

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 382

FINAL READING

Introduced by Meyer, 17; Cavanaugh, M., 6; Guereca, 7; Quick, 35;
Rountree, 3; DeKay, 40.

Read first time January 16, 2025

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to aging services; to amend section 81-2224,
- 2 Reissue Revised Statutes of Nebraska, and section 68-996, Revised
- 3 Statutes Cumulative Supplement, 2024; to provide for appropriation
- 4 of funds from the Medicaid Managed Care Excess Profit Fund to
- 5 reimburse designated area agencies on aging; and to repeal the
- 6 original sections.
- 7 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 68-996, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 68-996 (1) The Medicaid Managed Care Excess Profit Fund is created.
4 The fund shall contain money returned to the State Treasurer pursuant to
5 subdivision (3) of section 68-995.

6 (2) The fund shall first be used to offset any losses under
7 subdivision (2) of section 68-995 and then to provide for (a) services
8 addressing the health needs of adults and children under the Medical
9 Assistance Act, including filling service gaps, (b) providing system
10 improvements, (c) providing evidence-based early intervention home
11 visitation programs, (d) providing medical respite services, (e)
12 translation and interpretation services, (f) providing coverage for
13 continuous glucose monitors as described in section 68-911, (g) providing
14 other services sustaining access to care, (h) services under the Nebraska
15 Prenatal Plus Program, (i) and providing grants pursuant to the
16 Intergenerational Care Facility Incentive Grant Program, and (j)
17 reimbursement of the actual costs of providing eligible activities and
18 services described in section 81-2222, as determined by the Legislature.
19 The fund shall only be used for the purposes described in this section.

20 (3) Any money in the fund available for investment shall be invested
21 by the state investment officer pursuant to the Nebraska Capital
22 Expansion Act and the Nebraska State Funds Investment Act. Beginning
23 October 1, 2024, any investment earnings from investment of money in the
24 fund shall be credited to the General Fund.

25 **Sec. 2.** It is the intent of the Legislature to appropriate two
26 million dollars in fiscal year 2025-26 and two million dollars in fiscal
27 year 2026-27 from the Medicaid Managed Care Excess Profit Fund to the
28 area agencies on aging for the purpose of providing additional eligible
29 activities and services as defined in section 81-2222. An equal amount
30 shall be distributed to each of the state's eight area agencies on aging.

31 **Sec. 3.** Section 81-2224, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 81-2224 The department shall reimburse each designated area agency
3 on aging for seventy-five percent of the actual cost of providing
4 eligible activities and services as defined in section 81-2222. Such
5 reimbursement shall be made from (1) state funds appropriated by the
6 Legislature, including, but not limited to, cash fund appropriations as
7 described in section 2 of this act, (2) federal funds allocated to the
8 department, including federal funds allocated under the Older Americans
9 Act, as now or hereafter amended, and (3) other funds as available. The
10 payments shall be made by the department on or before the twentieth day
11 of each month. If state funds appropriated, federal funds allocated, or
12 other funds available are insufficient to finance the department-approved
13 plan and budget for each designated area agency on aging, the
14 reimbursement to each area agency on aging shall be proportionately
15 reduced. If an area agency on aging chooses to exceed the budget approved
16 by the department, costs in excess of the approved budget shall not be
17 reimbursed by the department.

18 **Sec. 4.** Original section 81-2224, Reissue Revised Statutes of
19 Nebraska, and section 68-996, Revised Statutes Cumulative Supplement,
20 2024, are repealed.