

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 857**

Introduced by Day, 49.

Read first time January 06, 2022

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Medical Assistance Act; to amend
- 2 section 68-901, Revised Statutes Supplement, 2021; to require the
- 3 Department of Health and Human Services to implement express lane
- 4 eligibility; to state intent regarding appropriations; to harmonize
- 5 provisions; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-901, Revised Statutes Supplement, 2021, is  
2 amended to read:

3 68-901 Sections 68-901 to 68-9,101 and section 2 of this act shall  
4 be known and may be cited as the Medical Assistance Act.

5 Sec. 2. (1) No later than October 1, 2022, the department shall  
6 submit applications to the federal Centers for Medicare and Medicaid  
7 Services to amend the medicaid state plan and Children's Health Insurance  
8 Program state plan to implement express lane eligibility in accordance  
9 with 42 U.S.C. 1396a(e)(13).

10 (2) The state plan amendments shall identify the Division of  
11 Children and Family Services of the department as an express lane agency  
12 which shall use data from the Supplemental Nutrition Assistance Program  
13 for express lane eligibility determinations. The state plan amendments  
14 shall also specify that the express lane eligibility option will be used  
15 for initial eligibility determinations, redeterminations, automatic  
16 enrollment, and automatic renewals for eligible children in the medical  
17 assistance program and the Children's Health Insurance Program  
18 established pursuant to 42 U.S.C. 1397aa et seq.

19 (3) The applications to amend the medicaid state plan and the  
20 Children's Health Insurance Program state plan shall have an effective  
21 date for implementation of express lane eligibility no later than January  
22 1, 2023.

23 (4) The department shall take all actions necessary to maximize  
24 federal financial participation to carry out this section. It is the  
25 intent of the Legislature to appropriate Federal Funds, to the maximum  
26 extent possible, to the Department of Health and Human Services to carry  
27 out the purposes of the section. The federal funds to be appropriated are  
28 from the funds allocated to the State of Nebraska from the federal  
29 Coronavirus State Fiscal Recovery Fund pursuant to the federal American  
30 Rescue Plan Act of 2021, Public Law 117-2, Subtitle M, Sec. 9901.

31 Sec. 3. Original section 68-901, Revised Statutes Supplement, 2021,

1 is repealed.