealed, and the appeal shall be
16 in accordance with the Administrative Procedure Act.

17 (3) Notice of a decision to discontinue eligibility or to modify
18 medical assistance shall include an explanation of the proposed action,
19 the reason for the proposed action, the information used to make the
20 decision including specific regulations or laws requiring such action,
21 contact information for personnel of the department to address questions
22 regarding the action, information on the right to appeal, and an
23 explanation of the availability of continued benefits pending such
24 appeal.

25 (4) If a recipient of medical assistance appeals a decision by the
26 department to discontinue eligibility or modify medical assistance within
27 thirty days after the date notice of such decision is mailed, no action
28 to discontinue eligibility or modify medical assistance shall be taken by
29 the department until a decision is rendered based on such appeal.

30 Sec. 2. Original section 68-914, Reissue Revised Statutes of
31 Nebraska, is repealed.