

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1243**

Introduced by Murman, 38.

Read first time January 20, 2022

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Developmental Disabilities Services
- 2 Act; to amend sections 83-1216 and 83-1216.02, Revised Statutes
- 3 Cumulative Supplement, 2020; to change a funding priority; to
- 4 harmonize provisions; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-1216, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

3 83-1216 (1) The department shall administer the medicaid home and  
4 community-based services waivers upon application approval by the federal  
5 Centers for Medicare and Medicaid Services. The amount of funding for any  
6 person receiving services shall be determined using an objective  
7 assessment process developed by the department and approved by the  
8 federal Centers for Medicare and Medicaid Services.

9 (2) The department shall provide directly or by contract service  
10 coordination to Nebraska residents found to be eligible for specialized  
11 services.

12 (3) It is the intent of the Legislature that the department take all  
13 possible steps to maximize federal funding. All Nebraska residents  
14 eligible for funding for specialized services through the department  
15 shall apply for and accept any federal medicaid benefits for which they  
16 may be eligible and benefits from other funding sources within the  
17 department, the State Department of Education, specifically including the  
18 Division of Rehabilitation Services, and other agencies to the maximum  
19 extent possible.

20 (4) The priorities for funding the medicaid home and community-based  
21 services waivers under this section are as follows:

22 (a) The first funding priority of the state shall be responding to  
23 the needs of persons with developmental disabilities in immediate crisis  
24 due to caregiver death, homelessness, or a threat to the life and safety  
25 of the person;

26 (b) The second funding priority of the state in responding to the  
27 needs of persons with developmental disabilities shall be for persons  
28 that have resided in an institutional setting for a period of at least  
29 twelve consecutive months and who are requesting community-based  
30 services;

31 (c) The third funding priority of the state in responding to the

1 needs of persons with developmental disabilities shall be for serving  
2 wards of the department or persons placed under the supervision of the  
3 Office of Probation Administration by the Nebraska court system who are  
4 transitioning upon age nineteen with no other alternatives as determined  
5 by the department to support residential services necessary to pursue  
6 economic self-sufficiency;

7 (d) The fourth funding priority of the state in responding to the  
8 needs of persons with developmental disabilities shall be for serving  
9 persons upon attaining thirteen ~~transitioning from the education system~~  
10 ~~upon attaining twenty-one~~ years of age to maintain skills and receive the  
11 day services necessary to ensure opportunities for increased independence  
12 and ensure families can maintain employment ~~pursue economic self-~~  
13 ~~sufficiency~~;

14 (e) The fifth funding priority of the state in responding to the  
15 needs of persons with developmental disabilities shall be, upon approval  
16 by the Centers for Medicare and Medicaid Services of the United States  
17 Department of Health and Human Services, for serving a dependent of a  
18 member of the armed forces of the United States who is a legal resident  
19 of this state due to the service member's military assignment in  
20 Nebraska; and

21 (f) The sixth funding priority of the state in responding to the  
22 needs of persons with developmental disabilities shall be for serving all  
23 other persons by date of application.

24 Sec. 2. Section 83-1216.02, Revised Statutes Cumulative Supplement,  
25 2020, is amended to read:

26 83-1216.02 (1) If the department determines that there are not  
27 enough funds available to provide services to all eligible individuals  
28 under subdivision (4)(d) of section 83-1216, the department shall provide  
29 day services to individuals who:

30 (a) Are no longer eligible for child care programs under Title XX of  
31 the federal Social Security Act and about to begin transition services

1 ~~transitioning from the education system upon attaining twenty-one years~~  
2 ~~of age on or after July 1, 2019; and~~

3 (b) Are determined by the department to be otherwise eligible for  
4 the day services in accordance with the Developmental Disabilities  
5 Services Act.

6 (2) The department shall provide services comparable to the day  
7 services the individual would have received pursuant to subdivision (4)  
8 (d) of section 83-1216 if funds were available.

9 (3) No later than September 15 of each year, the director shall  
10 provide electronic notification to the Health and Human Services  
11 Committee of the Legislature and the Appropriations Committee of the  
12 Legislature of the estimated number of individuals needing services under  
13 subsection (4) of section 83-1216 and the net additional resources  
14 necessary to provide services to all eligible individuals under  
15 subsection (4) of section 83-1216 other than subdivision (f) of such  
16 subsection.

17 (4) This section terminates June 30, 2025.

18 Sec. 3. Original sections 83-1216 and 83-1216.02, Revised Statutes  
19 Cumulative Supplement, 2020, are repealed.