

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 716

Introduced by Hilkemann, 4.

Read first time January 23, 2019

Committee:

- 1 A BILL FOR AN ACT relating to public health; to amend section 81-666,
- 2 Reissue Revised Statutes of Nebraska, and section 68-901, Revised
- 3 Statutes Supplement, 2017, as amended by section 1, Initiative Law
- 4 2018, No. 427; to create the Medicaid Cost and Quality Data and
- 5 Analysis Center of Nebraska; to provide duties relating to funding;
- 6 to provide for an approved researcher; to harmonize provisions; and
- 7 to repeal the original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-901, Revised Statutes Supplement, 2017, as
2 amended by section 1, Initiative Law 2018, No. 427, is amended to read:

3 68-901 Sections 68-901 to 68-991, and section 2 of this act, and
4 sections 2 and 3 of this act shall be known and may be cited as the
5 Medical Assistance Act.

6 Sec. 2. (1) The department in partnership with the University of
7 Nebraska Medical Center shall create the Medicaid Cost and Quality Data
8 and Analysis Center of Nebraska. The purpose of the center is to collect,
9 analyze, and manage data to create policy recommendations to decrease the
10 cost of the medical assistance provided by the medical assistance program
11 and improve access to and quality of care provided by the medical
12 assistance program. The center shall have electronic access to all health
13 data collected by the Division of Medicaid and Long-Term Care, Division
14 of Public Health, Division of Developmental Disabilities, Division of
15 Children and Family Services, and the Division of Behavioral Health of
16 the department. The center shall ensure the privacy and security of the
17 data accessed as part of the research.

18 (2) On December 1 of each year beginning in 2020, the center shall
19 report electronically to the Health and Human Services Committee of the
20 Legislature and the Appropriations Committee of the Legislature on the
21 work of the center and any recommendations for policy changes resulting
22 from such work.

23 Sec. 3. (1) On or before January 1, 2020, the department shall
24 submit an application to the federal Centers for Medicare and Medicaid
25 Services of the United States Department of Health and Human Services to
26 amend the medicaid state plan or seek a waiver to provide for the
27 creation and administration of the Medicaid Cost and Quality Data and
28 Analysis Center of Nebraska, funded through the Nebraska Health Care Cash
29 Fund which shall be used as the state match for the federal medical
30 assistance percentage, to research data and provide policy
31 recommendations to decrease the cost of the medical assistance provided

1 by the medical assistance program and improve access to and quality of
2 care provided by the medical assistance program.

3 (2) Upon approval of the amendment to the medicaid state plan or the
4 granting of the waiver, the State Treasurer shall transfer the funds to
5 the Board of Regents of the University of Nebraska to provide funds to
6 the University of Nebraska Medical Center for operation of the Medicaid
7 Cost and Quality Data and Analysis Center of Nebraska.

8 Sec. 4. Section 81-666, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 81-666 (1) The department may approve an individual or entity to be
11 an approved researcher upon application and proof satisfactory to the
12 department that the applicant is a qualified researcher, that the data
13 will be used for bona fide scientific or medical research for prevention,
14 cure, or control of certain diseases or injuries, and that the applicant
15 will maintain the confidentiality and security of data obtained. The
16 application shall contain, but not be limited to, the following
17 information:

18 (a) (1) The qualifications of the applicant and of the principal
19 investigator, if other than the applicant, including education,
20 experience, prior publications, and recommendations of professional
21 colleagues who have knowledge and experience of scientific or medical
22 research;

23 (b) (2) The purpose of the research project, a summary of the
24 project, and the anticipated time of completion of such project;

25 (c) (3) The location where the research project will be conducted
26 and the equipment, personnel, and other resources available to the
27 applicant to carry out the project;

28 (d) (4) The identity of the individual or entity funding the
29 research project, a description of the availability of funds for the
30 research project, and any conditions on the receipt or continuation of
31 such funding;

1 (e) ~~(5)~~ The specific data requested and a description of the use to
2 be made of such data and, if patient-identifying data is requested, a
3 substantiation of the need for access to such patient-identifying data;

4 (f) ~~(6)~~ A description of the measures to be taken to secure the data
5 and maintain the confidentiality of such data during the research
6 project, for disposal of the data upon completion of the study, and to
7 assure that the results of the study will not divulge or make public
8 information that will disclose the identity of any individual patient;

9 (g) ~~(7)~~ If contact with a patient or patient's family is planned or
10 expected, substantiation of the need for such contact and a description
11 of the method to be used to obtain permission from such patient or
12 patient's family for such contact; and

13 (h) ~~(8)~~ Such additional information as the department determines to
14 be necessary to assure that release of data to the applicant is
15 appropriate and will further the purpose of sections 81-663 to 81-675 or
16 the laws governing the specific registry.

17 (2) The department shall approve the University of Nebraska Medical
18 Center as an approved researcher for purposes of the Medicaid Cost and
19 Quality Data and Analysis Center of Nebraska.

20 Sec. 5. Original section 81-666, Reissue Revised Statutes of
21 Nebraska, and section 68-901, Revised Statutes Supplement, 2017, as
22 amended by section 1, Initiative Law 2018, No. 427, are repealed.