

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 68

Introduced by Day, 49.

Read first time January 07, 2021

Committee:

- 1 A BILL FOR AN ACT relating to social services; to amend section 68-1206,
- 2 Revised Statutes Cumulative Supplement, 2020; to change provisions
- 3 relating to when a provider may be reimbursed for services provided
- 4 to an absent child; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-1206, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 68-1206 (1) The Department of Health and Human Services shall
4 administer the program of social services in this state. The department
5 may contract with other social agencies for the purchase of social
6 services at rates not to exceed those prevailing in the state or the cost
7 at which the department could provide those services. The statutory
8 maximum payments for the separate program of aid to dependent children
9 shall apply only to public assistance grants and shall not apply to
10 payments for social services. As part of the provision of social services
11 authorized by section 68-1202, the department shall participate in the
12 federal child care assistance program under 42 U.S.C. 618, as such
13 section existed on January 1, 2013, and provide child care assistance to
14 families with incomes up to one hundred twenty-five percent of the
15 federal poverty level for FY2013-14 and one hundred thirty percent of the
16 federal poverty level for FY2014-15 and each fiscal year thereafter.

17 (2) As part of the provision of social services authorized by this
18 section and section 68-1202, the department shall participate in the
19 federal Child Care Subsidy program. A child care provider seeking to
20 participate in the federal Child Care Subsidy program shall comply with
21 the criminal history record information check requirements of the Child
22 Care Licensing Act. In determining ongoing eligibility for this program,
23 ten percent of a household's gross earned income shall be disregarded
24 after twelve continuous months on the program and at each subsequent
25 redetermination. In determining ongoing eligibility, if a family's income
26 exceeds one hundred thirty percent of the federal poverty level, the
27 family shall receive transitional child care assistance through the
28 remainder of the family's eligibility period or until the family's income
29 exceeds eighty-five percent of the state median income for a family of
30 the same size as reported by the United States Bureau of the Census,
31 whichever occurs first. When the family's eligibility period ends, the

1 family shall continue to be eligible for transitional child care
2 assistance if the family's income is below one hundred eighty-five
3 percent of the federal poverty level. The family shall receive
4 transitional child care assistance through the remainder of the
5 transitional eligibility period or until the family's income exceeds
6 eighty-five percent of the state median income for a family of the same
7 size as reported by the United States Bureau of the Census, whichever
8 occurs first. The amount of such child care assistance shall be based on
9 a cost-shared plan between the recipient family and the state and shall
10 be based on a sliding-scale methodology. A recipient family may be
11 required to contribute a percentage of such family's gross income for
12 child care that is no more than the cost-sharing rates in the
13 transitional child care assistance program as of January 1, 2015, for
14 those no longer eligible for cash assistance as provided in section
15 68-1724. Initial program eligibility standards shall not be impacted by
16 the provisions of this subsection.

17 (3) In determining the rate or rates to be paid by the department
18 for child care as defined in section 43-2605, the department shall adopt
19 a fixed-rate schedule for the state or a fixed-rate schedule for an area
20 of the state applicable to each child care program category of provider
21 as defined in section 71-1910 which may claim reimbursement for services
22 provided by the federal Child Care Subsidy program, except that the
23 department shall not pay a rate higher than that charged by an individual
24 provider to that provider's private clients. The Department of Health and
25 Human Services shall amend the State Plan for Services to pay providers
26 based on a child's enrollment rather than on a child's attendance. The
27 schedule may provide separate rates for care for infants, for children
28 with special needs, including disabilities or technological dependence,
29 or for other individual categories of children. The schedule may also
30 provide tiered rates based upon a quality scale rating of step three or
31 higher under the Step Up to Quality Child Care Act. The schedule shall be

1 effective on October 1 of every year and shall be revised annually by the
2 department.

3 Sec. 2. Original section 68-1206, Revised Statutes Cumulative
4 Supplement, 2020, is repealed.