

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 677**

Introduced by Krist, 10.

Read first time January 03, 2018

Committee:

- 1 A BILL FOR AN ACT relating to appropriations; to amend Laws 2017, LB327,
- 2 sections 97, 104, 106, and 110; to change appropriations; to repeal
- 3 the original sections; 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 by this legislative  
2 bill to restore funding to certain health and human services programs to  
3 levels approved by the Legislature prior to being vetoed during the 2017  
4 legislative session.

5 Sec. 2. Laws 2017, LB327, section 97, is amended to read:

6 Sec. 97. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

7 Program No. 38 - Behavioral Health Aid

|    | FY2017-18             | FY2018-19             |
|----|-----------------------|-----------------------|
| 8  |                       |                       |
| 9  | <u>73,429,873</u>     | <u>73,429,873</u>     |
| 10 | <del>72,243,240</del> | <del>72,243,240</del> |
| 11 | 13,699,660            | 13,699,660            |
| 12 | 10,504,971            | 10,504,971            |
| 13 | <u>97,634,504</u>     | <u>97,634,504</u>     |
| 14 | <del>96,447,871</del> | <del>96,447,871</del> |

15 There is included in the appropriation to this program for FY2017-18  
16 \$73,429,873 ~~\$72,243,240~~ General Funds, \$13,699,660 Cash Funds, and  
17 \$10,504,971 Federal Funds estimate for state aid, which shall only be  
18 used for such purpose. There is included in the appropriation to this  
19 program for FY2018-19 \$73,429,873 ~~\$72,243,240~~ General Funds, \$13,699,660  
20 Cash Funds, and \$10,504,971 Federal Funds estimate for state aid, which  
21 shall only be used for such purpose.

22 There is included in the amount shown as Cash Fund aid in this  
23 program \$6,500,000 Cash Funds for FY2017-18 and \$6,500,000 Cash Funds for  
24 FY2018-19 from the Nebraska Health Care Cash Fund to be used for  
25 community-based mental health and substance abuse services, including  
26 intermediate-level residential mental health services. It is the intent  
27 of the Legislature that these funds shall be distributed to each of the  
28 six behavioral health regions based upon a formula determined by the  
29 Department of Health and Human Services.

30 There is included in the amount shown as Cash Fund aid in this  
31 program \$2,599,660 Cash Funds for FY2017-18 and \$2,599,660 Cash Funds for

1 FY2018-19 from the Nebraska Health Care Cash Fund to be used for rates  
2 paid to providers of mental health and substance abuse services.

3 There is included in the amount shown as Cash Fund aid in this  
4 program \$1,500,000 Cash Funds for FY2017-18 and \$1,500,000 Cash Funds for  
5 FY2018-19 from the Nebraska Health Care Cash Fund to be used for the cost  
6 of maintenance and treatment of persons in emergency protective custody  
7 under the Nebraska Mental Health Commitment Act.

8 Sec. 3. Laws 2017, LB327, section 104, is amended to read:

9 Sec. 104. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

10 Program No. 348 - Medical Assistance

|                             | FY2017-18                | FY2018-19                |
|-----------------------------|--------------------------|--------------------------|
| 11                          |                          |                          |
| 12 <u>GENERAL FUND</u>      | <u>844,875,774</u>       | <u>849,034,547</u>       |
| 13 <del>GENERAL FUND</del>  | <del>833,065,260</del>   | <del>837,224,033</del>   |
| 14 CASH FUND                | 46,851,581               | 46,851,581               |
| 15 FEDERAL FUND est.        | 1,143,123,143            | 1,189,442,647            |
| 16 <u>PROGRAM TOTAL</u>     | <u>2,034,850,498</u>     | <u>2,085,328,775</u>     |
| 17 <del>PROGRAM TOTAL</del> | <del>2,023,039,984</del> | <del>2,073,518,261</del> |

18 There is included in the appropriation to this program for FY2017-18  
19 \$844,875,774 ~~\$833,065,260~~ General Funds, \$46,851,581 Cash Funds, and  
20 \$1,143,123,143 Federal Funds estimate for state aid, which shall only be  
21 used for such purpose. There is included in the appropriation to this  
22 program for FY2018-19 \$849,034,547 ~~\$837,224,033~~ General Funds,  
23 \$46,851,581 Cash Funds, and \$1,189,442,647 Federal Funds estimate for  
24 state aid, which shall only be used for such purpose.

25 There is included in the amount shown as aid for this program for  
26 FY2017-18 \$4,765,896 Cash Funds for the continuation of the behavioral  
27 health provider rate increase and behavioral health provider rate  
28 increase for managed care, inpatient services, and residential treatment  
29 services provided with funds from the Nebraska Health Care Cash Fund.  
30 There is included in the amount shown as aid for this program for  
31 FY2018-19 \$4,765,896 Cash Funds for the continuation of the behavioral

1 health provider rate increase and behavioral health provider rate  
2 increase for managed care, inpatient services, and residential treatment  
3 services provided with funds from the Nebraska Health Care Cash Fund.

4 There is included in the amount shown as aid for this program for  
5 FY2017-18 \$450,000 Cash Funds from the Nebraska Health Care Cash Fund for  
6 a state plan amendment covering tobacco-use cessation in compliance with  
7 Title XIX of the federal Social Security Act. There is included in the  
8 amount shown as aid for this program for FY2018-19 \$450,000 Cash Funds  
9 from the Nebraska Health Care Cash Fund for a state plan amendment  
10 covering tobacco-use cessation in compliance with Title XIX of the  
11 federal Social Security Act. The smoking cessation funding for FY2017-18  
12 and FY2018-19 is for the costs of tobacco-use cessation counseling and  
13 tobacco-use cessation pharmaceuticals approved by the federal Food and  
14 Drug Administration for such purpose.

15 There is included in the appropriation to this program for FY2017-18  
16 \$5,067,237 Cash Funds from funds transferred from the University of  
17 Nebraska Medical Center and an estimated \$5,456,619 Federal Funds for  
18 supplemental payments to Nebraska Medicine. There is included in the  
19 appropriation to this program for FY2018-19 \$5,549,744 Cash Funds from  
20 funds transferred from the University of Nebraska Medical Center and an  
21 estimated \$6,083,888 Federal Funds for supplemental payments to Nebraska  
22 Medicine, for payments as allowed and approved by the Medicaid State Plan  
23 Amendment by the Centers for Medicare and Medicaid Services.

24 There is included in the appropriation to this program for FY2017-18  
25 \$2,600,000 General Funds and \$2,859,891 Federal Funds for rebasing rates  
26 by three percent for hospitals paid under the prospective payment system.  
27 There is included in the appropriation to this program for FY2018-19  
28 \$2,600,000 General Funds and \$2,962,687 Federal Funds for rebasing rates  
29 by three percent for hospitals paid under the prospective payment system.

30 It is the intent of the Legislature that phased-down state  
31 contributions to the federal government as defined and required by the

1 federal Medicare Prescription Drug, Improvement, and Modernization Act of  
2 2003 may be made from appropriations to this program.

3 The chief executive officer of the Department of Health and Human  
4 Services may certify to the budget administrator of the budget division  
5 of the Department of Administrative Services FY2017-18 and FY2018-19  
6 unexpended appropriation balances for Medical Assistance, Program No.  
7 348, available to transfer to Developmental Disabilities Aid, Program No.  
8 424, to be used only to maintain individuals with an intellectual or  
9 developmental disability in a medicaid program that best serves their  
10 needs at a cost that does not exceed the cost of services provided in an  
11 institution. The budget administrator of the budget division of the  
12 Department of Administrative Services shall administratively transfer  
13 during FY2017-18 and FY2018-19 available appropriations as certified by  
14 the chief executive officer of the Department of Health and Human  
15 Services from Medical Assistance, Program No. 348, to Developmental  
16 Disabilities Aid, Program No. 424.

17 It is the intent of the Legislature that the Division of  
18 Rehabilitation Services in the State Department of Education and the  
19 Division of Developmental Disabilities of the Department of Health and  
20 Human Services work collaboratively to focus on employment for  
21 individuals with disabilities and to maximize federal matching funds in  
22 compliance with the federal Workforce Innovation and Opportunity Act and  
23 the federal Home and Community-Based Services Final Rule.

24 Sec. 4. Laws 2017, LB327, section 106, is amended to read:

25 Sec. 106. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES  
26 Program No. 354 - Child Welfare Aid

|                            | FY2017-18              | FY2018-19              |
|----------------------------|------------------------|------------------------|
| 27                         |                        |                        |
| 28 <u>GENERAL FUND</u>     | <u>166,708,214</u>     | <u>166,708,214</u>     |
| 29 <del>GENERAL FUND</del> | <del>166,067,300</del> | <del>166,067,300</del> |
| 30 CASH FUND               | 2,734,444              | 2,734,444              |
| 31 FEDERAL FUND est.       | 29,352,073             | 29,352,073             |

|   |                          |                        |                        |
|---|--------------------------|------------------------|------------------------|
| 1 | <u>PROGRAM TOTAL</u>     | <u>198,794,731</u>     | <u>198,794,731</u>     |
| 2 | <del>PROGRAM TOTAL</del> | <del>198,153,817</del> | <del>198,153,817</del> |

3 There is included in the appropriation to this program for FY2017-18  
4 ~~\$166,708,214~~ ~~\$166,067,300~~ General Funds, \$2,734,444 Cash Funds, and  
5 \$29,352,073 Federal Funds estimate for state aid, which shall only be  
6 used for such purpose. There is included in the appropriation to this  
7 program for FY2018-19 \$166,708,214 ~~\$166,067,300~~ General Funds, \$2,734,444  
8 Cash Funds, and \$29,352,073 Federal Funds estimate for state aid, which  
9 shall only be used for such purpose.

10 There is included in the amount shown as aid for this program for  
11 FY2017-18 \$2,734,444 Cash Funds from the Nebraska Health Care Cash Fund  
12 for the continuation of the behavioral health provider rate increase.  
13 There is included in the amount shown as aid for this program for  
14 FY2018-19 \$2,734,444 Cash Funds from the Nebraska Health Care Cash Fund  
15 for the continuation of the behavioral health provider rate increase.

16 Sec. 5. Laws 2017, LB327, section 110, is amended to read:  
17 Sec. 110. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES  
18 Program No. 424 - Developmental Disability Aid

|    | FY2017-18                | FY2018-19              |                        |
|----|--------------------------|------------------------|------------------------|
| 19 |                          |                        |                        |
| 20 | <u>GENERAL FUND</u>      | <u>152,452,372</u>     | <u>151,315,794</u>     |
| 21 | <del>GENERAL FUND</del>  | <del>149,225,944</del> | <del>148,089,366</del> |
| 22 | CASH FUND                | 6,312,000              | 6,312,000              |
| 23 | <u>PROGRAM TOTAL</u>     | <u>158,764,372</u>     | <u>157,627,794</u>     |
| 24 | <del>PROGRAM TOTAL</del> | <del>155,537,944</del> | <del>154,401,366</del> |

25 There is included in the appropriation to this program for FY2017-18  
26 \$152,452,372 ~~\$149,225,944~~ General Funds and \$6,312,000 Cash Funds for  
27 state aid, which shall only be used for such purpose. There is included  
28 in the appropriation to this program for FY2018-19 \$151,315,794  
29 ~~\$148,089,366~~ General Funds and \$6,312,000 Cash Funds for state aid, which  
30 shall only be used for such purpose.

31 There is included in the amount shown as Cash Fund aid in this

1 program for FY2017-18 \$5,000,000 Cash Funds and for FY2018-19 \$5,000,000  
2 Cash Funds from the Nebraska Health Care Cash Fund to be used for  
3 services for persons with developmental disabilities (1) who were on the  
4 waiting list for such services prior to July 1, 2001, and began receiving  
5 such services on and after such date and (2) who are on the waiting list  
6 for such services on and after July 1, 2017, beginning with those who  
7 have been on the waiting list for the greatest length of time past their  
8 date of need.

9 There is included in the amount shown as General Fund aid in this  
10 program for FY2017-18 \$1,697,234 General Funds to serve individuals on  
11 the waiting list for developmental disability services, which shall only  
12 be used for such purpose. There is included in the amount shown as  
13 General Fund aid in this program for FY2018-19 \$3,474,752 General Funds  
14 to serve individuals on the waiting list for developmental disability  
15 services, which shall only be used for such purpose.

16 Sec. 6. Original Laws 2017, LB327, sections 97, 104, 106, and 110,  
17 are repealed.

18 Sec. 7. Since an emergency exists, this act takes effect when  
19 passed and approved according to law.