

## LEGISLATIVE BILL 677

Approved by the Governor May 25, 2001

Introduced by D. Pederson, 42; Bourne, 8; Bromm, 23; Brown, 6; Engel, 17; Hudkins, 21; Jensen, 20; Dw. Pedersen, 39; Preister, 5; Price, 26; Redfield, 12; Robak, 22; Schimek, 27; Stuhr, 24; Suttle, 10; Thompson, 14; Tyson, 19; Wehrbein, 2; Quandahl, 31; Cunningham, 18; Byars, 30; Erdman, 47; Smith, 48

AN ACT relating to medical assistance; to amend section 68-1020, Revised Statutes Supplement, 2000; to provide for assistance as prescribed; and to repeal the original section.

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

Section 1. Section 68-1020, Revised Statutes Supplement, 2000, is amended to read:

68-1020. (1) Medical assistance shall be paid on behalf of dependent children, aged persons, blind individuals, and disabled individuals, as defined in sections 43-504 and 68-1002 to 68-1005, and on behalf of all individuals less than twenty-one years of age who are eligible under section 1905(a) of the federal Social Security Act, as amended as such section existed on the effective date of this act.

(2) The Director of Finance and Support shall adopt and promulgate rules and regulations governing provision of such medical assistance benefits to qualified individuals:

(a) Who are presumptively eligible as allowed under 42 U.S.C. 1396a, as amended as such section existed on the effective date of this act, and ~~section 1920A~~ sections 1920A and 1920B of the federal Social Security Act, as amended as such sections existed on the effective date of this act;

(b) Who have income at or below one hundred eighty-five percent of the Office of Management and Budget poverty line, as allowed under Title XIX and Title XXI of the federal Social Security Act, as amended as such titles existed on the effective date of this act, without regard to resources, including all children under nineteen years of age and pregnant women as allowed under 42 U.S.C. 1396a, as amended as such section existed on the effective date of this act, and section 2110 of the federal Social Security Act, as amended as such section existed on the effective date of this act. Children described in this subdivision shall remain eligible for a twelve-month period of time from the date of eligibility prior to redetermination of eligibility; or

(c) Who are medically needy caretaker relatives as allowed under section 1905(a)(ii) of the federal Social Security Act, as amended as such section existed on the effective date of this act, and who have children with allocated income as follows:

(i) At or below one hundred fifty percent of the Office of Management and Budget poverty line with eligible children one year of age or younger;

(ii) At or below one hundred thirty-three percent of the Office of Management and Budget poverty line with eligible children over one year of age and under six years of age; or

(iii) At or below one hundred percent of the Office of Management and Budget poverty line with eligible children six years of age or more and under fifteen years of age.

(3) As allowed pursuant to 42 U.S.C. 1396a(a)(10)(A)(ii), as such section existed on the effective date of this act, medical assistance shall be paid on behalf of disabled persons as defined in section 68-1005 who are in families whose net income is less than two hundred fifty percent of the Office of Management and Budget income poverty line applicable to a family of the size involved and who but for earnings in excess of the limit established under 42 U.S.C. 1396d(q)(2)(B) of the federal Social Security Act, as amended as such section existed on the effective date of this act, would be considered to be receiving federal Supplemental Security Income. The Department of Health and Human Services shall apply for a waiver to disregard any unearned income that is contingent upon a trial work period in applying the Supplemental Security Income standard. Such disabled persons shall be subject to payment of premiums as a percentage of the family's net income beginning at not less than two hundred percent of the Office of Management and Budget net income poverty line. Such premiums shall be graduated based on family income and shall not be less than two percent or more than ten percent of family net income.

(4) As allowed pursuant to 42 U.S.C. 1396a(a)(10)(A)(ii), as such section existed on the effective date of this act medical assistance shall be paid on behalf of persons who:

(a) Have been screened for breast and cervical cancer under the Centers for Disease Control and Prevention breast and cervical cancer early detection program established under title XV of the federal Public Health Service Act, 42 U.S.C. 300k et seq., as such sections existed on the effective date of this act, in accordance with the requirements of section 1504 of such act, 42 U.S.C. 300n, as such section existed on the effective date of this act, and who need treatment for breast or cervical cancer, including precancerous and cancerous conditions of the breast or cervix;

(b) Are not otherwise covered under creditable coverage, as defined in section 2701(c) of the federal Public Health Service Act, 42 U.S.C. 300gg(c), as such section existed on the effective date of this act;

(c) Have not attained sixty-five years of age; and

(d) Are not eligible for medicaid under any mandatory categorically needy eligibility group.

Sec. 2. Original section 68-1020, Revised Statutes Supplement, 2000, is repealed.