

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 685**

FINAL READING

Introduced by Blood, 3; Brewer, 43; Howard, 9; Crawford, 45.

Read first time January 03, 2018

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Developmental Disabilities Services
- 2 Act; to amend section 83-1216, Revised Statutes Supplement, 2017; to
- 3 provide an additional funding priority relating to military
- 4 dependents with special needs; to harmonize provisions; and to
- 5 repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-1216, Revised Statutes Supplement, 2017, is  
2 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. Beginning July 1, 2019,  
6 persons determined to be eligible for specialized services who on or  
7 after September 6, 1993, graduate from high school, reach the age of  
8 twenty-one years, or are currently receiving services shall receive  
9 services in accordance with the Developmental Disabilities Services Act.  
10 The amount of funding for any person receiving services shall be  
11 determined using an objective assessment process developed by the  
12 department and approved by the federal Centers for Medicare and Medicaid  
13 Services.

14 (2) The department shall provide directly or by contract service  
15 coordination to Nebraska residents found to be eligible for specialized  
16 services.

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

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

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

31 (b) The second funding priority of the state in responding to the

1 needs of persons with developmental disabilities shall be for persons  
2 that have resided in an institutional setting for a period of at least  
3 twelve consecutive months and who are requesting community-based  
4 services;

5 (c) The third funding priority of the state in responding to the  
6 needs of persons with developmental disabilities shall be for serving  
7 wards of the department or persons placed under the supervision of the  
8 Office of Probation Administration by the Nebraska court system who are  
9 transitioning upon age nineteen with no other alternatives as determined  
10 by the department to support residential services necessary to pursue  
11 economic self-sufficiency;

12 (d) The fourth funding priority of the state in responding to the  
13 needs of persons with developmental disabilities shall be for serving  
14 persons transitioning from the education system upon attaining twenty-one  
15 years of age to maintain skills and receive the day services necessary to  
16 pursue economic self-sufficiency; ~~and~~

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

24 (f) (e) The sixth ~~fifth~~ funding priority of the state in responding  
25 to the needs of persons with developmental disabilities shall be for  
26 serving all other persons by date of application.

27 Sec. 2. Original section 83-1216, Revised Statutes Supplement,  
28 2017, is repealed.