

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 220

Introduced by Avery, 28.

Read first time January 15, 2013

Committee:

A BILL

1 FOR AN ACT relating to the Medical Assistance Act; to amend sections
2 68-901 and 68-915, Revised Statutes Cumulative
3 Supplement, 2012; to state intent; to change provisions
4 and provide duties for the Department of Health and Human
5 Services relating to redeterminations of children's
6 eligibility; to harmonize provisions; and to repeal the
7 original sections.

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

1 Section 1. Section 68-901, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 68-901 Sections 68-901 to 68-974 and section 2 of this
4 act shall be known and may be cited as the Medical Assistance Act.

5 Sec. 2. It is the intent of the Legislature to simplify
6 and streamline the administration of children's medical assistance by
7 the Department of Health and Human Services. The department shall
8 apply for and utilize to the maximum extent possible, within limits
9 established by the Legislature, any and all options as allowed under
10 Title XIX and Title XXI of the federal Social Security Act, as
11 amended, to simplify enrollment and redetermination of eligibility
12 for children's medical assistance.

13 The department shall implement a process of
14 administrative determinations or ex parte reviews for redetermination
15 of eligibility for children's medical assistance as allowed under
16 Title XIX and Title XXI of the federal Social Security Act, as
17 amended, and as required to qualify for federal bonus payments under
18 section 2105(a)(3) of the federal Social Security Act, 42 U.S.C.
19 1397ee(a)(3).

20 Sec. 3. Section 68-915, Revised Statutes Cumulative
21 Supplement, 2012, is amended to read:

22 68-915 The following persons shall be eligible for
23 medical assistance:

24 (1) Dependent children as defined in section 43-504;

25 (2) Aged, blind, and disabled persons as defined in

1 sections 68-1002 to 68-1005;

2 (3) Children under nineteen years of age who are eligible
3 under section 1905(a)(i) of the federal Social Security Act;

4 (4) Persons who are presumptively eligible as allowed
5 under sections 1920 and 1920B of the federal Social Security Act;

6 (5) Children under nineteen years of age with a family
7 income equal to or less than two hundred percent of the Office of
8 Management and Budget income poverty guideline, as allowed under
9 Title XIX and Title XXI of the federal Social Security Act, without
10 regard to resources, and pregnant women with a family income equal to
11 or less than one hundred eighty-five percent of the Office of
12 Management and Budget income poverty guideline, as allowed under
13 Title XIX and Title XXI of the federal Social Security Act, without
14 regard to resources. Children described in this subdivision and
15 subdivision (6) of this section shall remain eligible for ~~six~~twelve
16 consecutive months from the date of initial eligibility prior to
17 redetermination of eligibility. The department may review eligibility
18 ~~monthly~~annually thereafter pursuant to rules and regulations adopted
19 and promulgated by the department. The department may conduct limited
20 reviews after the initial twelve consecutive months of eligibility
21 and between annual reviews based on significant changes in the family
22 circumstances as reported by the family or as a result of information
23 received from another source. The department may determine upon such
24 review that a child is ineligible for medical assistance if such
25 child no longer meets eligibility standards established by the

1 department;

2 (6) For purposes of Title XIX of the federal Social
3 Security Act as provided in subdivision (5) of this section, children
4 with a family income as follows:

5 (a) Equal to or less than one hundred fifty percent of
6 the Office of Management and Budget income poverty guideline with
7 eligible children one year of age or younger;

8 (b) Equal to or less than one hundred thirty-three
9 percent of the Office of Management and Budget income poverty
10 guideline with eligible children over one year of age and under six
11 years of age; or

12 (c) Equal to or less than one hundred percent of the
13 Office of Management and Budget income poverty guideline with
14 eligible children six years of age or older and less than nineteen
15 years of age;

16 (7) Persons who are medically needy caretaker relatives
17 as allowed under 42 U.S.C. 1396d(a)(ii);

18 (8) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii),
19 disabled persons as defined in section 68-1005 with a family income
20 of less than two hundred fifty percent of the Office of Management
21 and Budget income poverty guideline and who, but for earnings in
22 excess of the limit established under 42 U.S.C. 1396d(q)(2)(B), would
23 be considered to be receiving federal Supplemental Security Income.
24 The department shall apply for a waiver to disregard any unearned
25 income that is contingent upon a trial work period in applying the

1 Supplemental Security Income standard. Such disabled persons shall be
2 subject to payment of premiums as a percentage of family income
3 beginning at not less than two hundred percent of the Office of
4 Management and Budget income poverty guideline. Such premiums shall
5 be graduated based on family income and shall not be less than two
6 percent or more than ten percent of family income;

7 (9) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii),
8 persons who:

9 (a) Have been screened for breast and cervical cancer
10 under the Centers for Disease Control and Prevention breast and
11 cervical cancer early detection program established under Title XV of
12 the federal Public Health Service Act, 42 U.S.C. 300k et seq., in
13 accordance with the requirements of section 1504 of such act, 42
14 U.S.C. 300n, and who need treatment for breast or cervical cancer,
15 including precancerous and cancerous conditions of the breast or
16 cervix;

17 (b) Are not otherwise covered under creditable coverage
18 as defined in section 2701(c) of the federal Public Health Service
19 Act, 42 U.S.C. 300gg(c);

20 (c) Have not attained sixty-five years of age; and

21 (d) Are not eligible for medical assistance under any
22 mandatory categorically needy eligibility group; and

23 (10) Persons eligible for services described in
24 subsection (3) of section 68-972.

25 Except as provided in section 68-972, eligibility shall

1 be determined under this section using an income budgetary
2 methodology that determines children's eligibility at no greater than
3 two hundred percent of the Office of Management and Budget income
4 poverty guideline and adult eligibility using adult income standards
5 no greater than the applicable categorical eligibility standards
6 established pursuant to state or federal law. The department shall
7 determine eligibility under this section pursuant to such income
8 budgetary methodology and subdivision (1)(q) of section 68-1713.

9 Sec. 4. Original sections 68-901 and 68-915, Revised
10 Statutes Cumulative Supplement, 2012, are repealed.