

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1106

Introduced by Nordquist, 7; Ashford, 20; Cook, 13; Council, 11;
Gloor, 35; Howard, 9; Mello, 5.

Read first time January 21, 2010

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Medical Assistance Act; to amend
2 sections 68-901, 68-907, and 68-908, Reissue Revised
3 Statutes of Nebraska; to define a term; to provide for
4 school-based health centers; to provide for amending or
5 seeking a waiver to the medicaid state plan; to harmonize
6 provisions; to repeal the original sections; and to
7 declare an emergency.

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

1 Section 1. Section 68-901, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 68-901 Sections 68-901 to 68-967 and section 4 of this
4 act shall be known and may be cited as the Medical Assistance Act.

5 Sec. 2. Section 68-907, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 68-907 For purposes of the Medical Assistance Act:

8 (1) Committee means the Health and Human Services
9 Committee of the Legislature;

10 (2) Department means the Department of Health and Human
11 Services;

12 (3) Medicaid Reform Plan means the Medicaid Reform Plan
13 submitted on December 1, 2005, pursuant to the Medicaid Reform Act
14 enacted pursuant to Laws 2005, LB 709;

15 (4) Medicaid state plan means the comprehensive written
16 document, developed and amended by the department and approved
17 by the federal Centers for Medicare and Medicaid Services, which
18 describes the nature and scope of the medical assistance program
19 and provides assurances that the department will administer the
20 program in compliance with federal requirements;

21 (5) Provider means a person providing health care or
22 related services under the medical assistance program; and

23 (6) School-based health center means a health center
24 that:

25 (a) Is located in or is adjacent to a school facility;

1 (b) Is organized through school, school district,
2 learning community, community, and provider relationships;

3 (c) Is administered by a sponsoring facility;

4 (d) Provides school-based health services onsite
5 during school hours to children and adolescents by health care
6 professionals in accordance with state and local laws, rules, and
7 regulations, established standards, and community practice;

8 (e) Does not perform abortion services or refer for
9 abortion services; and

10 (f) Does not serve as a child's or adolescent's medical
11 home but augments and supports services provided by the medical
12 home;

13 (7) School-based health services may include any
14 combination of the following as determined in partnership with a
15 sponsoring facility, the school district, and the community:

16 (a) Medical health;

17 (b) Behavioral and mental health;

18 (c) Preventive health; and

19 (d) Oral health;

20 (8) Sponsoring facility means:

21 (a) A hospital;

22 (b) A public health department as defined in section
23 71-1626;

24 (c) A federally qualified community health center as
25 defined in section 1905(1)(2)(B) of the federal Social Security

1 Act, 42 U.S.C. 1396d(1)(2)(B), as such act and section existed on
2 January 1, 2010;

3 (d) A nonprofit health care entity whose mission is to
4 provide access to comprehensive primary health care services;

5 (e) A school, school district, or learning community; or

6 (f) A program administered by the Indian Health Service
7 or the Bureau of Indian Affairs or operated by an Indian tribe or
8 tribal organization under the federal Indian Self-Determination and
9 Education Assistance Act, or an urban Indian program under title
10 V of the federal Indian Health Care Improvement Act, as such acts
11 existed on January 1, 2010; and

12 ~~(6)~~ (10) Waiver means the waiver of applicability to
13 the state of one or more provisions of federal law relating to
14 the medical assistance program based on an application by the
15 department and approval of such application by the federal Centers
16 for Medicare and Medicaid Services.

17 Sec. 3. Section 68-908, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 68-908 (1) The department shall administer the medical
20 assistance program.

21 (2) The department may (a) enter into contracts and
22 interagency agreements, (b) adopt and promulgate rules and
23 regulations, (c) adopt fee schedules, (d) apply for and implement
24 waivers and managed care plans for eligible recipients, and (e)
25 perform such other activities as necessary and appropriate to

1 carry out its duties under the Medical Assistance Act. A covered
2 item or service as described in section 68-911 that is furnished
3 through a school-based health center, furnished by a provider, and
4 furnished under a managed care plan pursuant to a waiver does not
5 require prior consultation or referral by a patient's primary care
6 physician to be covered.

7 (3) The department shall maintain the confidentiality
8 of information regarding applicants for or recipients of medical
9 assistance and such information shall only be used for purposes
10 related to administration of the medical assistance program and the
11 provision of such assistance or as otherwise permitted by federal
12 law.

13 (4) (a) The department shall prepare an annual summary
14 and analysis of the medical assistance program for legislative
15 and public review, including, but not limited to, a description
16 of eligible recipients, covered services, provider reimbursement,
17 program trends and projections, program budget and expenditures,
18 the status of implementation of the Medicaid Reform Plan, and
19 recommendations for program changes.

20 (b) The department shall provide a draft report of such
21 summary and analysis to the Medicaid Reform Council no later than
22 September 15 of each year. The council shall conduct a public
23 meeting no later than October 1 of each year to discuss and receive
24 public comment regarding such report. The council shall provide
25 any comments and recommendations regarding such report in writing

1 to the department no later than November 1 of each year. The
2 department shall submit a final report of such summary and analysis
3 to the Governor, the Legislature, and the council no later than
4 December 1 of each year. Such final report shall include a response
5 to each written recommendation provided by the council.

6 Sec. 4. On or before July 1, 2010, the department shall
7 submit an application to the Centers for Medicare and Medicaid
8 Services of the United States Department of Health and Human
9 Services, amending the medicaid state plan or seeking a waiver
10 thereto to provide for utilization of money to allow for payments
11 for treatment for children who are lawfully residing in the
12 United States and who are otherwise eligible for medicaid and CHIP
13 pursuant to the federal Children's Health Insurance Reauthorization
14 Act of 2009, Public Law 111-3, as such law existed on January 1,
15 2010. For purposes of this section, (1) CHIP means the Children's
16 Health Insurance Program established pursuant to 42 U.S.C. 1397aa
17 et seq., and (2) medicaid means the program for medical assistance
18 established under 42 U.S.C. 1396 et seq., as such sections existed
19 on January 1, 2010.

20 Sec. 5. Original sections 68-901, 68-907, and 68-908,
21 Reissue Revised Statutes of Nebraska, are repealed.

22 Sec. 6. Since an emergency exists, this act takes effect
23 when passed and approved according to law.