## LEGISLATURE OF NEBRASKA

## ONE HUNDRED EIGHTH LEGISLATURE

## SECOND SESSION

## **LEGISLATIVE BILL 1106**

Introduced by Day, 49.

Read first time January 10, 2024

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Medical Assistance Act; to amend
- 2 section 68-911, Revised Statutes Supplement, 2023; to provide for
- 3 coverage of lactation consultations; to state intent regarding
- 4 appropriations; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

LB1106 LB1106 2024 2024

1 Section 1. Section 68-911, Revised Statutes Supplement, 2023, is

- 2 amended to read:
- 3 68-911 (1) Medical assistance shall include coverage for health care
- 4 and related services as required under Title XIX of the federal Social
- 5 Security Act, including, but not limited to:
- 6 (a) Inpatient and outpatient hospital services;
- 7 (b) Laboratory and X-ray services;
- 8 (c) Nursing facility services;
- 9 (d) Home health services;
- 10 (e) Nursing services;
- 11 (f) Clinic services;
- 12 (g) Physician services;
- 13 (h) Medical and surgical services of a dentist;
- 14 (i) Nurse practitioner services;
- 15 (j) Nurse midwife services;
- 16 (k) Pregnancy-related services;
- 17 (1) Medical supplies;
- 18 (m) Mental health and substance abuse services;
- 19 (n) Early and periodic screening and diagnosis and treatment
- 20 services for children which shall include both physical and behavioral
- 21 health screening, diagnosis, and treatment services;
- 22 (o) Rural health clinic services; and
- 23 (p) Federally qualified health center services.
- 24 (2) In addition to coverage otherwise required under this section,
- 25 medical assistance may include coverage for health care and related
- 26 services as permitted but not required under Title XIX of the federal
- 27 Social Security Act, including, but not limited to:
- 28 (a) Prescribed drugs;
- 29 (b) Intermediate care facilities for persons with developmental
- 30 disabilities;
- 31 (c) Home and community-based services for aged persons and persons

- 1 with disabilities;
- 2 (d) Dental services;
- 3 (e) Rehabilitation services;
- 4 (f) Personal care services;
- 5 (g) Durable medical equipment;
- 6 (h) Medical transportation services;
- 7 (i) Vision-related services;
- 8 (j) Speech therapy services;
- 9 (k) Physical therapy services;
- 10 (1) Chiropractic services;
- 11 (m) Occupational therapy services;
- 12 (n) Optometric services;
- 13 (o) Podiatric services;
- 14 (p) Hospice services;
- 15 (q) Mental health and substance abuse services;
- 16 (r) Hearing screening services for newborn and infant children; and
- 17 (s) Administrative expenses related to administrative activities,
- 18 including outreach services, provided by school districts and educational
- 19 service units to students who are eligible or potentially eligible for
- 20 medical assistance.
- 21 (3) No later than July 1, 2009, the department shall submit a state
- 22 plan amendment or waiver to the federal Centers for Medicare and Medicaid
- 23 Services to provide coverage under the medical assistance program for
- 24 community-based secure residential and subacute behavioral health
- 25 services for all eligible recipients, without regard to whether the
- 26 recipient has been ordered by a mental health board under the Nebraska
- 27 Mental Health Commitment Act to receive such services.
- 28 (4) On or before October 1, 2014, the department, after consultation
- 29 with the State Department of Education, shall submit a state plan
- 30 amendment to the federal Centers for Medicare and Medicaid Services, as
- 31 necessary, to provide that the following are direct reimbursable services

- 1 when provided by school districts as part of an individualized education
- 2 program or an individualized family service plan: Early and periodic
- 3 screening, diagnosis, and treatment services for children; medical
- 4 transportation services; mental health services; nursing services;
- 5 occupational therapy services; personal care services; physical therapy
- 6 services; rehabilitation services; speech therapy and other services for
- 7 individuals with speech, hearing, or language disorders; and vision-
- 8 related services.
- 9 (5) No later than January 1, 2023, the department shall provide
- 10 coverage for continuous glucose monitors under the medical assistance
- 11 program for all eligible recipients who have a prescription for such
- 12 device.
- 13 (6) On or before October 1, 2023, the department shall seek federal
- 14 approval for federal matching funds from the federal Centers for Medicare
- 15 and Medicaid Services through a state plan amendment or waiver to extend
- 16 postpartum coverage for beneficiaries from sixty days to at least six
- 17 months. Nothing in this subsection shall preclude the department from
- 18 submitting a state plan amendment for twelve months.
- 19 (7)(a) No later than January 1, 2025, the department shall provide
- 20 coverage for a minimum of ten lactation consultation visits for every
- 21 mother covered under the medical assistance program or child covered
- 22 under the medical assistance program, if the mother is not covered under
- 23 <u>such program.</u>
- 24 (b) It is the intent of the Legislature to appropriate XXX from the
- 25 General Fund for fiscal year 2024-25 to the department for the purpose of
- 26 <u>implementing this subsection. Such appropriation shall be equal to an</u>
- 27 <u>amount that is a one hundred forty-five percent rate increase over the</u>
- 28 current lactation consultation rate paid by the department.
- 29 Sec. 2. Original section 68-911, Revised Statutes Supplement, 2023,
- 30 is repealed.