

LEGISLATIVE BILL 130

Approved by the Governor April 10, 2024

Introduced by Dorn, 30; Vargas, 7; Wayne, 13; Dover, 19.

A BILL FOR AN ACT relating to nursing facilities; to amend sections 68-949 and 68-1917, Reissue Revised Statutes of Nebraska; to state intent regarding medicaid nursing facility rates; to provide for reports; to change the amount of quality assurance assessments; and to repeal the original sections.

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

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

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

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

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

(4)(a) It is the intent of the Legislature that the total amount appropriated to the department for medicaid nursing facility rates be used in the medicaid nursing facility rate calculation, including the calculation of the annual inflation factor. The total amount appropriated for medicaid nursing facility rates shall include amounts for rate enhancement and any other purpose related to medicaid nursing facility services and shall be used as the base for funding for the following fiscal year.

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

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

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

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

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