

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 862

Introduced by McCollister, 20.

Read first time January 07, 2022

Committee:

- 1 A BILL FOR AN ACT relating to the Medical Assistance Act; to amend
- 2 section 68-911, Reissue Revised Statutes of Nebraska; to require
- 3 coverage of dialysis and kidney transplants as prescribed; and to
- 4 repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-911, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 68-911 (1) Medical assistance shall include coverage for health care
4 and related services as required under Title XIX of the federal Social
5 Security Act, including, but not limited to:

- 6 (a) Inpatient and outpatient hospital services;
- 7 (b) Laboratory and X-ray services;
- 8 (c) Nursing facility services;
- 9 (d) Home health services;
- 10 (e) Nursing services;
- 11 (f) Clinic services;
- 12 (g) Physician services;
- 13 (h) Medical and surgical services of a dentist;
- 14 (i) Nurse practitioner services;
- 15 (j) Nurse midwife services;
- 16 (k) Pregnancy-related services;
- 17 (l) Medical supplies;
- 18 (m) Mental health and substance abuse services; and
- 19 (n) Early and periodic screening and diagnosis and treatment
20 services for children which shall include both physical and behavioral
21 health screening, diagnosis, and treatment services.

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

- 26 (a) Prescribed drugs;
- 27 (b) Intermediate care facilities for persons with developmental
28 disabilities;
- 29 (c) Home and community-based services for aged persons and persons
30 with disabilities;
- 31 (d) Dental services;

- 1 (e) Rehabilitation services;
- 2 (f) Personal care services;
- 3 (g) Durable medical equipment;
- 4 (h) Medical transportation services;
- 5 (i) Vision-related services;
- 6 (j) Speech therapy services;
- 7 (k) Physical therapy services;
- 8 (l) Chiropractic services;
- 9 (m) Occupational therapy services;
- 10 (n) Optometric services;
- 11 (o) Podiatric services;
- 12 (p) Hospice services;
- 13 (q) Mental health and substance abuse services;
- 14 (r) Hearing screening services for newborn and infant children; and
- 15 (s) Administrative expenses related to administrative activities,
- 16 including outreach services, provided by school districts and educational
- 17 service units to students who are eligible or potentially eligible for
- 18 medical assistance.

19 (3) No later than July 1, 2009, the department shall submit a state
20 plan amendment or waiver to the federal Centers for Medicare and Medicaid
21 Services to provide coverage under the medical assistance program for
22 community-based secure residential and subacute behavioral health
23 services for all eligible recipients, without regard to whether the
24 recipient has been ordered by a mental health board under the Nebraska
25 Mental Health Commitment Act to receive such services.

26 (4) On or before October 1, 2014, the department, after consultation
27 with the State Department of Education, shall submit a state plan
28 amendment to the federal Centers for Medicare and Medicaid Services, as
29 necessary, to provide that the following are direct reimbursable services
30 when provided by school districts as part of an individualized education
31 program or an individualized family service plan: Early and periodic

1 screening, diagnosis, and treatment services for children; medical
2 transportation services; mental health services; nursing services;
3 occupational therapy services; personal care services; physical therapy
4 services; rehabilitation services; speech therapy and other services for
5 individuals with speech, hearing, or language disorders; and vision-
6 related services.

7 (5) No later than October 1, 2022, the department shall, in
8 compliance with federal law as of January 1, 2021, consider all
9 treatments for end stage renal disease, including but not limited to,
10 outpatient and home dialysis, hemodialysis, and directed living donor
11 kidney transplants as eligible treatments under the emergency medical
12 services assistance program.

13 Sec. 2. This act becomes operative on October 1, 2023.

14 Sec. 3. Original section 68-911, Reissue Revised Statutes of
15 Nebraska, is repealed.