

AMENDMENTS TO LB867

(Amendments to Standing Committee amendments, AM2270)

Introduced by Hardin, 48.

1 1. Insert the following new section:

2 **Sec. 9.** Section 68-949, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 68-949 (1) It is the intent of the Legislature that the department
5 implement reforms to the medical assistance program such as those
6 contained in the Medicaid Reform Plan, including (a) an incremental
7 expansion of home and community-based services for aged persons and
8 persons with disabilities consistent with such plan, (b) an increase in
9 care coordination or disease management initiatives to better manage
10 medical assistance expenditures on behalf of high-cost recipients with
11 multiple or chronic medical conditions, and (c) other reforms as deemed
12 necessary and appropriate by the department, in consultation with the
13 committee.

14 (2) The department shall develop recommendations based on a
15 comprehensive analysis of various options available to the state under
16 applicable federal law for the provision of medical assistance to persons
17 with disabilities who are employed, including persons with a medically
18 improved disability, to enhance and replace current eligibility
19 provisions contained in subdivision (8) of section 68-915.

20 (3) The department shall develop recommendations for further
21 modification or replacement of the defined benefit structure of the
22 medical assistance program. Such recommendations shall be consistent with
23 the public policy in section 68-905 and shall consider the needs and
24 resources of low-income Nebraska residents who are eligible or may become
25 eligible for medical assistance, the experience and outcomes of other
26 states that have developed and implemented such changes, and other

1 relevant factors as determined by the department.

2 (4)(a) It is the intent of the Legislature that the total amount
3 appropriated to the department for medicaid nursing facility rates be
4 identified as a dollar amount in the state budget and be used in the
5 medicaid nursing facility rate calculation, including the calculation of
6 the annual inflation factor. The total amount appropriated for medicaid
7 nursing facility rates shall include amounts for rate enhancement and any
8 other purpose related to medicaid nursing facility services and shall be
9 used as the base for funding for the following fiscal year.

10 (b) The department may take into consideration utilization relating
11 to client needs and preferred setting when establishing nursing facility
12 rates for prospective rating periods. If the department uses an amount
13 that differs from the identified appropriation in the calculation of
14 nursing facility rates for the prospective rate period, the department
15 shall calculate the average weighted medicaid nursing facility rate by
16 dividing the projected total medicaid nursing facility expenditures by
17 the projected total medicaid nursing facility days for the prospective
18 rating period and such dollar amount and the number of projected medicaid
19 nursing facility resident days used in the calculation shall be
20 identified to the Legislature in the report required under subdivision
21 (4)(c) of this section. The average weighted medicaid nursing facility
22 daily rate shall not be less than the average weighted medicaid nursing
23 facility daily rate as of January 1, 2026, unless directed by the
24 Legislature or in the event of, and during, a state of emergency
25 proclaimed by the Governor pursuant to section 81-829.40.

26 (c) ~~(b)~~ The department shall file a report electronically with the
27 Legislative Fiscal Analyst and the Clerk of the Legislature no later than
28 June 15 August 1 of each year identifying how the inflation factor was
29 calculated for that year's medicaid nursing facility rates and including
30 the information described in subdivisions (4)(a) and (b) of this section.

31 (d) ~~(c)~~ The department shall file a report electronically with the

1 Legislative Fiscal Analyst and the Clerk of the Legislature between
2 December 15 and December 31 of each year identifying the amount of any
3 remaining unobligated appropriation from the prior appropriations
4 earmarked for medicaid nursing facility payments. The report shall
5 include an identification of encumbrances and retroactive payments.

6 (5) No later than December 31, 2026, the department shall submit an
7 application to the federal Centers for Medicare and Medicaid Services to
8 establish a money follows the person program to assist qualified
9 individuals to transition from an institutional setting to a community
10 setting while continuing to receive long-term care.

11 2. Renumber the remaining sections and correct internal references
12 and the repealer accordingly.