

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1093

Introduced by Stinner, 48.

Read first time January 21, 2020

Committee:

- 1 A BILL FOR AN ACT relating to appropriations; to state intent regarding
- 2 appropriations for contracts for nursing facility services under the
- 3 medical assistance program; and to declare an emergency.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. It is the intent of the Legislature, as identified in
2 the approved Nebraska Biennium Budget for 2019-21, that the total amount
3 appropriated for nursing facility rates for Program No. 348, which was
4 specified in Laws 2019, LB294, as \$336,349,731 for FY2019-20
5 (\$154,081,812 General Funds and \$182,267,919 Federal Funds) and
6 \$350,795,952 for FY2020-21 (\$158,840,407 General Funds and \$191,955,545
7 Federal Funds) shall be used in the nursing facility rate calculation for
8 Program No. 348.

9 It was the intent of the Legislature that the Department of Health
10 and Human Services include the amount of \$7,256,215 (\$3,324,072 General
11 Funds and \$3,932,143 Federal Funds) appropriated for utilization changes
12 in the calculation of medicaid nursing facility rates for FY2019-20.

13 Therefore, it is the intent of the Legislature that the Department
14 of Health and Human Services shall retroactively distribute the portion
15 of \$7,256,215 (\$3,324,072 General Funds and \$3,932,143 Federal Funds)
16 that was unexpended on increased nursing facility utilization during
17 FY2019-20 as an incentive payment to nursing facilities that submit
18 claims eligible for payment by August 31, 2020. The incentive payment
19 shall be distributed based on the nursing facility formula in effect July
20 1, 2019. The retroactive payment shall be made no later than September
21 30, 2020.

22 Furthermore, it is the intent of the Legislature that the amount
23 appropriated for utilization changes for nursing facilities for Program
24 No. 348 for FY2020-21 be reduced from 2.25% (\$7,567,869) to 0.5%
25 (\$1,681,749) to more accurately reflect projected nursing facility
26 utilization and that the amount identified for rate enhancement be
27 increased by the difference between these two amounts (\$5,886,120), so
28 the total FY2020-21 appropriated amount for nursing facilities remains
29 the same, which was specified in Laws 2019, LB294, as \$350,795,952
30 (\$158,840,407 General Funds and \$191,955,545 Federal Funds) and that this
31 total amount shall be used in the FY2020-21 medicaid nursing facility

1 rate calculation.

2 It is the intent of the Legislature that any amount appropriated for
3 nursing facility utilization changes that is unspent for FY2020-21 be
4 retroactively distributed as an incentive payment to nursing facilities
5 that submit claims eligible for payment by August 31, 2021. The incentive
6 payment shall be distributed based on the nursing facility formula in
7 effect July 1, 2020. The retroactive payment shall be made no later than
8 September 30, 2021.

9 It is the intent of the Legislature that any amount appropriated for
10 nursing facility utilization changes that is unspent for a future fiscal
11 year be retroactively distributed as an incentive to nursing facilities
12 that submit claims eligible for payment by August 31 of each year with
13 payment by September 30 of the respective year using the nursing facility
14 rate formula in effect on July 1 of the prior year.

15 Sec. 2. Since an emergency exists, this act takes effect when
16 passed and approved according to law.