

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 610

Introduced by Bostar, 29.

Read first time January 22, 2025

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Medical Assistance Act; to amend
2 sections 68-982, 68-985, 68-986, 68-987, and 68-988, Reissue Revised
3 Statutes of Nebraska; to change provisions relating to supplemental
4 reimbursement for ground emergency medical transport; to change
5 powers and duties for the Department of Health and Human Services as
6 prescribed; and to repeal the original sections.

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

1 **Section 1.** Section 68-982, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 68-982 (1) An eligible provider's supplemental reimbursement
4 pursuant to the Ground Emergency Medical Transport Act shall be
5 calculated and paid as follows:

6 (a) The supplemental reimbursement shall equal the amount of federal
7 financial participation received as a result of the claims submitted
8 pursuant to the act; and

9 (b) In no instance may the amount certified pursuant to section
10 68-985, when combined with the amount received from all other sources of
11 reimbursement from the medical assistance program, exceed one hundred
12 percent of actual costs, as determined pursuant to the medicaid state
13 plan, for ground emergency medical transport services.

14 (2) The supplemental reimbursement shall be distributed exclusively
15 to eligible providers under a payment method based on ground emergency
16 medical transport services provided to medicaid beneficiaries by eligible
17 providers on the a-per-transport basis of actual and allowable costs that
18 are or other federally permissible basis.

19 **Sec. 2.** Section 68-985, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 68-985 If a governmental entity elects to seek supplemental
22 reimbursement pursuant to the Ground Emergency Medical Transport Act on
23 behalf of an eligible provider owned or operated by the entity, the
24 governmental entity shall:

25 (1) Certify, in conformity with the requirements of 42 C.F.R.
26 433.51, as such regulation existed on January 1, 2025, including any
27 other applicable federal requirements, that the claimed expenditures for
28 ground emergency medical transport services are eligible for federal
29 financial participation;

30 (2) Provide evidence supporting the certification as specified by
31 the department;

1 (3) Submit data as specified by the department to determine the
2 appropriate amounts to claim as expenditures qualifying for federal
3 financial participation; and

4 (4) Keep, maintain, and have readily retrievable any records
5 specified by the department to fully disclose reimbursement amounts to
6 which the eligible provider is entitled and any other records required by
7 the federal Centers for Medicare and Medicaid Services.

8 **Sec. 3.** Section 68-986, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 68-986 (1) On or before January 1, ~~2018~~ 2026, the department shall
11 ~~seek any necessary federal approvals for the implementation of submit an~~
12 ~~application to the Centers for Medicare and Medicaid Services of the~~
13 ~~United States Department of Health and Human Services amending the~~
14 ~~medicaid state plan to provide for the supplemental reimbursement rate~~
15 ~~for ground emergency medical transport services as specified in the~~
16 Ground Emergency Medical Transport Act.

17 (2) The department may limit the program to those costs that are
18 allowable expenditures under Title XIX of the federal Social Security
19 Act, 42 U.S.C. 1396 et seq., as such act and sections existed on January
20 1, 2025 ~~April 1, 2017~~. ~~Without such federal approval, the Ground~~
21 ~~Emergency Medical Transport Act may not be implemented.~~

22 (3) The intergovernmental transfer program authorized in section
23 68-983 shall be implemented only if and to the extent federal financial
24 participation is available and is not otherwise jeopardized and any
25 necessary federal approval has been obtained.

26 (4) To the extent that the chief executive officer of the department
27 determines that the payments made pursuant to section 68-983 do not
28 comply with federal medicaid requirements, the chief executive officer
29 may return or not accept an intergovernmental transfer and may adjust
30 payments as necessary to comply with federal medicaid requirements.

31 **Sec. 4.** Section 68-987, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 68-987 (1) The department shall submit claims for federal financial
3 participation for the expenditures for the services described in
4 subsection (2) of section 68-986 that are allowable expenditures under
5 federal law.

6 (2) The department shall annually submit any necessary materials to
7 the federal government to provide assurances that claims for federal
8 financial participation will include only those expenditures that are
9 allowable under federal law.

10 (3) If either a final judicial determination is made by any court of
11 appellate jurisdiction or a final determination is made by the
12 administrator of the federal Centers for Medicare and Medicaid Services
13 that the supplemental reimbursement provided for in the Ground Emergency
14 Medical Transport Act ~~act~~ shall be made to any provider not described in
15 this section, the chief executive officer of the department shall execute
16 a declaration stating that the determination has been made and such
17 supplemental reimbursement becomes inoperative on the date of such
18 determination.

19 **Sec. 5.** Section 68-988, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 68-988 To the extent federal approval is obtained, the increased
22 capitation payments under section 68-983 may commence for dates of
23 service on or after January 1, 2025 ~~2018~~.

24 **Sec. 6.** Original sections 68-982, 68-985, 68-986, 68-987, and
25 68-988, Reissue Revised Statutes of Nebraska, are repealed.