

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 358A

FINAL READING
(SECOND)

Introduced by Walz, 15.

Read first time February 27, 2024

1 A BILL FOR AN ACT relating to appropriations; to amend Laws 2023, LB814,
2 section 96; and section 70, Legislative Bill 1412, One Hundred
3 Eighth Legislature, Second Session, 2024; to provide for use of
4 appropriated funds to aid in carrying out the provisions of
5 Legislative Bill 358, One Hundred Eighth Legislature, Second
6 Session, 2024; to repeal the original sections; and to declare an
7 emergency.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Laws 2023, LB814, section 96, is amended to read:

2 Sec. 96. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

3 Program No. 344 - Children's Health Insurance

	FY2023-24	FY2024-25
4		
5 GENERAL FUND	26,384,947	26,246,298
6 CASH FUND	7,085,700	7,085,700
7 FEDERAL FUND est.	98,621,626	98,760,275
8 PROGRAM TOTAL	132,092,273	132,092,273

9 There is included in the appropriation to this program for FY2023-24
10 \$26,384,947 General Funds, \$7,085,700 Cash Funds, and \$98,621,626 Federal
11 Funds estimate for state aid, which shall only be used for such purpose.

12 There is included in the appropriation to this program for FY2024-25
13 \$26,246,298 General Funds, \$7,085,700 Cash Funds, and \$98,760,275 Federal
14 Funds estimate for state aid, which shall only be used for such purpose.

15 There is included in the amount shown as aid for this program for
16 FY2023-24 \$-0- General Funds and \$-0- Federal Funds and for FY2024-25
17 \$398,525 General Funds and \$950,121 Federal Funds to increase
18 reimbursement rates for dental services provided under the Children's
19 Health Insurance Program by twelve and one-half percent for fiscal year
20 2024-25.

21 There is included in the appropriation to this program for FY2023-24
22 \$6,835,700 Cash Funds for state aid from the Nebraska Health Care Cash
23 Fund. There is included in the appropriation to this program for
24 FY2024-25 \$6,835,700 Cash Funds for state aid from the Nebraska Health
25 Care Cash Fund.

26 There is included in the amount shown as aid for this program for
27 FY2023-24 up to \$250,000 Cash Funds and for FY2024-25 up to \$250,000 Cash
28 Funds from the Health and Human Services Cash Fund for the state match
29 for utilization of the unused administrative cap as allowed under the
30 Children's Health Insurance Program for payments to the Nebraska Regional
31 Poison Center funded through the University of Nebraska Medical Center.

1 The match is from Cash Funds transferred from the University of Nebraska
2 Medical Center.

3 It is the intent of the Legislature that phased-down state
4 contributions to the federal government as defined and required by the
5 federal Medicare Prescription Drug, Improvement, and Modernization Act of
6 2003 may be made from appropriations to this program.

7 Sec. 2. Section 70, Legislative Bill 1412, One Hundred Eighth
8 Legislature, Second Session, 2024, is amended to read:

9 Sec. 70. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES
10 Program No. 348 - Medical Assistance

	FY2023-24	FY2024-25
11 GENERAL FUND	1,000,583,595	1,004,665,399
12 CASH FUND	133,894,141	72,117,244
13 FEDERAL FUND est.	2,429,949,804	2,075,656,145
14 PROGRAM TOTAL	3,564,427,540	3,152,438,788

15
16 The Department of Administrative Services shall monitor the
17 appropriations and expenditures for this program according to the
18 following program classification:

19 No. 348 - Medical Assistance

20 No. 349 - Medicaid Expansion Aid

21 There is included in the appropriation to this program for FY2023-24
22 \$1,000,583,595 General Funds, \$133,894,141 Cash Funds, and \$2,429,949,804
23 Federal Funds estimate for state aid, which shall only be used for such
24 purpose. There is included in the appropriation to this program for
25 FY2024-25 \$1,004,665,399 General Funds, \$72,117,244 Cash Funds, and
26 \$2,075,656,145 Federal Funds estimate for state aid, which shall only be
27 used for such purpose.

28 There is included in the amount shown as aid for this program for
29 FY2023-24 \$450,000 Cash Funds from the Nebraska Health Care Cash Fund for
30 a state plan amendment covering tobacco-use cessation in compliance with
31 Title XIX of the federal Social Security Act. There is included in the

1 amount shown as aid for this program for FY2024-25 \$450,000 Cash Funds
2 from the Nebraska Health Care Cash Fund for a state plan amendment
3 covering tobacco-use cessation in compliance with Title XIX of the
4 federal Social Security Act. The smoking cessation funding for FY2023-24
5 and FY2024-25 is for the costs of tobacco-use cessation counseling and
6 tobacco-use cessation pharmaceuticals approved by the federal Food and
7 Drug Administration for such purpose.

8 There is included in the amount shown as aid for this program for
9 FY2023-24 \$-0- General Funds and \$-0- Federal Funds and for FY2024-25
10 \$3,054,187 General Funds and \$5,611,661 Federal Funds to increase
11 reimbursement rates for dental services provided under the Medical
12 Assistance Act by twelve and one-half percent for fiscal year 2024-25.

13 It is the intent of the Legislature that phased-down state
14 contributions to the federal government as defined and required by the
15 federal Medicare Prescription Drug, Improvement, and Modernization Act of
16 2003 may be made from appropriations to this program.

17 The chief executive officer of the Department of Health and Human
18 Services may certify to the budget administrator of the budget division
19 of the Department of Administrative Services FY2023-24 and FY2024-25
20 unexpended appropriation balances for Medical Assistance, Program No.
21 348, available to transfer to Developmental Disability Aid, Program No.
22 424, to be used only to maintain individuals with an intellectual or
23 developmental disability in a medicaid program that best serves their
24 needs at a cost that does not exceed the cost of services provided in an
25 institution. The budget administrator of the budget division of the
26 Department of Administrative Services shall administratively transfer
27 during FY2023-24 and FY2024-25 available appropriations as certified by
28 the chief executive officer of the Department of Health and Human
29 Services from Medical Assistance, Program No. 348, to Developmental
30 Disability Aid, Program No. 424.

31 It is the intent of the Legislature that the Department of Health

1 and Human Services provide monthly status reports electronically to the
2 Clerk of the Legislature and the Legislative Fiscal Analyst on medicaid
3 expansion. The department shall include in the report information on
4 policy decisions on services, community engagement, wellness
5 requirements, and rate setting.

6 It is the intent of the Legislature that the total amount
7 appropriated for medicaid nursing facility rates for Program No. 348,
8 specified as \$449,351,518 for FY2023-24 (\$186,851,595 General Funds and
9 \$262,499,923 Federal Funds) and \$449,351,518 for FY2024-25 (\$186,031,528
10 General Funds and \$263,319,990 Federal Funds), shall be used in the
11 medicaid nursing facility rate calculation for Program No. 348, including
12 the calculation of the annual inflation factor.

13 The total amount appropriated for medicaid nursing facility rates
14 for Program No. 348 includes amounts for rate enhancement and any other
15 purpose related to medicaid nursing facility services. The department
16 shall file a report electronically with the Legislative Fiscal Analyst
17 and the Clerk of the Legislature no later than August 1, 2023, on how the
18 inflation factor was calculated for FY2023-24 rates and no later than
19 August 1, 2024, on how the inflation factor was calculated for FY2024-25
20 rates.

21 The department shall file a report electronically with the
22 Legislative Fiscal Analyst and the Clerk of the Legislature between
23 December 15 and December 31 of each year of the biennium ending June 30,
24 2025, identifying the amount of any unspent remaining appropriation from
25 the prior fiscal year's appropriations earmarked for nursing facility
26 payments. The report shall include an identification of encumbrances and
27 retroactive payments.

28 Sec. 3. Original Laws 2023, LB814, section 96; and section 70,
29 Legislative Bill 1412, One Hundred Eighth Legislature, Second Session,
30 2024, are repealed.

31 Sec. 4. Since an emergency exists, this act takes effect when

1 passed and approved according to law.