

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 204A

FINAL READING

Introduced by Riepe, 12.

1 A BILL FOR AN ACT relating to appropriations; to amend section 70,
2 Legislative Bill 1412, One Hundred Eighth Legislature, Second
3 Session, 2024; to appropriate funds to aid in carrying out the
4 provisions of Legislative Bill 204, One Hundred Eighth Legislature,
5 Second Session, 2024; to provide for expenditures for aid; to repeal
6 the original section; and to declare an emergency.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. There is hereby appropriated (1) \$-0- from the General
2 Fund for FY2023-24 and (2) \$75,000 from the General Fund for FY2024-25 to
3 the Department of Health and Human Services, for Program 33, to aid in
4 carrying out the provisions of Legislative Bill 204, One Hundred Eighth
5 Legislature, Second Session, 2024.

6 No expenditures for permanent and temporary salaries and per diems
7 for state employees shall be made from funds appropriated in this
8 section.

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

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

| | FY2023-24 | FY2024-25 |
|----------------------|---------------|---------------|
| 14 GENERAL FUND | 1,000,583,595 | 1,004,665,399 |
| 15 CASH FUND | 133,894,141 | 72,117,244 |
| 16 FEDERAL FUND est. | 2,429,949,804 | 2,075,656,145 |
| 17 PROGRAM TOTAL | 3,564,427,540 | 3,152,438,788 |

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

- 21 No. 348 - Medical Assistance
- 22 No. 349 - Medicaid Expansion Aid

23 There is included in the appropriation to this program for FY2023-24
24 \$1,000,583,595 General Funds, \$133,894,141 Cash Funds, and \$2,429,949,804
25 Federal Funds estimate for state aid, which shall only be used for such
26 purpose. There is included in the appropriation to this program for
27 FY2024-25 \$1,004,665,399 General Funds, \$72,117,244 Cash Funds, and
28 \$2,075,656,145 Federal Funds estimate for state aid, which shall only be
29 used for such purpose.

30 There is included in the amount shown as aid for this program for
31 FY2023-24 \$450,000 Cash Funds from the Nebraska Health Care Cash Fund for

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

10 There is included in the amount shown as aid for this program for
11 FY2023-24 \$-0- General Funds and \$-0- Federal Funds and for FY2024-25
12 \$2,510,597 General Funds and \$4,466,385 Federal Funds for pharmacy
13 dispensing fees for independent pharmacies.

14 It is the intent of the Legislature that phased-down state
15 contributions to the federal government as defined and required by the
16 federal Medicare Prescription Drug, Improvement, and Modernization Act of
17 2003 may be made from appropriations to this program.

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

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

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

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

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

29 Sec. 3. Original section 70, Legislative Bill 1412, One Hundred
30 Eighth Legislature, Second Session, 2024, is repealed.

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

1 passed and approved according to law.