

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 395**

Introduced by Conrad, 46.

Read first time January 18, 2013

Committee:

A BILL

1 FOR AN ACT relating to the medical assistance program; to amend  
2 section 68-907, Revised Statutes Cumulative Supplement,  
3 2012; to redefine a term; and to repeal the original  
4 section.  
5 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 68-907, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3                   68-907 For purposes of the Medical Assistance Act:

4                   (1) Committee means the Health and Human Services  
5 Committee of the Legislature;

6                   (2) Department means the Department of Health and Human  
7 Services;

8                   (3) Medicaid Reform Plan means the Medicaid Reform Plan  
9 submitted on December 1, 2005, pursuant to the Medicaid Reform Act  
10 enacted pursuant to Laws 2005, LB 709;

11                   (4) Medicaid state plan means the comprehensive written  
12 document, developed and amended by the department and approved by the  
13 federal Centers for Medicare and Medicaid Services, which describes  
14 the nature and scope of the medical assistance program and provides  
15 assurances that the department will administer the program in  
16 compliance with federal requirements;

17                   (5) Provider means a person providing health care or  
18 related services under the medical assistance program;

19                   (6) School-based health center means a health center  
20 that:

21                   (a) Is located in or is adjacent to a school facility;

22                   (b) Is organized through school, school district,  
23 learning community, community, and provider relationships;

24                   (c) Is administered by a sponsoring facility;

25                   (d) Provides school-based health services onsite during

1 school hours to children and adolescents by health care professionals  
2 in accordance with state and local laws, rules, and regulations,  
3 established standards, and community practice;

4 (e) Does not perform abortion services or refer or  
5 counsel for abortion services; ~~and does not dispense, prescribe, or~~  
6 ~~counsel for contraceptive drugs or devices; and~~

7 (f) Does not serve as a child's or an adolescent's  
8 medical or dental home but augments and supports services provided by  
9 the medical or dental home;

10 (7) School-based health services may include any  
11 combination of the following as determined in partnership with a  
12 sponsoring facility, the school district, and the community:

13 (a) Medical health;

14 (b) Behavioral and mental health;

15 (c) Preventive health; and

16 (d) Oral health;

17 (8) Sponsoring facility means:

18 (a) A hospital;

19 (b) A public health department as defined in section  
20 71-1626;

21 (c) A federally qualified health center as defined in  
22 section 1905(1)(2)(B) of the federal Social Security Act, 42 U.S.C.  
23 1396d(1)(2)(B), as such act and section existed on January 1, 2010;

24 (d) A nonprofit health care entity whose mission is to  
25 provide access to comprehensive primary health care services;

1                   (e) A school or school district; or

2                   (f) A program administered by the Indian Health Service  
3 or the federal Bureau of Indian Affairs or operated by an Indian  
4 tribe or tribal organization under the federal Indian Self-  
5 Determination and Education Assistance Act, or an urban Indian  
6 program under Title V of the federal Indian Health Care Improvement  
7 Act, as such acts existed on January 1, 2010; and

8                   (9) Waiver means the waiver of applicability to the state  
9 of one or more provisions of federal law relating to the medical  
10 assistance program based on an application by the department and  
11 approval of such application by the federal Centers for Medicare and  
12 Medicaid Services.

13                   Sec. 2. Original section 68-907, Revised Statutes  
14 Cumulative Supplement, 2012, is repealed.