

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 227**

Introduced by Hansen, B., 16.

Read first time January 10, 2023

Committee:

- 1 A BILL FOR AN ACT relating to the Medical Assistance Act; to provide for
- 2 reimbursement to certain hospitals for providing nursing facility
- 3 level of care services.
- 4 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) The state shall provide medicaid reimbursement to a  
2 hospital at one hundred fifty percent of the statewide average nursing  
3 facility per diem rate for an individual when the individual: (a) Is  
4 enrolled in the medical assistance program; (b) has been admitted as an  
5 inpatient to such hospital; (c) is eligible for discharge after receiving  
6 care in such hospital; (d) requires nursing facility level of care upon  
7 discharge; and (e) is unable to be transferred to a nursing facility due  
8 to a lack of available nursing facility beds or in cases where the State  
9 Court Administrator is unable to appoint a public guardian.

10           (2) The services provided to such individual shall be custodial in  
11 nature for which federal financial participation is approved.

12           (3) Such hospital shall notify the Department of Health and Human  
13 Services that it is participating as a swing bed hospital under the  
14 medical assistance program. For purposes of this subsection, swing bed  
15 means a bed which may be used by a hospital for acute or long-term care  
16 in a facility located in an area which is not designated as urban by the  
17 United States Bureau of the Census and that has up to one hundred beds,  
18 excluding beds for newborns and intensive care inpatient units.

19           (4) The department shall use the standards and criteria used by the  
20 Medicare program under 42 U.S.C. 1395 et seq., for determining whether a  
21 hospital is eligible for reimbursement or a supplemental payment for the  
22 use of swing beds or, for any hospital that is not a critical access  
23 hospital, under the terms of a federal waiver approved under section 1135  
24 of the federal Social Security Act. The department shall obtain approval  
25 from the federal government to implement the reimbursement provisions  
26 under this section.