

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 958

Introduced by Cavanaugh, M., 6; Conrad, 46; Rountree, 3.

Read first time January 12, 2026

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Medical Assistance Act; to amend
2 section 68-907, Reissue Revised Statutes of Nebraska, and section
3 68-901, Revised Statutes Cumulative Supplement, 2024; to provide a
4 requirement for the Department of Health and Human Services relating
5 to 1915(c) waivers; to define a term; to harmonize provisions; and
6 to repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 68-901, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 68-901 Sections 68-901 to 68-9,111 and section 2 of this act shall
4 be known and may be cited as the Medical Assistance Act.

5 **Sec. 2.** The department shall not submit an application for a
6 1915(c) waiver, or an amendment to an existing 1915(c) waiver, that
7 introduces an individual cost limit, reduces the aggregate number of
8 service hours, or narrows eligibility criteria, without legislative
9 approval.

10 **Sec. 3.** Section 68-907, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 68-907 For purposes of the Medical Assistance Act:

13 (1) Committee means the Health and Human Services Committee of the
14 Legislature;

15 (2) Department means the Department of Health and Human Services;

16 (3) Medicaid Reform Plan means the Medicaid Reform Plan submitted on
17 December 1, 2005, pursuant to the Medicaid Reform Act enacted pursuant to
18 Laws 2005, LB 709;

19 (4) Medicaid state plan means the comprehensive written document,
20 developed and amended by the department and approved by the federal
21 Centers for Medicare and Medicaid Services, which describes the nature
22 and scope of the medical assistance program and provides assurances that
23 the department will administer the program in compliance with federal
24 requirements;

25 (5) Nursing facility level of care means a medicaid recipient who
26 requires assistance with two or more activities of daily living,
27 regardless of the cost of providing such assistance, in a community
28 setting if the aggregate cost of the waiver program remains cost-neutral;

29 (6) (5) Provider means a person providing health care or related
30 services under the medical assistance program;

31 (7) (6) School-based health center means a health center that:

1 (a) Is located in or is adjacent to a school facility;

2 (b) Is organized through school, school district, learning
3 community, community, and provider relationships;

4 (c) Is administered by a sponsoring facility;

5 (d) Provides school-based health services onsite during school hours
6 to children and adolescents by health care professionals in accordance
7 with state and local laws, rules, and regulations, established standards,
8 and community practice;

9 (e) Does not perform abortion services or refer or counsel for
10 abortion services and does not dispense, prescribe, or counsel for
11 contraceptive drugs or devices; and

12 (f) Does not serve as a child's or an adolescent's medical or dental
13 home but augments and supports services provided by the medical or dental
14 home;

15 (8) ~~(7)~~ School-based health services may include any combination of
16 the following as determined in partnership with a sponsoring facility,
17 the school district, and the community:

18 (a) Medical health;

19 (b) Behavioral and mental health;

20 (c) Preventive health; and

21 (d) Oral health;

22 (9) ~~(8)~~ Sponsoring facility means:

23 (a) A hospital;

24 (b) A public health department as defined in section 71-1626;

25 (c) A federally qualified health center as defined in section
26 1905(l)(2)(B) of the federal Social Security Act, 42 U.S.C. 1396d(l)(2)
27 (B), as such act and section existed on January 1, 2010;

28 (d) A nonprofit health care entity whose mission is to provide
29 access to comprehensive primary health care services;

30 (e) A school or school district; or

31 (f) A program administered by the Indian Health Service or the

1 federal Bureau of Indian Affairs or operated by an Indian tribe or tribal
2 organization under the federal Indian Self-Determination and Education
3 Assistance Act, or an urban Indian program under Title V of the federal
4 Indian Health Care Improvement Act, as such acts existed on January 1,
5 2010; and

6 (10) ~~(9)~~ Waiver means the waiver of applicability to the state of
7 one or more provisions of federal law relating to the medical assistance
8 program based on an application by the department and approval of such
9 application by the federal Centers for Medicare and Medicaid Services.

10 **Sec. 4.** Original section 68-907, Reissue Revised Statutes of
11 Nebraska, and section 68-901, Revised Statutes Cumulative Supplement,
12 2024, are repealed.