

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 326

Introduced by Raybould, 28.

Read first time January 11, 2023

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Medical Assistance Act; to amend
2 section 68-949, Reissue Revised Statutes of Nebraska, and section
3 68-915, Revised Statutes Cumulative Supplement, 2022; to provide for
4 eligibility for certain children; to harmonize provisions; to
5 provide an operative date; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-915, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 68-915 (1) The following persons shall be eligible for medical
4 assistance:

5 (a) ~~(1)~~ Dependent children as defined in section 43-504;

6 (b) ~~(2)~~ Aged, blind, and disabled persons as defined in sections
7 68-1002 to 68-1005;

8 (c) ~~(3)~~ Children under nineteen years of age who are eligible under
9 section 1905(a)(i) of the federal Social Security Act;

10 (d) ~~(4)~~ Persons who are presumptively eligible as allowed under
11 sections 1920 and 1920B of the federal Social Security Act;

12 (e) ~~(5)~~ Children under nineteen years of age with a family income
13 equal to or less than two hundred percent of the Office of Management and
14 Budget income poverty guideline, as allowed under Title XIX and Title XXI
15 of the federal Social Security Act, without regard to resources, and
16 pregnant women with a family income equal to or less than one hundred
17 eighty-five percent of the Office of Management and Budget income poverty
18 guideline, as allowed under Title XIX and Title XXI of the federal Social
19 Security Act, without regard to resources. Children described in this
20 subdivision and subdivision (1)(f) ~~(6)~~ of this section shall remain
21 eligible for six consecutive months from the date of initial eligibility
22 prior to redetermination of eligibility. The department may review
23 eligibility monthly thereafter pursuant to rules and regulations adopted
24 and promulgated by the department. The department may determine upon such
25 review that a child is ineligible for medical assistance if such child no
26 longer meets eligibility standards established by the department;

27 (f) ~~(6)~~ For purposes of Title XIX of the federal Social Security Act
28 as provided in subdivision (1)(e) ~~(5)~~ of this section, children with a
29 family income as follows:

30 (i) ~~(a)~~ Equal to or less than one hundred fifty percent of the
31 Office of Management and Budget income poverty guideline with eligible

1 children one year of age or younger;

2 (ii) ~~(b)~~ Equal to or less than one hundred thirty-three percent of
3 the Office of Management and Budget income poverty guideline with
4 eligible children over one year of age and under six years of age; or

5 (iii) ~~(c)~~ Equal to or less than one hundred percent of the Office of
6 Management and Budget income poverty guideline with eligible children six
7 years of age or older and less than nineteen years of age;

8 (g) ~~(7)~~ Persons who are medically needy caretaker relatives as
9 allowed under 42 U.S.C. 1396d(a)(ii);

10 (h) ~~(8)~~ As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii)(XV) and
11 (XVI), disabled persons who have a family income of less than two hundred
12 fifty percent of the Office of Management and Budget income poverty
13 guideline. Such persons shall be subject to payment of premiums as a
14 percentage of family income beginning at not less than two hundred
15 percent of the Office of Management and Budget income poverty guideline.
16 Such premiums shall be graduated based on family income and shall not
17 exceed seven and one-half percent of family income;

18 (i) ~~(9)~~ As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii), persons who:

19 (i) ~~(a)~~ Have been screened for breast and cervical cancer under the
20 Centers for Disease Control and Prevention breast and cervical cancer
21 early detection program established under Title XV of the federal Public
22 Health Service Act, 42 U.S.C. 300k et seq., in accordance with the
23 requirements of section 1504 of such act, 42 U.S.C. 300n, and who need
24 treatment for breast or cervical cancer, including precancerous and
25 cancerous conditions of the breast or cervix;

26 (ii) ~~(b)~~ Are not otherwise covered under creditable coverage as
27 defined in section 2701(c) of the federal Public Health Service Act, 42
28 U.S.C. 300gg-3(c);

29 (iii) ~~(c)~~ Have not attained sixty-five years of age; and

30 (iv) ~~(d)~~ Are not eligible for medical assistance under any mandatory
31 categorically needy eligibility group;

1 (j) ~~(10)~~ Persons eligible for services described in subsection (3)
2 of section 68-972; and

3 (k) ~~(11)~~ Persons eligible pursuant to section 68-992.

4 (2) Except as provided in subdivision (1)(h) ~~(8)~~ of this section and
5 section 68-972, eligibility shall be determined under this section using
6 an income budgetary methodology that determines children's eligibility at
7 no greater than two hundred percent of the Office of Management and
8 Budget income poverty guideline and adult eligibility using adult income
9 standards no greater than the applicable categorical eligibility
10 standards established pursuant to state or federal law. Except as
11 otherwise provided in subdivision (1)(h) ~~(8)~~ of this section, the
12 department shall determine eligibility under this section pursuant to
13 such income budgetary methodology and subdivision (1)(q) of section
14 68-1713.

15 (3) The department shall adopt and promulgate rules and regulations
16 in accordance with 42 U.S.C. 1936a(e)(12), as such section existed on
17 January 1, 2023, to provide for a period of continuous eligibility for a
18 child who is under nineteen years of age and who is determined to be
19 eligible for medical assistance under the Medical Assistance Act. The
20 department shall provide that the child remains eligible for medical
21 assistance, without additional review by the department and regardless of
22 changes in the child's resources or income, until the earlier of:

23 (a) The anniversary of the date on which the child's eligibility was
24 determined;

25 (b) The child's nineteenth birthday; or

26 (c) The child moves out of Nebraska.

27 Sec. 2. Section 68-949, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 68-949 (1) It is the intent of the Legislature that the department
30 implement reforms to the medical assistance program such as those
31 contained in the Medicaid Reform Plan, including (a) an incremental

1 expansion of home and community-based services for aged persons and
2 persons with disabilities consistent with such plan, (b) an increase in
3 care coordination or disease management initiatives to better manage
4 medical assistance expenditures on behalf of high-cost recipients with
5 multiple or chronic medical conditions, and (c) other reforms as deemed
6 necessary and appropriate by the department, in consultation with the
7 committee.

8 (2) The department shall develop recommendations based on a
9 comprehensive analysis of various options available to the state under
10 applicable federal law for the provision of medical assistance to persons
11 with disabilities who are employed, including persons with a medically
12 improved disability, to enhance and replace current eligibility
13 provisions contained in subdivision (1)(h) ~~(8)~~ of section 68-915.

14 (3) The department shall develop recommendations for further
15 modification or replacement of the defined benefit structure of the
16 medical assistance program. Such recommendations shall be consistent with
17 the public policy in section 68-905 and shall consider the needs and
18 resources of low-income Nebraska residents who are eligible or may become
19 eligible for medical assistance, the experience and outcomes of other
20 states that have developed and implemented such changes, and other
21 relevant factors as determined by the department.

22 Sec. 3. This act becomes operative on October 1, 2023.

23 Sec. 4. Original section 68-949, Reissue Revised Statutes of
24 Nebraska, and section 68-915, Revised Statutes Cumulative Supplement,
25 2022, are repealed.