

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 952**

Introduced by Nordquist, 7; Avery, 28; Campbell, 25; Cook, 13;  
Council, 11; Dubas, 34; Gloor, 35; Howard, 9; Krist,  
10; McGill, 26; Mello, 5.

Read first time January 11, 2012

Committee:

A BILL

1 FOR AN ACT relating to appropriations; to amend Laws 2011, LB 374,  
2 section 102; to change provisions relating to the medical  
3 assistance program; to repeal the original section; and  
4 to declare an emergency.  
5 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Laws 2011, LB 374, section 102, is amended to  
 2 read:

3                   Sec. 102. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN  
 4 SERVICES

5                   Program No. 348 - Medical Assistance

	FY2011-12	FY2012-13
6                   GENERAL FUND	599,909,134	630,241,604
7                   CASH FUND	24,344,412	24,344,412
8                   FEDERAL FUND est.	998,926,616	1,029,200,776
9                   PROGRAM TOTAL	1,623,180,162	1,683,786,792

10                   There is included in the appropriation to this program  
 11 for FY2011-12 \$599,909,134 General Funds, \$24,344,412 Cash Funds, and  
 12 \$998,926,616 Federal Funds estimate for state aid, which shall only  
 13 be used for such purpose. There is included in the appropriation to  
 14 this program for FY2012-13 \$630,241,604 General Funds, \$24,344,412  
 15 Cash Funds, and \$1,029,200,776 Federal Funds estimate for state aid,  
 16 which shall only be used for such purpose.

17                   There is included in the appropriation to this program  
 18 for FY2011-12 \$4,765,896 Cash Funds for state aid for the  
 19 continuation of the behavioral health provider rate increase and  
 20 behavioral health provider rate increase for managed care, inpatient  
 21 services, and residential treatment services provided with funds from  
 22 the Nebraska Health Care Cash Fund. There is included in the  
 23 appropriation to this program for FY2012-13 \$4,765,896 Cash Funds for  
 24

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

5           There is included in the appropriation to this program  
6 for FY2011-12 \$450,000 Cash Funds from the Nebraska Health Care Cash  
7 Fund and \$598,707 Federal Funds estimate for a state plan amendment  
8 covering tobacco-use cessation in compliance with Title XIX of the  
9 federal Social Security Act. There is included in the appropriation  
10 to this program for FY2012-13 \$450,000 Cash Funds from the Nebraska  
11 Health Care Cash Fund and \$587,823 Federal Funds estimate for a state  
12 plan amendment covering tobacco-use cessation in compliance with  
13 Title XIX of the federal Social Security Act. The smoking cessation  
14 funding for FY2011-12 and FY2012-13 is for the costs of tobacco-use  
15 cessation counseling and tobacco-use cessation pharmaceuticals  
16 approved by the federal Food and Drug Administration for such  
17 purpose.

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

22           For FY2012-13, the department may not implement, by rule  
23 and regulation, the following changes to the medical assistance  
24 program:

25           (1) An increase in copayments on physical, speech, and

1 occupational therapies;

2 (2) An increase in copayments for nonemergency visits to  
3 the emergency department;

4 (3) A limit of two hundred forty hours per year of home  
5 health services;

6 (4) The elimination of private duty nursing services;

7 (5) An increase in the level of care required to receive  
8 personal assistance services;

9 (6) A limit for personal assistance services to three and  
10 one-half hours of service per day with a sixty-hour limit per month;

11 (7) The elimination of oral nutritional supplements  
12 provided through the durable medical equipment program;

13 (8) A limit to behavioral health therapy visits of sixty  
14 visits per year;

15 (9) The elimination of dental services, including  
16 dentures, for adults;

17 (10) The elimination of chiropractic services;

18 (11) The elimination of eyeglasses for adults;

19 (12) The elimination of hearing aids for adults;

20 (13) The elimination of occupational therapy for adults;

21 (14) The elimination of physical therapy for adults;

22 (15) The elimination of speech therapy for adults;

23 (16) A limit of prescription drugs to ten per month for  
24 adults;

25 (17) A limit of inpatient hospital days to forty-five

1 days or thirty days per year for adults; and

2 (18) A limit of physician visits for adults to twelve per  
3 year, excluding pregnancy-related visits.

4 Sec. 2. Original Laws 2011, LB 374, section 102, is  
5 repealed.

6 Sec. 3. Since an emergency exists, this act takes effect  
7 when passed and approved according to law.