

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1194

Introduced by Conrad, 46.

Read first time January 12, 2024

Committee:

1 A BILL FOR AN ACT relating to the Medical Assistance Act; to amend
2 sections 68-907 and 68-909, Reissue Revised Statutes of Nebraska,
3 and section 81-3143, Revised Statutes Supplement, 2023; to require
4 Legislative approval of state plan amendments relating to medicaid
5 and the Temporary Assistance for Needy Families program; and to
6 repeal the original sections.

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

1 Section 1. Section 68-907, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 68-907 For purposes of the Medical Assistance Act:

4 (1) Committee means the Health and Human Services Committee of the
5 Legislature;

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

7 (3) Medicaid Reform Plan means the Medicaid Reform Plan submitted on
8 December 1, 2005, pursuant to the Medicaid Reform Act enacted pursuant to
9 Laws 2005, LB 709;

10 (4) Medicaid state plan means the comprehensive written document,
11 developed and amended by the department and approved by the federal
12 Centers for Medicare and Medicaid Services and the Legislature, which
13 describes the nature and scope of the medical assistance program and
14 provides assurances that the department will administer the program in
15 compliance with federal requirements;

16 (5) Provider means a person providing health care or related
17 services under the medical assistance program;

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

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

20 (b) Is organized through school, school district, learning
21 community, community, and provider relationships;

22 (c) Is administered by a sponsoring facility;

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

27 (e) Does not perform abortion services or refer or counsel for
28 abortion services and does not dispense, prescribe, or counsel for
29 contraceptive drugs or devices; and

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

1 home;

2 (7) School-based health services may include any combination of the
3 following as determined in partnership with a sponsoring facility, the
4 school district, and the community:

5 (a) Medical health;

6 (b) Behavioral and mental health;

7 (c) Preventive health; and

8 (d) Oral health;

9 (8) Sponsoring facility means:

10 (a) A hospital;

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

12 (c) A federally qualified health center as defined in section
13 1905(1)(2)(B) of the federal Social Security Act, 42 U.S.C. 1396d(1)(2)
14 (B), as such act and section existed on January 1, 2010;

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

17 (e) A school or school district; or

18 (f) A program administered by the Indian Health Service or the
19 federal Bureau of Indian Affairs or operated by an Indian tribe or tribal
20 organization under the federal Indian Self-Determination and Education
21 Assistance Act, or an urban Indian program under Title V of the federal
22 Indian Health Care Improvement Act, as such acts existed on January 1,
23 2010; and

24 (9) Waiver means the waiver of applicability to the state of one or
25 more provisions of federal law relating to the medical assistance program
26 based on an application by the department and approval of such
27 application by the federal Centers for Medicare and Medicaid Services and
28 the Legislature.

29 Sec. 2. Section 68-909, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 68-909 (1) All contracts, agreements, rules, and regulations

1 relating to the medical assistance program as entered into or adopted and
2 promulgated by the department prior to July 1, 2006, and all provisions
3 of the medicaid state plan and waivers adopted by the department prior to
4 July 1, 2006, shall remain in effect until revised, amended, repealed, or
5 nullified pursuant to law.

6 (2) Prior to the adoption and promulgation of proposed rules and
7 regulations under section 68-912 or relating to the implementation of
8 medicaid state plan amendments or waivers, the department shall provide a
9 report to the Governor and the Legislature no later than December 1
10 before the next regular session of the Legislature summarizing the
11 purpose and content of such proposed rules and regulations and the
12 projected impact of such proposed rules and regulations on recipients of
13 medical assistance and medical assistance expenditures. The report
14 submitted to the Legislature shall be submitted electronically. The
15 Legislature shall approve any medicaid state plan amendment or waiver
16 prior to implementation. Any changes in medicaid copayments in fiscal
17 year 2011-12 are exempt from the reporting requirement of this subsection
18 and the requirements of section 68-912.

19 (3) The department shall monitor the implementation of rules and
20 regulations, medicaid state plan amendments, and waivers adopted under
21 the Medical Assistance Act and the effect of such rules and regulations,
22 amendments, or waivers on eligible recipients of medical assistance and
23 medical assistance expenditures.

24 Sec. 3. Section 81-3143, Revised Statutes Supplement, 2023, is
25 amended to read:

26 81-3143 (1) The Department of Health and Human Services shall
27 submit a state plan amendment to the federal Administration for Children
28 and Families, pursuant to section 404(a)(2) of the federal Personal
29 Responsibility and Work Opportunity Reconciliation Act of 1996, to allow
30 the funds provided to the state for the Temporary Assistance for Needy
31 Families program established in 42 U.S.C. 601 et seq., as such sections

1 existed on January 1, 2023, to be used for the following purposes:

2 (a) ~~(1)~~ Activities of child advocacy centers pursuant to sections
3 28-728 to 28-730;

4 (b) ~~(2)~~ Coordination activities of the state chapter of child
5 advocacy centers as defined in 34 U.S.C. 20302, as such section existed
6 on January 1, 2023, including, but not limited to, development of a
7 distribution formula for funding provided pursuant to subdivision (1) of
8 this section, data collection and analysis required for reports to the
9 federal Administration for Children and Families, accounting of the fund
10 expenditures per state and federal requirements, and preparing the annual
11 Temporary Assistance for Needy Families reports for funds appropriated
12 pursuant to this subdivision and subdivision (1) of this section, which
13 shall be filed with the Department of Health and Human Services on a date
14 specified by the department;

15 (c) ~~(3)~~ Domestic violence services; and

16 (d) ~~(4)~~ Grants to nonprofit organizations holding a certificate of
17 exemption under section 501(c)(3) of the Internal Revenue Code that
18 distribute food in ten or more counties in Nebraska and qualify for the
19 Emergency Food Assistance Program administered by the United States
20 Department of Agriculture, which shall be applicable for FY2023-24 only.

21 (2) All state plan amendments for the Temporary Assistance to Needy
22 Families program shall be subject to approval by the Legislature prior to
23 implementation.

24 Sec. 4. Original sections 68-907 and 68-909, Reissue Revised
25 Statutes of Nebraska, and section 81-3143, Revised Statutes Supplement,
26 2023, are repealed.