

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 539

Introduced by Health and Human Services Committee: Campbell, 25,
Chairperson; Bloomfield, 17; Cook, 13; Gloor, 35;
Howard, 9; Krist, 10; Wallman, 30.

Read first time January 18, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Medical Assistance Act; to amend section
2 68-911, Reissue Revised Statutes of Nebraska; to require
3 submission of a state plan amendment or waiver relating
4 to coverage of adult emergency room visits; to repeal the
5 original section; and to declare an emergency.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-911, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 68-911 (1) Medical assistance shall include coverage for
4 health care and related services as required under Title XIX of the
5 federal Social Security Act, including, but not limited to:

- 6 (a) Inpatient and outpatient hospital services;
7 (b) Laboratory and X-ray services;
8 (c) Nursing facility services;
9 (d) Home health services;
10 (e) Nursing services;
11 (f) Clinic services;
12 (g) Physician services;
13 (h) Medical and surgical services of a dentist;
14 (i) Nurse practitioner services;
15 (j) Nurse midwife services;
16 (k) Pregnancy-related services;
17 (l) Medical supplies; and
18 (m) Early and periodic screening and diagnosis and
19 treatment services for children.

20 (2) In addition to coverage otherwise required under this
21 section, medical assistance may include coverage for health care and
22 related services as permitted but not required under Title XIX of the
23 federal Social Security Act, including, but not limited to:

- 24 (a) Prescribed drugs;
25 (b) Intermediate care facilities for the mentally

1 retarded;

2 (c) Home and community-based services for aged persons
3 and persons with disabilities;

4 (d) Dental services;

5 (e) Rehabilitation services;

6 (f) Personal care services;

7 (g) Durable medical equipment;

8 (h) Medical transportation services;

9 (i) Vision-related services;

10 (j) Speech therapy services;

11 (k) Physical therapy services;

12 (l) Chiropractic services;

13 (m) Occupational therapy services;

14 (n) Optometric services;

15 (o) Podiatric services;

16 (p) Hospice services;

17 (q) Mental health and substance abuse services;

18 (r) Hearing screening services for newborn and infant
19 children; and

20 (s) Administrative expenses related to administrative
21 activities, including outreach services, provided by school districts
22 and educational service units to students who are eligible or
23 potentially eligible for medical assistance.

24 (3) No later than July 1, 2009, the department shall
25 submit a state plan amendment or waiver to the federal Centers for

1 Medicare and Medicaid Services to provide coverage under the medical
2 assistance program for community-based secure residential and
3 subacute behavioral health services for all eligible recipients,
4 without regard to whether the recipient has been ordered by a mental
5 health board under the Nebraska Mental Health Commitment Act to
6 receive such services.

7 (4) No later than July 1, 2011, the department shall
8 submit a state plan amendment or waiver to the federal Centers for
9 Medicare and Medicaid Services to limit payment for emergency room
10 visits for adults to twelve per fiscal year, with such limit
11 applicable to both medicaid fee-for-service and medicaid managed care
12 pursuant to 42 C.F.R. 438.114. Emergency room visits that result in
13 inpatient admission shall not be counted towards the limit of twelve
14 visits.

15 Sec. 2. Original section 68-911, Reissue Revised Statutes
16 of Nebraska, is repealed.

17 Sec. 3. Since an emergency exists, this act takes effect
18 when passed and approved according to law.