

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 130

FINAL READING
(SECOND)

Introduced by Dorn, 30; Vargas, 7; Wayne, 13.

Read first time January 06, 2023

Committee: Appropriations

- 1 A BILL FOR AN ACT relating to nursing facilities; to amend sections
- 2 68-949 and 68-1917, Reissue Revised Statutes of Nebraska; to state
- 3 intent regarding medicaid nursing facility rates; to provide for
- 4 reports; to change the amount of quality assurance assessments; and
- 5 to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-949, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 68-949 (1) It is the intent of the Legislature that the department
4 implement reforms to the medical assistance program such as those
5 contained in the Medicaid Reform Plan, including (a) an incremental
6 expansion of home and community-based services for aged persons and
7 persons with disabilities consistent with such plan, (b) an increase in
8 care coordination or disease management initiatives to better manage
9 medical assistance expenditures on behalf of high-cost recipients with
10 multiple or chronic medical conditions, and (c) other reforms as deemed
11 necessary and appropriate by the department, in consultation with the
12 committee.

13 (2) The department shall develop recommendations based on a
14 comprehensive analysis of various options available to the state under
15 applicable federal law for the provision of medical assistance to persons
16 with disabilities who are employed, including persons with a medically
17 improved disability, to enhance and replace current eligibility
18 provisions contained in subdivision (8) of section 68-915.

19 (3) The department shall develop recommendations for further
20 modification or replacement of the defined benefit structure of the
21 medical assistance program. Such recommendations shall be consistent with
22 the public policy in section 68-905 and shall consider the needs and
23 resources of low-income Nebraska residents who are eligible or may become
24 eligible for medical assistance, the experience and outcomes of other
25 states that have developed and implemented such changes, and other
26 relevant factors as determined by the department.

27 (4)(a) It is the intent of the Legislature that the total amount
28 appropriated to the department for medicaid nursing facility rates be
29 used in the medicaid nursing facility rate calculation, including the
30 calculation of the annual inflation factor. The total amount appropriated
31 for medicaid nursing facility rates shall include amounts for rate

1 enhancement and any other purpose related to medicaid nursing facility
2 services and shall be used as the base for funding for the following
3 fiscal year.

4 (b) The department shall file a report electronically with the
5 Legislative Fiscal Analyst and the Clerk of the Legislature no later than
6 August 1 of each year identifying how the inflation factor was calculated
7 for that year's medicaid nursing facility rates.

8 (c) The department shall file a report electronically with the
9 Legislative Fiscal Analyst and the Clerk of the Legislature between
10 December 15 and December 31 of each year identifying the amount of any
11 remaining unobligated appropriation from the prior appropriations
12 earmarked for medicaid nursing facility payments. The report shall
13 include an identification of encumbrances and retroactive payments.

14 Sec. 2. Section 68-1917, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 68-1917 Except for facilities which are exempt under section 68-1918
17 and facilities referred to in section 68-1919, each nursing facility or
18 skilled nursing facility licensed under the Health Care Facility
19 Licensure Act shall pay a quality assurance assessment based on total
20 resident days, including bed-hold days, less medicare days, for the
21 purpose of improving the quality of nursing facility or skilled nursing
22 facility care in this state. The assessment shall be nine ~~three~~ dollars
23 ~~and fifty cents~~ for each resident day for the preceding calendar quarter.
24 The assessment in the aggregate shall not exceed the amount stated in
25 section 68-1920.

26 Sec. 3. Original sections 68-949 and 68-1917, Reissue Revised
27 Statutes of Nebraska, are repealed.