

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 891**

Introduced by Nordquist, 7; Cook, 13; Council, 11; Howard, 9;  
McGill, 26; Mello, 5.

Read first time January 09, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health and human services; to amend section  
2 68-911, Reissue Revised Statutes of Nebraska; to provide  
3 for a waiver for medicaid coverage as prescribed; to  
4 provide a termination date; to repeal the original  
5 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)(a) No later than July 1, 2012, the department shall  
8 submit a waiver pursuant to section 1115 of the federal Social  
9 Security Act, as amended, 42 U.S.C. 1315, to the federal Centers for  
10 Medicare and Medicaid Services to provide coverage under the medical  
11 assistance program for individuals infected with human  
12 immunodeficiency virus and who are not otherwise eligible for  
13 coverage under the medical assistance program and whose income is at  
14 or below one hundred percent of the Office of Management and Budget  
15 income poverty guideline. Such coverage becomes effective only if the  
16 waiver is approved by the centers and the department receives funds  
17 pursuant to federal participation that may be used to implement such  
18 waiver. This subsection terminates on December 31, 2013.

19 (b) The department may utilize resources and technical  
20 assistance from any outside organization that offers assistance to  
21 states applying for waivers under section 1115 of the federal Social  
22 Security Act, as amended, 42 U.S.C. 1315, to cover pre-disabled  
23 people living with human immunodeficiency virus.

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25 of Nebraska, is repealed.

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