

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 13

Introduced by Blood, 3.

Read first time January 05, 2023

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Medical Assistance Act; to amend
2 sections 68-901 and 68-911, Revised Statutes Cumulative Supplement,
3 2022; to require coverage of human breast milk; and to repeal the
4 original sections.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-901, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 68-901 Sections 68-901 to 68-9,101 and section 3 of this act shall
4 be known and may be cited as the Medical Assistance Act.

5 Sec. 2. Section 68-911, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:

7 68-911 (1) Medical assistance shall include coverage for health care
8 and related services as required under Title XIX of the federal Social
9 Security Act, including, but not limited to:

- 10 (a) Inpatient and outpatient hospital services;
- 11 (b) Laboratory and X-ray services;
- 12 (c) Nursing facility services;
- 13 (d) Home health services;
- 14 (e) Nursing services;
- 15 (f) Clinic services;
- 16 (g) Physician services;
- 17 (h) Medical and surgical services of a dentist;
- 18 (i) Nurse practitioner services;
- 19 (j) Nurse midwife services;
- 20 (k) Pregnancy-related services;
- 21 (l) Medical supplies;
- 22 (m) Mental health and substance abuse services;
- 23 (n) Early and periodic screening and diagnosis and treatment
24 services for children which shall include both physical and behavioral
25 health screening, diagnosis, and treatment services;
- 26 (o) Rural health clinic services; and
- 27 (p) Federally qualified health center services.

28 (2) In addition to coverage otherwise required under this section,
29 medical assistance may include coverage for health care and related
30 services as permitted but not required under Title XIX of the federal
31 Social Security Act, including, but not limited to:

- 1 (a) Prescribed drugs;
- 2 (b) Intermediate care facilities for persons with developmental
- 3 disabilities;
- 4 (c) Home and community-based services for aged persons and persons
- 5 with disabilities;
- 6 (d) Dental services;
- 7 (e) Rehabilitation services;
- 8 (f) Personal care services;
- 9 (g) Durable medical equipment;
- 10 (h) Human breast milk;
- 11 (i) ~~(h)~~ Medical transportation services;
- 12 (j) ~~(i)~~ Vision-related services;
- 13 (k) ~~(j)~~ Speech therapy services;
- 14 (l) ~~(k)~~ Physical therapy services;
- 15 (m) ~~(l)~~ Chiropractic services;
- 16 (n) ~~(m)~~ Occupational therapy services;
- 17 (o) ~~(n)~~ Optometric services;
- 18 (p) ~~(o)~~ Podiatric services;
- 19 (q) ~~(p)~~ Hospice services;
- 20 (r) ~~(q)~~ Mental health and substance abuse services;
- 21 (s) ~~(r)~~ Hearing screening services for newborn and infant children;
- 22 and
- 23 (t) ~~(s)~~ Administrative expenses related to administrative
- 24 activities, including outreach services, provided by school districts and
- 25 educational service units to students who are eligible or potentially
- 26 eligible for medical assistance.
- 27 (3) No later than July 1, 2009, the department shall submit a state
- 28 plan amendment or waiver to the federal Centers for Medicare and Medicaid
- 29 Services to provide coverage under the medical assistance program for
- 30 community-based secure residential and subacute behavioral health
- 31 services for all eligible recipients, without regard to whether the

1 recipient has been ordered by a mental health board under the Nebraska
2 Mental Health Commitment Act to receive such services.

3 (4) On or before October 1, 2014, the department, after consultation
4 with the State Department of Education, shall submit a state plan
5 amendment to the federal Centers for Medicare and Medicaid Services, as
6 necessary, to provide that the following are direct reimbursable services
7 when provided by school districts as part of an individualized education
8 program or an individualized family service plan: Early and periodic
9 screening, diagnosis, and treatment services for children; medical
10 transportation services; mental health services; nursing services;
11 occupational therapy services; personal care services; physical therapy
12 services; rehabilitation services; speech therapy and other services for
13 individuals with speech, hearing, or language disorders; and vision-
14 related services.

15 (5) No later than January 1, 2023, the department shall provide
16 coverage for continuous glucose monitors under the medical assistance
17 program for all eligible recipients who have a prescription for such
18 device.

19 Sec. 3. (1) Pasteurized donated human breast milk, which may
20 include human milk fortifiers if indicated by a licensed medical
21 practitioner, shall be covered under the Medical Assistance Act for
22 eligible persons if:

23 (a) The eligible person is an infant less than six months of age;

24 (b) A licensed medical practitioner prescribes the milk for the
25 infant; and

26 (c) All of the following conditions are met:

27 (i) The milk is obtained from a human milk bank that meets quality
28 guidelines established by the Human Milk Banking Association of North
29 America or is licensed by the department;

30 (ii) The infant's mother is medically or physically unable to
31 produce maternal breast milk or produce maternal breast milk in

1 sufficient quantities to meet the infant's needs or the maternal breast
2 milk is contraindicated;

3 (iii) The milk has been determined to be medically necessary for the
4 infant; and

5 (iv) One or more of the following applies:

6 (A) The infant's birth weight is below one thousand five hundred
7 grams;

8 (B) The infant has a congenital or acquired condition that places
9 the infant at high risk for development of necrotizing enterocolitis;

10 (C) The infant has infant hypoglycemia;

11 (D) The infant has congenital heart disease;

12 (E) The infant has had or will have an organ transplant;

13 (F) The infant has sepsis; or

14 (G) The infant has any other serious congenital or acquired
15 condition for which the use of donated human breast milk is medically
16 necessary and supports the treatment and recovery of the infant.

17 (2) Pasteurized donated human breast milk, which may include human
18 milk fortifiers if indicated by a licensed medical practitioner, shall be
19 covered under the Medical Assistance Act for eligible persons if:

20 (a) The eligible person is a child at least six months of age and
21 less than twelve months of age;

22 (b) A licensed medical practitioner prescribes the milk for the
23 child; and

24 (c) All of the following conditions are met:

25 (i) The milk is obtained from a human milk bank that meets quality
26 guidelines established by the Human Milk Banking Association of North
27 America or is licensed by the department;

28 (ii) The child's mother is medically or physically unable to produce
29 maternal breast milk or produce maternal breast milk in sufficient
30 quantities to meet the child's needs or the maternal breast milk is
31 contraindicated;

1 (iii) The milk has been determined to be medically necessary for the
2 child; and

3 (iv) One or more of the following applies:

4 (A) The child has spinal muscular atrophy;

5 (B) The child's birth weight was below one thousand five hundred
6 grams and the child has long-term feeding or gastrointestinal
7 complications related to prematurity;

8 (C) The child has had, or will have, an organ transplant; or

9 (D) The child has a congenital or acquired condition for which the
10 use of donated human breast milk is medically necessary and supports the
11 treatment and recovery of the child.

12 (3) Pasteurized donated human breast milk, which may include human
13 milk fortifiers if indicated by a licensed medical practitioner, shall be
14 covered under the Medical Assistance Act for eligible persons if:

15 (a) The eligible person is a child twelve months of age or older;

16 (b) A licensed medical practitioner prescribes the milk for the
17 child; and

18 (c) All of the following conditions are met:

19 (i) The milk is obtained from a human milk bank that meets quality
20 guidelines established by the Human Milk Banking Association of North
21 America or is licensed by the department;

22 (ii) The child's mother is medically or physically unable to produce
23 maternal breast milk or produce maternal breast milk in sufficient
24 quantities to meet the child's needs or the maternal breast milk is
25 contraindicated;

26 (iii) The milk has been determined to be medically necessary for the
27 child; and

28 (iv) The child has spinal muscular atrophy.

29 Sec. 4. Original sections 68-901 and 68-911, Revised Statutes
30 Cumulative Supplement, 2022, are repealed.