

AMENDMENTS TO LB276

Introduced by Nordquist

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 43-2511, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 43-2511 There is hereby established a statewide billing
6 system for accessing federal medicaid funds for special education
7 and related services provided by school districts. The system shall
8 apply to all students verified with disabilities from date of
9 diagnosis to twenty-one years of age as allowed under the federal
10 Medicare Catastrophic Coverage Act of 1988. The system shall be
11 developed, implemented, and administered jointly by the Department
12 of Health and Human Services and the State Department of Education.
13 On or before October 1, 2015, the Department of Health and Human
14 Services and the State Department of Education shall jointly revise
15 the statewide billing system to streamline and simplify the claims
16 process, to update reimbursement rates, and to incorporate services
17 included in the state plan submitted pursuant to subsection
18 (4) of section 68-911. After the reimbursement rates have been
19 updated pursuant to this section, such rates shall be reviewed
20 at least once every five years. School districts, educational
21 service units, or approved cooperatives providing special education
22 and related services shall be required to participate in the
23 statewide billing system. It is the intent of this section that

1 Eleven and fifty-four hundredths percent of federal medicaid funds
2 received by school districts pursuant to such billing system shall
3 be considered reimbursement for the costs to school districts
4 associated with the implementation and administration of such
5 a system shall be eligible for payment through and such costs
6 shall be included in the medicaid reimbursement rates to be
7 established for each ~~therapy~~ service. From the amount provided
8 pursuant to section 43-2515 to aid in carrying out the Early
9 Intervention Act, the Department of Health and Human Services
10 shall retain, for the purposes of implementing and administering
11 the statewide billing system and early intervention services
12 coordination services, an amount equal to the lesser of (1)
13 the statewide total of federal medicaid funds received by school
14 districts that are considered reimbursement for the costs to
15 school districts associated with implementation and administration
16 pursuant to this section or (2) the actual cost of implementing and
17 administering the statewide billing system and early intervention
18 services coordination services.

19 Sec. 2. Section 43-2513, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 43-2513 For purposes of the general fund budget of
22 expenditures as defined in section 79-1003, funds received to carry
23 out the services coordination functions ~~and the administration~~
24 ~~of the billing system~~ or designated as reimbursement for costs
25 associated with the implementation and administration of the
26 billing system pursuant to section 43-2511 shall be considered
27 special grant funds.

1 Sec. 3. Section 43-2515, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-2515 ~~On~~ For years 1993 through 2014, on or before
4 October 1, 1993, and for each year thereafter, the Department of
5 Health and Human Services and the State Department of Education
6 shall jointly certify to the budget administrator of the budget
7 division of the Department of Administrative Services the amount
8 of federal medicaid funds paid to school districts pursuant to the
9 Early Intervention Act for special education services for children
10 five years of age and older. The General Fund appropriation to the
11 State Department of Education for state special education aid shall
12 be decreased by an amount equal to the amount that would have been
13 reimbursed with state general funds to the school districts through
14 the special education reimbursement process for special education
15 services for children five years of age and older that was paid
16 to school districts or approved cooperatives with federal medicaid
17 funds.

18 ~~It~~ For fiscal years through fiscal year 2014-15, it
19 is the intent of the Legislature that an amount equal to the
20 amount that would have been reimbursed with state general funds
21 to the school districts, certified to the budget administrator,
22 be appropriated from the General Fund to aid in carrying out the
23 provisions of the Early Intervention Act and other related early
24 intervention services.

25 For 2014 and each year thereafter, on or before
26 December 1, the Department of Health and Human Services and
27 the State Department of Education shall jointly certify to the

1 budget administrator of the budget division of the Department of
2 Administrative Services the aggregate amount to be included in
3 the local system formula resources pursuant to subsection (16) of
4 section 79-1018.01 for all local systems for aid to be calculated
5 pursuant to the Tax Equity and Educational Opportunities Support
6 Act for the next school fiscal year minus such amount for the
7 current school fiscal year for school districts that are not
8 receiving any equalization aid for such school fiscal year.

9 For fiscal year 2015-16 and each fiscal year thereafter,
10 it is the intent of the Legislature that, in addition to other
11 state and federal funds used to carry out the Early Intervention
12 Act, funds equal to the greater of the amount certified to the
13 budget administrator or two million dollars be appropriated from
14 the General Fund to aid in carrying out the provisions of the Early
15 Intervention Act and other related early intervention services.

16 Sec. 4. Section 68-911, Revised Statutes Supplement,
17 2013, is amended to read:

18 68-911 (1) Medical assistance shall include coverage for
19 health care and related services as required under Title XIX of the
20 federal Social Security Act, including, but not limited to:

- 21 (a) Inpatient and outpatient hospital services;
- 22 (b) Laboratory and X-ray services;
- 23 (c) Nursing facility services;
- 24 (d) Home health services;
- 25 (e) Nursing services;
- 26 (f) Clinic services;
- 27 (g) Physician services;

- 1 (h) Medical and surgical services of a dentist;
- 2 (i) Nurse practitioner services;
- 3 (j) Nurse midwife services;
- 4 (k) Pregnancy-related services;
- 5 (l) Medical supplies;
- 6 (m) Mental health and substance abuse services; and
- 7 (n) Early and periodic screening and diagnosis and
- 8 treatment services for children which shall include both physical
- 9 and behavioral health screening, diagnosis, and treatment services.
- 10 (2) In addition to coverage otherwise required under this
- 11 section, medical assistance may include coverage for health care
- 12 and related services as permitted but not required under Title XIX
- 13 of the federal Social Security Act, including, but not limited to:
- 14 (a) Prescribed drugs;
- 15 (b) Intermediate care facilities for persons with
- 16 developmental disabilities;
- 17 (c) Home and community-based services for aged persons
- 18 and persons with disabilities;
- 19 (d) Dental services;
- 20 (e) Rehabilitation services;
- 21 (f) Personal care services;
- 22 (g) Durable medical equipment;
- 23 (h) Medical transportation services;
- 24 (i) Vision-related services;
- 25 (j) Speech therapy services;
- 26 (k) Physical therapy services;
- 27 (l) Chiropractic services;

- 1 (m) Occupational therapy services;
2 (n) Optometric services;
3 (o) Podiatric services;
4 (p) Hospice services;
5 (q) Mental health and substance abuse services;
6 (r) Hearing screening services for newborn and infant
7 children; and

8 (s) Administrative expenses related to administrative
9 activities, including outreach services, provided by school
10 districts and educational service units to students who are
11 eligible or potentially eligible for medical assistance.

12 (3) No later than July 1, 2009, the department
13 shall submit a state plan amendment or waiver to the federal
14 Centers for Medicare and Medicaid Services to provide coverage
15 under the medical assistance program for community-based secure
16 residential and subacute behavioral health services for all
17 eligible recipients, without regard to whether the recipient has
18 been ordered by a mental health board under the Nebraska Mental
19 Health Commitment Act to receive such services.

20 (4) On or before October 1, 2014, the department, after
21 consultation with the State Department of Education, shall submit
22 a state plan amendment to the federal Centers for Medicare and
23 Medicaid Services, as necessary, to provide that the following are
24 direct reimbursable services when provided by school districts as
25 part of an individualized education program or an individualized
26 family service plan: Early and periodic screening, diagnosis, and
27 treatment services for children; medical transportation services;

1 mental health services; nursing services; occupational therapy
2 services; personal care services; physical therapy services;
3 rehabilitation services; speech therapy and other services for
4 individuals with speech, hearing, or language disorders; and
5 vision-related services.

6 Sec. 5. Section 79-1018.01, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 79-1018.01 Except as otherwise provided in this section,
9 local system formula resources include other actual receipts
10 available for the funding of general fund operating expenditures
11 as determined by the department for the second school fiscal year
12 immediately preceding the school fiscal year in which aid is to be
13 paid. Other actual receipts include:

- 14 (1) Public power district sales tax revenue;
- 15 (2) Fines and license fees;
- 16 (3) Tuition receipts from individuals, other districts,
17 or any other source except receipts derived from adult education,
18 receipts derived from summer school tuition, receipts derived
19 from early childhood education tuition, tuition receipts from
20 converted contracts beginning with the calculation of state aid to
21 be distributed in school fiscal year 2011-12, and receipts from
22 educational entities as defined in section 79-1201.01 for providing
23 distance education courses through the Educational Service Unit
24 Coordinating Council to such educational entities;
- 25 (4) Transportation receipts;
- 26 (5) Interest on investments;
- 27 (6) Other miscellaneous noncategorical local receipts,

1 not including receipts from private foundations, individuals,
2 associations, or charitable organizations;

3 (7) Special education receipts;

4 (8) Special education receipts and non-special education
5 receipts from the state for wards of the court and wards of the
6 state;

7 (9) All receipts from the temporary school fund. Receipts
8 from the temporary school fund shall only include (a) receipts
9 pursuant to section 79-1035, to the extent that such receipts for
10 the calculation of aid for school fiscal year 2018-19 and each
11 school fiscal year thereafter are not returned to the temporary
12 school fund pursuant to section 79-309.01, and (b) the receipt of
13 funds pursuant to section 79-1036 for property leased for a public
14 purpose as set forth in subdivision (1)(a) of section 77-202;

15 (10) Motor vehicle tax receipts received;

16 (11) Pro rata motor vehicle license fee receipts;

17 (12) Other miscellaneous state receipts excluding revenue
18 from the textbook loan program authorized by section 79-734;

19 (13) Impact aid entitlements for the school fiscal year
20 which have actually been received by the district to the extent
21 allowed by federal law;

22 (14) All other noncategorical federal receipts;

23 (15) All receipts pursuant to the enrollment option
24 program under sections 79-232 to 79-246;

25 (16) Receipts For aid calculated for school fiscal years
26 prior to school fiscal year 2016-17, receipts under the federal
27 Medicare Catastrophic Coverage Act of 1988, as such act existed on

1 ~~May 8, 2001,~~ January 1, 2014, as authorized pursuant to sections
2 43-2510 and 43-2511 but only to the extent of the amount the
3 local system would have otherwise received pursuant to the Special
4 Education Act and for aid calculated for school fiscal year 2016-17
5 and each school fiscal year thereafter, eighty-eight and forty-six
6 hundredths percent of federal medicaid funds received pursuant to
7 section 43-2511 for services to school-age children;

8 (17) Receipts for accelerated or differentiated
9 curriculum programs pursuant to sections 79-1106 to 79-1108.03; and

10 (18) Revenue received from the nameplate capacity tax
11 distributed pursuant to section 77-6204.

12 Sec. 6. Section 79-1119, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 79-1119 Excess cost means the difference between the
15 total cost of the special education program excluding residential
16 care minus eighty-eight and forty-six hundredths percent of any
17 federal medicaid funds received pursuant to section 43-2511 for
18 services to school-age children and minus the product of the number
19 of students in the special education program multiplied by the
20 adjusted average per pupil cost of the preceding year for the
21 school district of residence of each child.

22 Sec. 7. Section 79-1145, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 79-1145 For each fiscal year, the aggregate amount of
25 General Funds appropriated for special education programs and
26 support services pursuant to sections 79-1129, 79-1132, and 79-1144
27 shall not exceed the aggregate amount of General Funds appropriated

1 pursuant to such sections for the previous fiscal year, multiplied
2 by one plus a rate of five percent. For purposes of this section,
3 for fiscal year 2015-16 the aggregate amount of General Funds
4 appropriated for special education programs and support services
5 pursuant to section 79-1129, 79-1132, and 79-1144 for the previous
6 fiscal year shall be the net amount after any decrease required
7 pursuant to section 43-2515.

8 Sec. 8. Section 79-1158, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 79-1158 No reimbursement for special education and
11 support services programs shall be allowed unless the program meets
12 the standards established by the State Department of Education and
13 the school district has verified participation in the statewide
14 billing system for accessing federal medicaid funds as required
15 pursuant to section 43-2511.

16 Sec. 9. Section 79-1160, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 79-1160 The State Department of Education shall adopt,
19 promulgate, and publish rules and regulations necessary to carry
20 out the Special Education Act. Such rules and regulations shall
21 include, but not be limited to, the regulation of costs under
22 section 79-1152, limitation of the program to children with
23 disabilities who require residential care in order to receive an
24 appropriate special education program, ~~and~~ provisions for contracts
25 with the Department of Health and Human Services to assist
26 in the administration of the act, and provisions for verifying
27 participation in the statewide billing system for accessing federal

1 medicaid funds as required pursuant to section 43-2511.

2 Sec. 10. Original sections 43-2511, 43-2513, 43-2515,
3 79-1119, 79-1145, 79-1158, and 79-1160, Reissue Revised Statutes
4 of Nebraska, section 79-1018.01, Revised Statutes Cumulative
5 Supplement, 2012, and section 68-911, Revised Statutes Supplement,
6 2013, are repealed.