

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 120**

Introduced by Schumacher, 22.

Read first time January 06, 2017

Committee:

- 1 A BILL FOR AN ACT relating to the Medical Assistance Act; to amend
- 2 section 68-911, Revised Statutes Cumulative Supplement, 2016; to
- 3 require a state plan amendment relating to coverage for family
- 4 planning services; to state intent relating to appropriations; to
- 5 repeal the original section; and to declare an emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-911, Revised Statutes Cumulative Supplement,  
2 2016, is 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 (l) Medical supplies;
- 18 (m) Mental health and substance abuse services; and
- 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 (2) In addition to coverage otherwise required under this section,  
23 medical assistance may include coverage for health care and related  
24 services as permitted but not required under Title XIX of the federal  
25 Social Security Act, including, but not limited to:

- 26 (a) Prescribed drugs;
- 27 (b) Intermediate care facilities for persons with developmental  
28 disabilities;
- 29 (c) Home and community-based services for aged persons and persons  
30 with disabilities;
- 31 (d) Dental services;

- 1 (e) Rehabilitation services;
- 2 (f) Personal care services;
- 3 (g) Durable medical equipment;
- 4 (h) Medical transportation services;
- 5 (i) Vision-related services;
- 6 (j) Speech therapy services;
- 7 (k) Physical therapy services;
- 8 (l) Chiropractic services;
- 9 (m) Occupational therapy services;
- 10 (n) Optometric services;
- 11 (o) Podiatric services;
- 12 (p) Hospice services;
- 13 (q) Mental health and substance abuse services;
- 14 (r) Hearing screening services for newborn and infant children; and
- 15 (s) Administrative expenses related to administrative activities,
- 16 including outreach services, provided by school districts and educational
- 17 service units to students who are eligible or potentially eligible for
- 18 medical assistance.

19 (3) No later than July 1, 2009, the department shall submit a state  
20 plan amendment or waiver to the federal Centers for Medicare and Medicaid  
21 Services to provide coverage under the medical assistance program for  
22 community-based secure residential and subacute behavioral health  
23 services for all eligible recipients, without regard to whether the  
24 recipient has been ordered by a mental health board under the Nebraska  
25 Mental Health Commitment Act to receive such services.

26 (4) On or before October 1, 2014, the department, after consultation  
27 with the State Department of Education, shall submit a state plan  
28 amendment to the federal Centers for Medicare and Medicaid Services, as  
29 necessary, to provide that the following are direct reimbursable services  
30 when provided by school districts as part of an individualized education  
31 program or an individualized family service plan: Early and periodic

1 screening, diagnosis, and treatment services for children; medical  
2 transportation services; mental health services; nursing services;  
3 occupational therapy services; personal care services; physical therapy  
4 services; rehabilitation services; speech therapy and other services for  
5 individuals with speech, hearing, or language disorders; and vision-  
6 related services.

7 (5) No later than September 1, 2017, the department shall submit a  
8 state plan amendment to the federal Centers for Medicare and Medicaid  
9 Services for the purpose of providing medical assistance for family  
10 planning services for persons whose family's earned income is at or below  
11 one hundred eighty-five percent of the federal poverty level as permitted  
12 under section 1902(a)(10)(A)(ii)(XXI) of the federal Social Security Act,  
13 as amended, 42 U.S.C. 1396a(a)(10)(A)(ii)(XXI), as such act and section  
14 existed on January 1, 2017.

15 (6) For purposes of this section, family planning services shall be  
16 consistent with 42 U.S.C. 1396a(a)(10)(G)(XVI) and includes coverage,  
17 without imposition of utilization controls, of: All United States Food  
18 and Drug Administration-approved family planning methods, including the  
19 drug or device, insertion or provision, and removal; screening and  
20 treatment for cervical and breast cancers, including cancer prevention  
21 vaccinations; interpersonal violence screening and prevention; and  
22 follow-up family planning appointments and counseling. To the extent  
23 permitted by federal law without jeopardizing federal funding, family  
24 planning services also includes, but is not limited to, training in the  
25 responsibilities of parenthood and education in the financial, career,  
26 and generational implications of pregnancy and child rearing.

27 (7) No state funds shall be utilized to pay for elective abortion  
28 services.

29 Sec. 2. (1) It is the intent of the Legislature to appropriate (a)  
30 \$500,000 from the General Fund for FY2017-18 and (b) \$500,000 from the  
31 General Fund for FY2018-19 to the Department of Health and Human

1 Services, for Program 514.

2 (2) It is the intent of the Legislature that:

3 (a) The funds appropriated pursuant to subsection (1) of this  
4 section only be used for state aid for the Every Woman Matters program  
5 for the following purposes: Reimbursement for the provision of  
6 mammograms, breast examinations, pap smears, colposcopy, associated  
7 laboratory costs, and education and outreach; and

8 (b) Funds appropriated pursuant to subsection (1) of this section  
9 for the Every Woman Matters program may be leveraged to match any federal  
10 or private funding.

11 Sec. 3. Original section 68-911, Revised Statutes Cumulative  
12 Supplement, 2016, is repealed.

13 Sec. 4. Since an emergency exists, this act takes effect when  
14 passed and approved according to law.