

LEGISLATIVE BILL 204A

Approved by the Governor April 16, 2024

Introduced by Riepe, 12.

A BILL FOR AN ACT relating to appropriations; to amend section 70, Legislative Bill 1412, One Hundred Eighth Legislature, Second Session, 2024; to appropriate funds to aid in carrying out the provisions of Legislative Bill 204, One Hundred Eighth Legislature, Second Session, 2024; to provide for expenditures for aid; to repeal the original section; and to declare an emergency.

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

Section 1. There is hereby appropriated (1) \$-0- from the General Fund for FY2023-24 and (2) \$75,000 from the General Fund for FY2024-25 to the Department of Health and Human Services, for Program 33, to aid in carrying out the provisions of Legislative Bill 204, One Hundred Eighth Legislature, Second Session, 2024.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 2. Section 70, Legislative Bill 1412, One Hundred Eighth Legislature, Second Session, 2024, is amended to read:

Sec. 70. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES
Program No. 348 - Medical Assistance

	FY2023-24	FY2024-25
GENERAL FUND	1,000,583,595	1,004,665,399
CASH FUND	133,894,141	72,117,244
FEDERAL FUND est.	2,429,949,804	2,075,656,145
PROGRAM TOTAL	3,564,427,540	3,152,438,788

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

No. 348 - Medical Assistance

No. 349 - Medicaid Expansion Aid

There is included in the appropriation to this program for FY2023-24 \$1,000,583,595 General Funds, \$133,894,141 Cash Funds, and \$2,429,949,804 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2024-25 \$1,004,665,399 General Funds, \$72,117,244 Cash Funds, and \$2,075,656,145 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the amount shown as aid for this program for FY2023-24 \$450,000 Cash Funds from the Nebraska Health Care Cash Fund for a state plan amendment covering tobacco-use cessation in compliance with Title XIX of the federal Social Security Act. There is included in the amount shown as aid for this program for FY2024-25 \$450,000 Cash Funds from the Nebraska Health Care Cash Fund for a state plan amendment covering tobacco-use cessation in compliance with Title XIX of the federal Social Security Act. The smoking cessation funding for FY2023-24 and FY2024-25 is for the costs of tobacco-use cessation counseling and tobacco-use cessation pharmaceuticals approved by the federal Food and Drug Administration for such purpose.

There is included in the amount shown as aid for this program for FY2023-24 \$-0- General Funds and \$-0- Federal Funds and for FY2024-25 \$2,510,597 General Funds and \$4,466,385 Federal Funds for pharmacy dispensing fees for independent pharmacies.

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

The chief executive officer of the Department of Health and Human Services may certify to the budget administrator of the budget division of the Department of Administrative Services FY2023-24 and FY2024-25 unexpended appropriation balances for Medical Assistance, Program No. 348, available to transfer to Developmental Disability Aid, Program No. 424, to be used only to maintain individuals with an intellectual or developmental disability in a medicaid program that best serves their needs at a cost that does not exceed the cost of services provided in an institution. The budget administrator of the budget division of the Department of Administrative Services shall administratively transfer during FY2023-24 and FY2024-25 available appropriations as certified by the chief executive officer of the Department of Health and Human Services from Medical Assistance, Program No. 348, to Developmental Disability Aid, Program No. 424.

It is the intent of the Legislature that the Department of Health and Human Services provide monthly status reports electronically to the Clerk of the Legislature and the Legislative Fiscal Analyst on medicaid expansion. The department shall include in the report information on policy decisions on services, community engagement, wellness requirements, and rate setting.

It is the intent of the Legislature that the total amount appropriated for medicaid nursing facility rates for Program No. 348, specified as \$449,351,518 for FY2023-24 (\$186,851,595 General Funds and \$262,499,923 Federal Funds) and \$449,351,518 for FY2024-25 (\$186,031,528 General Funds and \$263,319,990 Federal Funds), shall be used in the medicaid nursing facility rate calculation for Program No. 348, including the calculation of the annual inflation factor.

The total amount appropriated for medicaid nursing facility rates for Program No. 348 includes amounts for rate enhancement and any other purpose related to medicaid nursing facility services. The department shall file a report electronically with the Legislative Fiscal Analyst and the Clerk of the Legislature no later than August 1, 2023, on how the inflation factor was calculated for FY2023-24 rates and no later than August 1, 2024, on how the inflation factor was calculated for FY2024-25 rates.

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 of the biennium ending June 30, 2025, identifying the amount of any unspent remaining appropriation from the prior fiscal year's appropriations earmarked for nursing facility payments. The report shall include an identification of encumbrances and retroactive payments.

Sec. 3. Original section 70, Legislative Bill 1412, One Hundred Eighth Legislature, Second Session, 2024, is repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.