

AMENDMENTS TO LB261  
(Amendments to AM1320)

Introduced by DeBoer, 10.

1           1. Strike sections 98 and 100 and insert the following new sections:

2           **Sec. 98.** AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

3           Program No. 344 - Children's Health Insurance

	FY2025-26	FY2026-27
4           GENERAL FUND	29,832,449	29,869,759
5           CASH FUND	10,085,700	10,085,700
6           FEDERAL FUND est.	105,659,975	105,748,924
7           PROGRAM TOTAL	145,578,124	145,704,383

9           There is included in the appropriation to this program for FY2025-26  
10       \$29,832,449 General Funds, \$10,085,700 Cash Funds, and \$105,659,975  
11       Federal Funds estimate for state aid, which shall only be used for such  
12       purpose. There is included in the appropriation to this program for  
13       FY2026-27 \$29,869,759 General Funds, \$10,085,700 Cash Funds, and  
14       \$105,748,924 Federal Funds estimate for state aid, which shall only be  
15       used for such purpose.

16          There is included in the appropriation to this program for FY2025-26  
17       \$6,835,700 Cash Funds for state aid from the Nebraska Health Care Cash  
18       Fund. There is included in the appropriation to this program for  
19       FY2026-27 \$6,835,700 Cash Funds for state aid from the Nebraska Health  
20       Care Cash Fund.

21          There is included in the amount shown as aid for this program for  
22       FY2025-26 up to \$250,000 Cash Funds and for FY2026-27 up to \$250,000 Cash  
23       Funds from the Health and Human Services Cash Fund for the state match  
24       for utilization of the unused administrative cap as allowed under the  
25       Children's Health Insurance Program for payments to the Nebraska Regional  
26       Poison Center funded through the University of Nebraska Medical Center.

1 The match is from Cash Funds transferred from the University of Nebraska  
2 Medical Center.

3 It is the intent of the Legislature that phased-down state  
4 contributions to the federal government as defined and required by the  
5 federal Medicare Prescription Drug, Improvement, and Modernization Act of  
6 2003 may be made from appropriations to this program.

7 It is the intent of the Legislature that reimbursement rates for  
8 hospital services paid through this program be reduced by two percent in  
9 FY2025-26 and be maintained at the same level in FY2026-27.

10 **Sec. 100.** AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES  
11 Program No. 348 - Medical Assistance

	FY2025-26	FY2026-27
12 GENERAL FUND	1,078,512,173	1,073,448,425
13 CASH FUND	740,689,274	727,780,910
14 FEDERAL FUND est.	3,879,017,267	3,843,666,553
15 PROGRAM TOTAL	5,698,218,714	5,644,895,888

16 The Department of Administrative Services shall monitor the  
17 appropriations and expenditures for this program according to the  
18 following program classification:

19 No. 348 - Medical Assistance

20 No. 349 - Medicaid Expansion Aid

21 There is included in the appropriation to this program for FY2025-26  
22 \$1,078,512,173 General Funds, \$740,689,274 Cash Funds, and \$3,879,017,267  
23 Federal Funds estimate for state aid, which shall only be used for such  
24 purpose. There is included in the appropriation to this program for  
25 FY2026-27 \$1,073,448,425 General Funds, \$727,780,910 Cash Funds, and  
26 \$3,843,666,553 Federal Funds estimate for state aid, which shall only be  
27 used for such purpose.

28 There is included in the amount shown as aid for this program for  
29 FY2025-26 \$450,000 Cash Funds from the Nebraska Health Care Cash Fund for  
30

1 a state plan amendment covering tobacco-use cessation in compliance with  
2 Title XIX of the federal Social Security Act. There is included in the  
3 amount shown as aid for this program for FY2026-27 \$450,000 Cash Funds  
4 from the Nebraska Health Care Cash Fund for a state plan amendment  
5 covering tobacco-use cessation in compliance with Title XIX of the  
6 federal Social Security Act. The smoking cessation funding for FY2025-26  
7 and FY2026-27 is for the costs of tobacco-use cessation counseling and  
8 tobacco-use cessation pharmaceuticals approved by the federal Food and  
9 Drug Administration for such purpose.

10 It is the intent of the Legislature that the total amount  
11 appropriated for medicaid nursing facility rates for Program No. 348,  
12 specified as \$449,351,518 for FY2025-26 (\$196,186,873 General Funds and  
13 \$253,164,645 Federal Funds) and \$449,351,518 for FY2026-27 (\$199,467,139  
14 General Funds and \$249,884,379 Federal Funds), shall be used in the  
15 medicaid nursing facility rate calculation for Program No. 348, including  
16 the calculation of the annual inflation factor.

17 The total amount appropriated for medicaid nursing facility rates  
18 for Program No. 348 includes amounts for rate enhancement and any other  
19 purpose related to medicaid nursing facility services. The Department of  
20 Health and Human Services shall file a report electronically with the  
21 Legislative Fiscal Analyst and the Clerk of the Legislature no later than  
22 August 1, 2025, on how the inflation factor was calculated for FY2025-26  
23 rates and no later than August 1, 2026, on how the inflation factor was  
24 calculated for FY2026-27 rates.

25 The Department of Health and Human Services shall file a report  
26 electronically with the Legislative Fiscal Analyst and the Clerk of the  
27 Legislature between December 15 and December 31 of each year of the  
28 biennium ending June 30, 2027, identifying the amount of any unspent  
29 remaining appropriation from the prior fiscal year's appropriations  
30 earmarked for nursing facility payments. The report shall include an  
31 identification of encumbrances and retroactive payments.

1        There is included in the amount shown as aid for this program  
2        \$1,500,000 Cash Funds for FY2025-26 from the Hospital Quality Assurance  
3        and Access Assessment Fund to the Department of Health and Human Services  
4        for the medical assistance program to provide reimbursement to mental  
5        health providers who do not practice in a hospital and who provide  
6        services to medicaid-eligible participants who are eligible for both  
7        medicaid and medicare, if there is a lower rate paid under medicare  
8        compared to rates paid at the time for medicaid rates for behavioral  
9        health services. It is the intent of the Legislature to sustain the  
10       medicaid rates for mental health providers serving medicaid-eligible  
11       participants who are eligible for both medicaid and medicare and are  
12       receiving behavioral health services under Program No. 348, Medical  
13       Assistance.

14       There is included in the amount shown as aid for this program  
15       \$1,408,364 Cash Funds for FY2025-26 from the Medicaid Managed Care Excess  
16       Profit Fund for medicaid assisted-living facility rates for Program No.  
17       348, to be used specifically by the Department of Health and Human  
18       Services to increase the current medicaid assisted-living facility rates,  
19       which are included in Program No. 348 and paid as a service as part of  
20       Nebraska's aged and disabled home and community-based medicaid 1915(c)  
21       waiver program, to the daily rate of \$73.91 for FY2025-26, for both rural  
22       and urban assisted-living single occupancy waiver days.

23       It is the intent of the Legislature that phased-down state  
24       contributions to the federal government as defined and required by the  
25       federal Medicare Prescription Drug, Improvement, and Modernization Act of  
26       2003 may be made from appropriations to this program.

27       The chief executive officer of the Department of Health and Human  
28       Services may certify to the budget administrator of the budget division  
29       of the Department of Administrative Services FY2025-26 and FY2026-27  
30       unexpended appropriation balances for Medical Assistance, Program No.  
31       348, available to transfer to Developmental Disability Aid, Program No.

1 424, to be used only to maintain individuals with an intellectual or  
2 developmental disability in a medicaid program that best serves their  
3 needs at a cost that does not exceed the cost of services provided in an  
4 institution. The budget administrator of the budget division of the  
5 Department of Administrative Services shall administratively transfer  
6 during FY2025-26 and FY2026-27 available appropriations as certified by  
7 the chief executive officer of the Department of Health and Human  
8 Services from Medical Assistance, Program No. 348, to Developmental  
9 Disability Aid, Program No. 424.

10 It is the intent of the Legislature that reimbursement rates for  
11 hospital services paid through this program be reduced by two percent in  
12 FY2025-26 and be maintained at the same level in FY2026-27.