

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 50

Introduced by Scheer, 19.

Read first time January 08, 2015

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Medical Assistance Act; to amend
2 sections 43-2511 and 68-911, Revised Statutes Cumulative Supplement,
3 2014; to change provisions relating to covered services; to
4 harmonize provisions; to provide an operative date; and to repeal
5 the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-2511, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 43-2511 There is hereby established a statewide billing system for
4 accessing federal medicaid funds for special education and related
5 services provided by school districts. The system shall apply to all
6 students verified with disabilities from date of diagnosis to twenty-one
7 years of age as allowed under the federal Medicare Catastrophic Coverage
8 Act of 1988. The system shall be developed, implemented, and administered
9 jointly by the Department of Health and Human Services and the State
10 Department of Education. On or before October 1, 2015, the Department of
11 Health and Human Services and the State Department of Education shall
12 jointly revise the statewide billing system to streamline and simplify
13 the claims process, to update reimbursement rates, and to incorporate
14 services included in the state plan amendment submitted pursuant to
15 subsection (3 4) of section 68-911. After the reimbursement rates have
16 been updated pursuant to this section, such rates shall be reviewed at
17 least once every five years. School districts, educational service units,
18 or approved cooperatives providing special education and related services
19 shall be required to participate in the statewide billing system. Eleven
20 and fifty-four hundredths percent of federal medicaid funds received by
21 school districts pursuant to such billing system shall be considered
22 reimbursement for the costs to school districts associated with the
23 implementation and administration of such a system, and such costs shall
24 be included in the medicaid reimbursement rates to be established for
25 each service. From the amount provided pursuant to section 43-2515 to aid
26 in carrying out the Early Intervention Act, the Department of Health and
27 Human Services shall retain, for the purposes of implementing and
28 administering the statewide billing system and early intervention
29 services coordination services, an amount equal to the lesser of the
30 actual cost of implementing and administering the statewide billing
31 system and early intervention services coordination services or (1) for

1 fiscal year 2014-15, two hundred forty-two thousand dollars, (2) for
2 fiscal year 2015-16, three hundred thousand dollars, or (3) for fiscal
3 year 2016-17 and each fiscal year thereafter, the amount retained for
4 such purposes for the prior year increased by five percent.

5 Sec. 2. Section 68-911, Revised Statutes Cumulative Supplement,
6 2014, is amended to read:

7 68-911 (1) Medical assistance shall include coverage for health care
8 and related services as required under Title XIX of the federal Social
9 Security Act, including, but not limited to:

10 (a) Inpatient and outpatient hospital services;

11 (b) Laboratory and X-ray services;

12 (c) Nursing facility services for individuals twenty-one years of
13 age or older;

14 (d) Home health services for individuals eligible for nursing
15 facility care;

16 (e) Family planning Nursing services;

17 ~~(f) Clinic services;~~

18 ~~(f g) Physician services;~~

19 (g) Rural health clinic and federally qualified health center
20 services;

21 ~~(h) Medical and surgical services of a dentist;~~

22 ~~(i) Nurse practitioner services;~~

23 ~~(h j) Nurse midwife services;~~

24 (i) Freestanding birthing center services;

25 (j) Smoking cessation services for pregnant women; and

26 ~~(k) Pregnancy related services;~~

27 ~~(l) Medical supplies;~~

28 ~~(m) Mental health and substance abuse services; and~~

29 (k n) Early and periodic screening and diagnosis and treatment
30 services for individuals under twenty-one years of age children which
31 shall include both physical and behavioral health screening, diagnosis,

1 and treatment services.

2 ~~(2) In addition to coverage otherwise required under this section,~~
3 ~~medical assistance may include coverage for health care and related~~
4 ~~services as permitted but not required under Title XIX of the federal~~
5 ~~Social Security Act, including, but not limited to:~~

6 ~~(a) Prescribed drugs;~~

7 ~~(b) Intermediate care facilities for persons with developmental~~
8 ~~disabilities;~~

9 ~~(c) Home and community-based services for aged persons and persons~~
10 ~~with disabilities;~~

11 ~~(d) Dental services;~~

12 ~~(e) Rehabilitation services;~~

13 ~~(f) Personal care services;~~

14 ~~(g) Durable medical equipment;~~

15 ~~(h) Medical transportation services;~~

16 ~~(i) Vision-related services;~~

17 ~~(j) Speech therapy services;~~

18 ~~(k) Physical therapy services;~~

19 ~~(l) Chiropractic services;~~

20 ~~(m) Occupational therapy services;~~

21 ~~(n) Optometric services;~~

22 ~~(o) Podiatric services;~~

23 ~~(p) Hospice services;~~

24 ~~(q) Mental health and substance abuse services;~~

25 ~~(r) Hearing screening services for newborn and infant children; and~~

26 ~~(s) Administrative expenses related to administrative activities,~~
27 ~~including outreach services, provided by school districts and educational~~
28 ~~service units to students who are eligible or potentially eligible for~~
29 ~~medical assistance.~~

30 ~~(2 3) No later than July 1, 2009, the department shall submit a~~
31 ~~state plan amendment or waiver to the federal Centers for Medicare and~~

1 Medicaid Services to provide coverage under the medical assistance
2 program for community-based secure residential and subacute behavioral
3 health services for all eligible recipients, without regard to whether
4 the recipient has been ordered by a mental health board under the
5 Nebraska Mental Health Commitment Act to receive such services.

6 (3 4) On or before October 1, 2014, the department, after
7 consultation with the State Department of Education, shall submit a state
8 plan amendment to the federal Centers for Medicare and Medicaid Services,
9 as necessary, to provide that the following are direct reimbursable
10 services when provided by school districts as part of an individualized
11 education program or an individualized family service plan: Early and
12 periodic screening, diagnosis, and treatment services for children;
13 medical transportation services; mental health services; nursing
14 services; occupational therapy services; personal care services; physical
15 therapy services; rehabilitation services; speech therapy and other
16 services for individuals with speech, hearing, or language disorders; and
17 vision-related services.

18 Sec. 3. This act becomes operative six calendar months after the
19 adjournment of this legislative session.

20 Sec. 4. Original sections 43-2511 and 68-911, Revised Statutes
21 Cumulative Supplement, 2014, are repealed.