

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 276**

Introduced by Nordquist, 7; Campbell, 25.

Read first time January 16, 2013

Committee:

A BILL

1 FOR AN ACT relating to medicaid; to amend sections 43-2515 and  
2 68-911, Reissue Revised Statutes of Nebraska, and section  
3 79-1018.01, Revised Statutes Cumulative Supplement, 2012;  
4 to change provisions relating to reimbursement pursuant  
5 to the Early Intervention Act; to provide duties for the  
6 Department of Health and Human Services; to harmonize  
7 provisions; and to repeal the original sections.  
8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 43-2515, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           43-2515 ~~On or before October 1, 1993, and for each year~~  
4 ~~thereafter,~~ (1) Annually the Department of Health and Human Services  
5 and the State Department of Education shall jointly certify to the  
6 budget administrator of the budget division of the Department of  
7 Administrative Services the amount of federal medicaid funds paid to  
8 school districts and educational service units pursuant to the Early  
9 Intervention Act for special education services for children five  
10 years of age and older. ~~The General Fund appropriation to the State~~  
11 ~~Department of Education for state special education aid shall be~~  
12 ~~decreased by an amount equal to the amount that would have been~~  
13 ~~reimbursed with state general funds to the school districts through~~  
14 ~~the special education reimbursement process for special education~~  
15 ~~services for children five years of age and older that was paid to~~  
16 ~~school districts or approved cooperatives with federal medicaid~~  
17 ~~funds.~~ It is the intent of the Legislature that an amount equal to  
18 the amount ~~that would have been reimbursed with state general funds~~  
19 ~~to the school districts,~~ certified to the budget administrator, but  
20 not more than three million dollars, be appropriated from the General  
21 Fund to aid in carrying out the provisions of the Early Intervention  
22 Act and other related early intervention services.

23           (2) Any amount certified to the budget administrator  
24 pursuant to subsection (1) of this section in excess of three million  
25 dollars shall be remitted by the Department of Health and Human

1 Services to school districts and educational service units  
2 proportionally in relation to the amount of federal medicaid funds  
3 reimbursed to school districts and educational service units  
4 described in subsection (1) of this section. Amounts remitted  
5 pursuant to this subsection shall not be considered other actual  
6 receipts for purposes of section 79-1018.01.

7           Sec. 2. Section 68-911, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           68-911 (1) Medical assistance shall include coverage for  
10 health care and related services as required under Title XIX of the  
11 federal Social Security Act, including, but not limited to:

- 12           (a) Inpatient and outpatient hospital services;  
13           (b) Laboratory and X-ray services;  
14           (c) Nursing facility services;  
15           (d) Home health services;  
16           (e) Nursing services;  
17           (f) Clinic services;  
18           (g) Physician services;  
19           (h) Medical and surgical services of a dentist;  
20           (i) Nurse practitioner services;  
21           (j) Nurse midwife services;  
22           (k) Pregnancy-related services;  
23           (l) Medical supplies; and  
24           (m) Early and periodic screening and diagnosis and  
25 treatment services for children.

1                   (2) In addition to coverage otherwise required under this  
2 section, medical assistance may include coverage for health care and  
3 related services as permitted but not required under Title XIX of the  
4 federal Social Security Act, including, but not limited to:

5                   (a) Prescribed drugs;

6                   (b) Intermediate care facilities for the mentally  
7 retarded;

8                   (c) Home and community-based services for aged persons  
9 and persons with disabilities;

10                  (d) Dental services;

11                  (e) Rehabilitation services;

12                  (f) Personal care services;

13                  (g) Durable medical equipment;

14                  (h) Medical transportation services;

15                  (i) Vision-related services;

16                  (j) Speech therapy services;

17                  (k) Physical therapy services;

18                  (l) Chiropractic services;

19                  (m) Occupational therapy services;

20                  (n) Optometric services;

21                  (o) Podiatric services;

22                  (p) Hospice services;

23                  (q) Mental health and substance abuse services;

24                  (r) Hearing screening services for newborn and infant  
25 children; and

1           (s) Administrative expenses related to administrative  
2 activities, including outreach services, provided by school districts  
3 and educational service units to students who are eligible or  
4 potentially eligible for medical assistance.

5           (3) No later than July 1, 2009, the department shall  
6 submit a state plan amendment or waiver to the federal Centers for  
7 Medicare and Medicaid Services to provide coverage under the medical  
8 assistance program for community-based secure residential and  
9 subacute behavioral health services for all eligible recipients,  
10 without regard to whether the recipient has been ordered by a mental  
11 health board under the Nebraska Mental Health Commitment Act to  
12 receive such services.

13           (4) On or before October 1, 2013, the department shall  
14 submit a state plan amendment or waiver to the federal Centers for  
15 Medicare and Medicaid Services, as necessary, to provide that the  
16 following are direct reimbursable services when provided by school  
17 districts and educational service units: Occupational therapy;  
18 physical therapy; speech services; audiology services; counseling,  
19 psychology, behavioral services; nursing; nutrition; personal  
20 assistance; social work; transportation; and vision services.

21           Sec. 3. Section 79-1018.01, Revised Statutes Cumulative  
22 Supplement, 2012, is amended to read:

23           79-1018.01 Except as otherwise provided in this section,  
24 local system formula resources include other actual receipts  
25 available for the funding of general fund operating expenditures as

1 determined by the department for the second school fiscal year  
2 immediately preceding the school fiscal year in which aid is to be  
3 paid. Other actual receipts include:

4 (1) Public power district sales tax revenue;  
5 (2) Fines and license fees;  
6 (3) Tuition receipts from individuals, other districts,  
7 or any other source except receipts derived from adult education,  
8 receipts derived from summer school tuition, receipts derived from  
9 early childhood education tuition, tuition receipts from converted  
10 contracts beginning with the calculation of state aid to be  
11 distributed in school fiscal year 2011-12, and receipts from  
12 educational entities as defined in section 79-1201.01 for providing  
13 distance education courses through the Educational Service Unit  
14 Coordinating Council to such educational entities;

15 (4) Transportation receipts;

16 (5) Interest on investments;

17 (6) Other miscellaneous noncategorical local receipts,  
18 not including receipts from private foundations, individuals,  
19 associations, or charitable organizations and not including amounts  
20 remitted to school districts pursuant to subsection (2) of section  
21 43-2515;

22 (7) Special education receipts;

23 (8) Special education receipts and non-special education  
24 receipts from the state for wards of the court and wards of the  
25 state;

1           (9) All receipts from the temporary school fund. Receipts  
2 from the temporary school fund shall only include (a) receipts  
3 pursuant to section 79-1035, to the extent that such receipts for the  
4 calculation of aid for school fiscal year 2018-19 and each school  
5 fiscal year thereafter are not returned to the temporary school fund  
6 pursuant to section 79-309.01, and (b) the receipt of funds pursuant  
7 to section 79-1036 for property leased for a public purpose as set  
8 forth in subdivision (1)(a) of section 77-202;

9           (10) Motor vehicle tax receipts received;

10           (11) Pro rata motor vehicle license fee receipts;

11           (12) Other miscellaneous state receipts excluding revenue  
12 from the textbook loan program authorized by section 79-734;

13           (13) Impact aid entitlements for the school fiscal year  
14 which have actually been received by the district to the extent  
15 allowed by federal law;

16           (14) All other noncategorical federal receipts;

17           (15) All receipts pursuant to the enrollment option  
18 program under sections 79-232 to 79-246;

19           (16) Receipts under the federal Medicare Catastrophic  
20 Coverage Act of 1988, as such act existed on May 8, 2001, as  
21 authorized pursuant to sections 43-2510 and 43-2511 but only to the  
22 extent of the amount the local system would have otherwise received  
23 pursuant to the Special Education Act;

24           (17) Receipts for accelerated or differentiated  
25 curriculum programs pursuant to sections 79-1106 to 79-1108.03; and

1                   (18) Revenue received from the nameplate capacity tax  
2 distributed pursuant to section 77-6204.

3                   Sec. 4. Original sections 43-2515 and 68-911, Reissue  
4 Revised Statutes of Nebraska, and section 79-1018.01, Revised  
5 Statutes Cumulative Supplement, 2012, are repealed.