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LB887
MHF-02/21/2014

AMENDMENTS TO LB887

Introduced by Health and Human Services

1. Strike the original sections and insert the following new sections:

Section 1. Sections 1 to 50 of this act shall be known and may be cited as the Wellness in Nebraska Act.

Sec. 2. The Legislature finds:

(1) It is necessary to improve the health of and health care coverage for uninsured adults in Nebraska in a manner that strengthens Nebraska's health care system in accordance with the Institute for Healthcare Improvement's aims of improving health consumer and patient experience of care, including, but not limited to, quality and satisfaction, improving the health of populations in Nebraska, and reducing the per capita cost of health care;

(2) Improving access to affordable health care for low-income Nebraska citizens is essential to improving the health of the state's population and strengthening the state's economy;

(3) Health benefits for the newly eligible population under the Affordable Care Act should be provided in a manner that encourages personal responsibility, leverages insurance offered by employers and private insurance companies, and improves the health outcomes and financial security of those receiving benefits; and

(4) The Wellness in Nebraska Act will expand access to health coverage for individuals who are defined as newly eligible for medical assistance, as specified in section 1905(y) of the

federal Social Security Act, as amended, 42 U.S.C. 1396d(y), in a manner that assures fiscal responsibility, safeguards the interests of Nebraska taxpayers, and provides accountability and oversight.

Sec. 3. The Legislature specifically intends to foster and promote:

(1) Access to affordable and quality health care coverage for uninsured and underinsured individuals in Nebraska by innovative models of care towards a patient-centered, integrated health care system;

(2) Continuity of coverage for vulnerable individuals, by phasing in a premium assistance program that will substantially reduce the number of newly eligible individuals who would lose coverage as a result of income fluctuations that cause their eligibility to change from year to year or multiple times throughout a year;

(3) Coordination of health care delivery for newly eligible individuals to address the entire spectrum of physical and behavioral health, by focusing on prevention and wellness, health promotion, and chronic disease management;

(4) Incentives to encourage personal responsibility, cost-conscious utilization of health care, and adoption of preventive practices and healthy behaviors;

(5) Competition, consumer choice, and cost reduction within the private marketplace by implementing a premium assistance program that will enable newly eligible individuals with household incomes between one hundred percent and one hundred thirty-three percent of the federal poverty level to obtain coverage through the

private marketplace;

(6) Maximizing Nebraska's access to federal funding during the period the federal government will pay one hundred percent of the cost of the benefits provided to newly eligible individuals;

(7) Improving health care coverage to eliminate cost shifting and to substantially reduce the burden of uncompensated care for medical providers and the state; and

(8) Health care cost containment, high-value coordinated services, and minimization of administrative costs for services provided to newly eligible individuals who are medically frail or have exceptional medical conditions and have household incomes that are under one hundred thirty-three percent of the federal poverty level.

Sec. 4. For purposes of the Wellness in Nebraska Act, the definitions found in sections 5 to 37 of this act apply.

Sec. 5. Accountable care organization means an integrated health care organization characterized by a payment and care delivery model that ties provider reimbursement to quality metrics, thereby reducing the total cost of care for an attributed population of patients.

Sec. 6. Affordable Care Act means the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152.

Sec. 7. Centers for Medicare and Medicaid Services means the federal agency responsible for overseeing the implementation of

health coverage for newly eligible individuals across the United States and for approval of state plan amendments and waivers under the federal Social Security Act, as amended.

Sec. 8. Chief executive officer means the head of the Department of Health and Human Services appointed by the Governor pursuant to section 81-3114.

Sec. 9. Department means the Department of Health and Human Services created pursuant to section 81-3113.

Sec. 10. Director means the Director of Medicaid and Long-Term Care of the Division of Medicaid and Long-Term Care of the department.

Sec. 11. Employer-sponsored insurance means group health care coverage that is offered by a public or private employer to its employees.

Sec. 12. Essential health benefits means essential health benefits as defined in 42 U.S.C. 18022(b).

Sec. 13. Exceptional medical condition means, with respect to an individual, at least two chronic health conditions, one chronic condition and the risk of a second chronic condition, or a serious and persistent mental health condition. Chronic condition may include, but is not limited to, a mental health condition, a substance use disorder, asthma, diabetes, heart disease, or being obese.

Sec. 14. Federal approval means approval by the Centers for Medicare and Medicaid Services.

Sec. 15. Federal funding means the federal medical assistance percentage for a state, including newly eligible

individuals as provided under section 1905(y)(1) of the federal Social Security Act, as amended, 42 U.S.C. 1396d(y)(1).

Sec. 16. Federal poverty level means the most recently revised poverty income guidelines published by the United States Department of Health and Human Services.

Sec. 17. Health benefit exchange or marketplace means the health benefit exchange established for the state under 42 U.S.C. 18031.

Sec. 18. Health insurance premium program means the program established by the department pursuant to section 1906 of the federal Social Security Act, as amended, 42 U.S.C. 1396e, to purchase employer-sponsored group health care coverage.

Sec. 19. Health home means a designated medical provider, including a medical provider that operates in coordination with a team of health care professionals, or a health care team selected by an eligible individual with chronic conditions to provide health home services.

Sec. 20. Health home services means comprehensive and timely high-quality health care services, including, but not limited to, comprehensive care management, care coordination and health promotion, comprehensive transitional care, including appropriate follow-up from inpatient to other settings, patient and family support, referral to community and social support services, if relevant, and use of health information technology to link services as feasible and appropriate.

Sec. 21. Household income means household income as determined using the modified adjusted gross income methodology

pursuant to section 2002 of the Affordable Care Act, 42 U.S.C. 1396a(e)(14).

Sec. 22. Managed care plan means a health benefit plan, including a closed plan or an open plan, that either (1) requires a covered person to use health care providers managed, owned, under contract with, or employed by the carrier offering the plan or (2) creates financial incentives to use health care providers managed, owned, under contract with, or employed by the carrier offering the plan by providing a more favorable deductible, coinsurance, or copayment level for a covered person.

Sec. 23. Managed care organization means a medical provider or a group or organization of medical providers who or which offers managed care plans and that is under contract with the department.

Sec. 24. Medicaid means the program paying all or part of the costs of care and services provided to an individual pursuant to Title XIX of the federal Social Security Act.

Sec. 25. Medically frail individual means an individual with a disabling mental disorder, with a serious and complex medical condition, or with physical or mental disabilities that significantly impair the individual's ability to perform one or more activities of daily living.

Sec. 26. Member means an eligible individual who is enrolled in the Wellness in Nebraska plan.

Sec. 27. Newly eligible or newly eligible individual means an individual who:

(1) Is defined under section 1902(a)(10)(A)(i)(VIII)

of the federal Social Security Act, as amended, 42 U.S.C. 1396a(a)(10)(A)(i)(VIII), for whom increased federal funding is provided for under section 1905(y)(2)(A) of the federal Social Security Act, as amended, 42 U.S.C. 1396d(y)(2)(A);

(2) Is a resident of Nebraska; and

(3) Satisfies all applicable federal income, citizenship, and immigration requirements.

Sec. 28. Participating accountable care organization means an accountable care organization approved by the department to participate in the Wellness in Nebraska plan provider network.

Sec. 29. Patient-centered medical home means a health care delivery model in which the patient establishes an ongoing relationship with a physician-directed team to provide comprehensive, accessible, and continuous evidence-based primary and preventive care services and to coordinate the patient's health care needs across the health care system to improve quality, safety, access, and health outcomes in a cost-effective manner.

Sec. 30. Physician-directed team means a physician and other health care professionals licensed, certified, or registered to perform specified health services, designated by the patient-centered medical home to supervise, coordinate, or provide initial care or continuing care to a covered person and who may be required by the patient-centered medical home to initiate a referral for specialty care and maintain supervision of health care services rendered to the covered person.

Sec. 31. Preventive care services means services provided to an individual to promote health, prevent disease, or diagnose

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disease.

Sec. 32. Primary care means the provision of integrated, accessible health care services by providers who are accountable for addressing a large majority of personal health care needs, developing sustained partnerships with patients, and practicing in the context of family and community. Primary care may include, but is not limited to, family practice, general practice, general internal medicine, general pediatrics, general surgery, obstetrics, gynecology, and psychiatry.

Sec. 33. Primary care provider means a physician or an advanced practice registered nurse licensed, certified, or registered to perform primary care services chosen by a member or to whom a member is assigned under the Wellness in Nebraska plan.

Sec. 34. Qualified health plan means a qualified health plan as defined in 42 U.S.C. 18021 that is available for purchase on the health benefit exchange.

Sec. 35. Value-based reimbursements means a payment methodology that links provider reimbursements to improved performance by health care providers by holding health care providers accountable for both the cost and quality of care provided.

Sec. 36. Wellness in Nebraska plan means: (1) WIN Marketplace Coverage which is the plan established under the Wellness in Nebraska Act to provide health care coverage through a medicaid expansion demonstration waiver to newly eligible individuals through health insurance premiums paid by the department to purchase qualified health plans on the health benefit

exchange or employer-sponsored insurance; and (2) WIN Medicaid Coverage which is health care coverage provided through a medicaid expansion demonstration waiver pursuant to the medical assistance program for newly eligible individuals (a) with incomes at or below one hundred percent of the federal poverty level or (b) with incomes at or below one hundred thirty-three percent of the federal poverty level who are medically frail individuals or who have exceptional medical conditions.

Sec. 37. Wrap-around benefits means benefits that are required to be provided by the medical assistance program established under the Medical Assistance Act pursuant to the terms of a state plan amendment or waiver but are not provided by a qualified health plan or employer-sponsored insurance.

Sec. 38. (1)(a) Not later than thirty days after the effective date of this act, the department shall apply for a state plan amendment for newly eligible individuals in accordance with section 1902(a)(10)(A)(i)(VIII) of the federal Social Security Act, as amended, 42 U.S.C. 1396a(a)(10)(A)(i)(VIII), for individuals who:

(i) Are nineteen years of age or older and under sixty-five years of age;

(ii) Are not pregnant;

(iii) Are not entitled to or enrolled in medicare benefits under part A or enrolled in medicare benefits under part B of Title XVIII of the federal Social Security Act, as amended, 42 U.S.C. 1395c et seq.;

(iv) Are not otherwise described in section

1902(a)(10)(A)(i) of the federal Social Security Act, as amended, 42 U.S.C. 1396a(a)(10)(A)(i);

(v) Are not exempt pursuant to section 1902(k)(3) of the federal Social Security Act, as amended, 42 U.S.C. 1396a(k)(3); and

(vi) Have household income as determined under 1902(e)(14) of the federal Social Security Act, as amended, 42 U.S.C. 1396a(e)(14), that is between zero and one hundred thirty-three percent of the federal poverty level, as defined in section 2110(c)(5) of the federal Social Security Act, as amended, 42 U.S.C. 1397jj(c)(5), for the applicable family size.

The state plan amendment under this subsection shall be in effect until the enactment of waivers implementing the Wellness in Nebraska Act by the Centers for Medicare and Medicaid Services.

(b) Newly eligible individuals pursuant to the state plan amendment shall be covered by a benchmark benefit package as defined in section 1937(b)(1) of the federal Social Security Act, 42 U.S.C. 1396u-7(b)(1), for Secretary-approved coverage. The state plan amendment shall include for newly eligible adults in Secretary-approved coverage: (i) All mandatory and optional coverage under section 68-911 for health care and related services in the amount, duration, and scope in effect on January 1, 2014; and (ii) any additional benefits as wrap-around benefits required by the Affordable Care Act not included under section 68-911.

(c) The federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, 42 U.S.C. 300gg-5, shall apply to the state plan amendment under subdivision (1)(a) of this section and the Wellness in Nebraska plan.

(2) The department, with oversight by the Wellness in Nebraska Oversight Committee, shall apply to the Centers for Medicare and Medicaid Services for any waivers or state plan amendments necessary to implement the Wellness in Nebraska plan beginning on January 1, 2015, or as soon after that date that the waivers are enacted. Discussion with the Centers for Medicare and Medicaid Services regarding the waiver application shall begin immediately after the effective date of this act. The Wellness in Nebraska plan waivers shall:

(a) Implement a premium assistance program to be known as WIN Marketplace Coverage, with coverage beginning January 1, 2015, or as soon after such date as waivers are enacted, to allow all newly eligible individuals with household incomes between one hundred and one hundred thirty-three percent of the federal poverty level who (i) do not have access to cost-effective employer-sponsored insurance, (ii) who are not determined to be medically frail individuals, and (iii) who do not have exceptional medical conditions to enroll in a qualified health plan offered on the health benefit exchange;

(b) Allow all newly eligible individuals who have access to employer-sponsored insurance to participate in the Wellness in Nebraska employer-sponsored insurance premium program if the department determines such participation to be cost effective to the state; and

(c) Implement WIN Medicaid Coverage to provide health care coverage through the medical assistance program established under the Medical Assistance Act for newly eligible individuals

with household incomes below one hundred percent of the federal poverty level and medically frail individuals and individuals with exceptional medical conditions with household incomes at or under one hundred thirty-three percent of the federal poverty level.

(3) A newly eligible individual may enroll and receive coverage under the Wellness in Nebraska plan if the individual: (a) Provides all information regarding residence, financial eligibility, citizenship, immigration status, and eligibility for and access to employer-sponsored health insurance and any other public or private health insurance as required by the department; and (b) is determined by the department to be eligible for participation in the Wellness in Nebraska plan.

Sec. 39. (1) Newly eligible individuals who do not have access to employer-sponsored insurance or for whom employer-sponsored insurance is not determined to be cost effective by the department shall be eligible for WIN Marketplace Coverage with coverage beginning January 1, 2015, or as soon thereafter as waivers are approved and implemented. WIN Marketplace Coverage shall allow all newly eligible individuals who have household incomes between one hundred and one hundred thirty-three percent of the federal poverty level, who are not determined to be medically frail individuals, and who do not have exceptional medical conditions to enroll in a qualified health plan offered on the health benefit exchange. For newly eligible individuals participating in WIN Marketplace Coverage, the department shall pay the full cost of the premium for purchase of a qualified health plan on the health benefit exchange, plus any co-payments,

co-insurance, and deductible. The department shall pay premiums on behalf of such individuals directly to the qualified health plan issuer.

(2) The qualified health plan shall be a high-value silver plan. WIN Marketplace Coverage shall seek to offer at least two qualified health plans from which newly eligible individuals may choose coverage.

(3) Coverage for a newly eligible individual determined to be eligible for coverage under WIN Marketplace Coverage is effective the first day of the month following the month of application for enrollment. If the individual is eligible for medicaid, the department shall provide coverage through medicaid from the date an individual applies until the enrollment in the qualified health plan becomes effective. The department shall provide for wrap-around benefits as required by the Centers for Medicare and Medicaid Services and section 68-911 that are not covered by the qualified health plan. Such benefits may include, but are not limited to, non-emergency transportation, early preventive screening, diagnosis, and treatment services for individuals under twenty-one years of age, and adult dental services. WIN Marketplace Coverage provider networks shall include federally qualified health centers and rural health clinics as essential community providers required pursuant to 42 U.S.C. 18031(c)(1)(C). WIN Marketplace Coverage beneficiaries shall have access to the same networks as other individuals with comparable coverage in the marketplace. There shall be no discrimination in network access for WIN participants.

(4) The department and the Wellness in Nebraska Oversight Committee shall develop policies for the purposes of minimizing the disruption of care and ensuring uninterrupted access to medically necessary services, providing continuous care for individuals moving between health insurance products, plans, and provisions and medicaid, and minimize churning between provider networks to provide seamless coverage transitions for enrollees.

(5) On January 1, 2015, or as soon thereafter as waivers are enacted by the Centers for Medicare and Medicaid Services, any qualified health plan that provides benefits under the WIN Marketplace Coverage shall ensure that all newly eligible individuals enrolled in the plan have access to a qualified, licensed primary care provider and, where available, are enrolled in a patient-centered medical home. All newly eligible individuals enrolled in the plan shall receive information on wellness activities that qualify an individual for exemption from monthly contributions, including the requirement that enrollees be scheduled within sixty days after enrollment for an initial appointment with a qualified licensed primary care provider.

(6) The department, with oversight by the Wellness in Nebraska Oversight Committee, shall develop measures to determine clinical outcomes to be attained by patient-centered medical home providers and quality health benchmarks that meet specified health improvement goals for newly eligible individuals. The department, with oversight by the committee, shall work with qualified health plan carriers to create value-based reimbursements.

Sec. 40. Newly eligible individuals who have access to

private employer-sponsored insurance on or after the effective date of this act, either directly as an employee or through another individual such as a spouse, dependent, or parent who is eligible, which employer-sponsored insurance meets the definition of minimum essential coverage under 26 U.S.C. 5000A(f), and any regulation adopted thereunder, and for which the employer pays no less than fifty percent of the total cost of the employee's coverage for such employer-sponsored insurance which the department has determined to be cost-effective, shall be eligible for the employer-sponsored insurance premium program. Premium payments shall be made by the department for the continued purchase of employer-sponsored insurance through the employer, including the employee's share of an employer-sponsored insurance premium plus any required cost-sharing, copayments, co-insurance, and deductible. For newly eligible individuals who have access to employer-sponsored insurance and participate in the employer-sponsored insurance program, the department shall provide for wrap-around benefits as required by the Centers for Medicare and Medicaid Services and section 68-911 that are not provided by the employer-sponsored insurance. Such benefits may include, but are not limited to, non-emergency transportation, early preventive screening, diagnosis, and treatment services for individuals under twenty-one years of age, and adult dental services.

Sec. 41. (1) Newly eligible individuals whose household income is below one hundred percent of the federal poverty level and individuals who are medically frail individuals or have exceptional medical conditions whose household income is below

one hundred and thirty-three percent of the federal poverty level shall be covered under WIN Medicaid Coverage with a benchmark benefit package as defined in section 1937(b)(1)(D) of the federal Social Security Act, as amended, 42 U.S.C. 1396u-7(b)(1)(D), for Secretary-approved coverage. The waiver application for WIN Medicaid Coverage shall include: (a) All mandatory and optional coverage under section 68-911 for health care and related services in the amount, duration, and scope in effect on January 1, 2014; and (b) any additional benefits as wrap-around benefits required by the Affordable Care Act not included in section 68-911. The Paul Wellstone and Pete Dominici Mental Health Parity and Addiction Equity Act of 2008, 42 U.S.C. 300gg-5, shall apply to WIN Medicaid Coverage.

(2) Any private managed care organization that provides health benefits under WIN Medicaid Coverage shall ensure that all newly eligible individuals have access to a qualified licensed primary care provider and, where available, are enrolled in a patient-centered medical home. The department shall require that all newly eligible individuals who enroll with a private managed care organization be scheduled within sixty days after enrollment by the managed care organization for an initial appointment with a qualified licensed primary care provider. The department, with oversight by the Wellness in Nebraska Oversight Committee, shall work with contracting private managed care organizations to create financial incentives for providers that meet health improvement goals for newly eligible individuals.

Sec. 42. (1) A goal of the Wellness in Nebraska Act is to

engage newly eligible participants and leverage the corresponding financial resources made available through the Affordable Care Act to assist in the transformation of Nebraska's health care system to quality patient-centered wellness, coordinated appropriate levels of care, and value-based reimbursement. Accordingly the Wellness in Nebraska plan waiver applications to the Centers for Medicare and Medicaid Services shall include health care innovations and integrated care models. The innovations and integrated care models shall deliver health care to newly eligible individuals through WIN Marketplace Coverage and WIN Medicaid Coverage with an emphasis on whole-person orientation and incorporating primary care systems. A foundational component of such innovations and integrated care models shall be participation in patient-centered medical homes. The Wellness in Nebraska plan shall include care delivery models that: (a) Integrate providers and incorporate financial incentives to improve patient health outcomes, improve care, and reduce costs; (b) integrate both clinical services and nonclinical community and social supports utilizing patient-centered medical homes and community care teams as basic components; and (c) incorporate into the integrated system safety net providers, including, but not limited to, federally qualified health centers, rural health clinics, community mental health centers, public hospitals, and other nonprofit and public providers, that have experience in caring for vulnerable populations.

(2) On January 1, 2015, or as soon thereafter as plan waivers are approved by the Centers for Medicare and Medicaid Services and implemented, the department under the Wellness in

Nebraska plan shall ensure that all newly eligible individuals have access to a qualified, licensed primary care provider and, where available, are enrolled in a patient-centered medical home. Upon enrollment, a member shall choose a primary care provider and where available, a patient-centered medical home. If the member does not choose a primary care provider or a patient-centered medical home, the department shall assign the member to a primary care provider and where available, a patient-centered medical home.

(3)(a) Beginning January 1, 2016, all newly eligible individuals enrolled in the Wellness in Nebraska plan shall be enrolled in a patient-centered medical home, where available.

(b) If patient-centered medical homes are not available for all WIN Marketplace Coverage and WIN Medicaid Coverage enrollees by January 1, 2016, the department, with oversight by the Wellness in Nebraska Oversight Committee, shall develop plans for increasing patient-centered medical homes or alternative integrated care models and pilot projects that may include accountable care organizations, health homes, community homes, community care organizations, physician-hospital organizations, accountable care communities, or other innovative, integrated care models that include coordinated, team-based patient-centered care.

(c) The plans shall include health homes, including, but not be limited to, the health home pilot programs described in section 43 of this act. In developing the plans, the department and the Wellness in Nebraska Oversight Committee shall engage Nebraska health care entities, stakeholders, providers, managed care organizations, health insurance carriers, and other interested

parties. The plans shall take into consideration existing patient-centered medical home programs currently operating or under development.

(4) Accountable care organizations shall incorporate patient-centered medical homes as a foundation and shall emphasize whole-person orientation and coordination and integration of both clinical services and nonclinical community and social supports that address social determinants of health. A participating accountable care organization shall enter into a contract with the department directly, with a plan provider, or through a managed care organization under contract with the department to ensure the coordination and management of the health of its members, to produce quality health care outcomes, and to control overall costs.

(5) The department shall work with participating managed care organizations or other health care entities providing patient-centered medical homes to create value-based reimbursements.

(6) The Wellness in Nebraska Oversight Committee shall work with a broad representation of health care stakeholders to research and recommend appropriate and timely strategies for promoting health quality and containing health care costs. Such recommendations shall include: (a) A proposal for patient-centered medical home certification in Nebraska. In developing the proposal, the committee shall include, but not be limited to, a review of national patient-centered medical home certification and accreditation entities' standards and the preliminary outcomes of the medical home pilot program pursuant to the Medical Home

Pilot Program Act and the multipayer patient-centered medical home participation agreement between commercial insurers and medicaid managed care plans in Nebraska executed in 2014; and (b) a proposal for a position of Coordinator of Medicaid Quality Improvement and Cost Analysis which would be within the Division of Medicaid and Long-Term Care of the department. The ability to make decisions regarding appropriate improvement in health care delivery is often hampered by the lack of good information on the outcome of current programs and practices. The committee shall review whether improvement of Nebraska health care may be aided through creation of the position of Coordinator of Medicaid Quality Improvement and Cost Analysis whose responsibilities may include, but need not be limited to, health care analytics of quality improvement measures, establishing metrics and base lines for program design, analyzing health care trends, and planning and organizing data collection protocols. The committee shall report on the recommendations for patient-centered medical home certification and accreditation and a proposal relating to a Coordinator of Medicaid Quality Improvement and Cost Analysis by December 1, 2015.

Sec. 43. (1) The waiver applications required pursuant to the Wellness in Nebraska plan shall include a plan developed by the department, with oversight by the Wellness in Nebraska Oversight Committee, for a pilot program for each managed care organization contracting with the department to develop at least three health homes for newly eligible individuals who are medically frail individuals or have exceptional medical conditions. Such health homes shall provide intensive care management and patient

navigation services for such individuals. Health homes shall have designated providers operating under a whole-person approach to care within a culture of continuous quality improvement. Health homes shall use a multidisciplinary team of medical, mental health, and substance abuse treatment providers, social workers, nurses, and other care providers led by a dedicated care manager who assures that participating members receive needed medical, behavioral, and social services through a single integrated care entity. Such entity shall be headed by a primary care provider who shall lead such multidisciplinary team which shall collectively take responsibility for the ongoing health care and health-related needs of patients. The primary care provider shall be responsible for providing for all of a patient's health-related needs or shall take responsibility for appropriately arranging for health-related services provided by other qualified health care professionals and providers of medical and nonmedical health-related services. Such responsibility includes, but is not limited to, health-related care at all stages of life, including, but not limited to, preventive care services, acute care, chronic care, long-term care, transitional care between providers and settings, and end-of-life care. The responsibility includes whole-person care consisting of physical health care, including but not limited to oral, vision, and specialty care, pharmacy management, and behavioral health care. Care shall be coordinated and integrated across all elements of the health care system and the participant's community.

(2) Health homes which are part of the pilot program shall provide comprehensive care coordination and health promotion;

access to primary and specialty services coordinated with physical health, behavioral health services, substance-abuse services, HIV/AIDS treatment, housing, social services, comprehensive transitional care from hospital or prison to the community, patient and family support, referral to community and social support services, and use of health information technology to link services. A health home shall: (a) Connect under a single point of accountability; (b) have a referral relationship with one or more hospital systems; (c) cover physical and behavioral health; and (d) utilize community-based organizations for care and housing providers.

(3) The department shall work with participating managed care organizations or other health care entities participating in the pilot program to create value-based reimbursements.

Sec. 44. (1) By January 1, 2016, the department, in conjunction with the Wellness in Nebraska Oversight Committee, shall recommend a reimbursement methodology and incentives for participation in the patient-centered medical home and health home systems to ensure that providers enter into and continue participating in the systems. In developing the recommendations for incentives, the department shall consider, at a minimum, providing incentives to promote wellness, prevention, chronic care management, immunizations, health care management, and the use of electronic health records. In developing the recommendations for the reimbursement system, the department shall analyze, at a minimum, the feasibility of all of the following:

(a) Reimbursement to promote wellness and prevention and

to provide care coordination and chronic care management;

(b) Increasing reimbursement to medicare levels for certain wellness and prevention services, chronic care management, and immunizations;

(c) Providing reimbursement for primary care services by addressing the disparities between reimbursement for specialty services and for primary care services;

(d) Increasing funding for efforts to transform medical practices into certified patient-centered medical homes, including emphasizing the use of electronic health records;

(e) Targeting reimbursement to providers linked to health care quality improvement measures established by the department;

(f) Reimbursement for specified ancillary support services, such as transportation for medical appointments and other similar types of services;

(g) Reimbursement for medication reconciliation and medication therapy management service, where appropriate; and

(h) Developing quality performance standards. In developing such standards, the department and the committee shall consider various standards, including, but not limited to, the quality index score, the medicare shared savings program quality reporting metrics, and the uniform data set.

(2) The department, with oversight by the Wellness in Nebraska Oversight Committee, shall also recommend payment models for accountable care organizations by January 1, 2016, that include, but are not limited to, risk sharing, including both shared savings and shared costs, between the state and the

participating accountable care organization and bonus payments for improved quality. Contract terms may require that a participating accountable care organization be subject to shared savings beginning in the initial year of the contract, have quality metrics in place within three years after the initial year of the contract, and participate in risk sharing within five years after the initial year of the contract.

Sec. 45. (1) The waiver applications required pursuant to the Wellness in Nebraska Act shall include provisions for incentives to encourage development of cost-conscious consumer behavior in consumption of health care services and to improve the use of preventive care services. The Legislature finds that monthly payments provide members with (a) financial predictability and certainty, (b) an incentive to actively seek preventive care services and engage in healthy behaviors that may earn an exemption from monthly contributions, and (c) consistent program policies to prepare them to transition to coverage on the exchange if their income increases above one hundred thirty-three percent of the federal poverty level.

(2)(a) Beginning January 1, 2016, members with incomes at or about fifty percent of the federal poverty level who are enrolled in WIN Marketplace Coverage or WIN Medicaid Coverage, except medically frail individuals or individuals with exceptional medical conditions, shall contribute two percent of their monthly income to the program under which they receive coverage. If a member completes required preventive care services and wellness activities described in subsection (3) of this section during

the initial year of membership, the monthly contributions shall be waived during each subsequent year until the member fails to complete such required preventive care services and wellness activities specified during the prior annual membership period.

(b) To remove barriers to health care, newly eligible participants shall have no copays other than those imposed for inappropriate utilization of a hospital emergency department. The department and the Wellness in Nebraska Oversight Committee, in accordance with guidance from the Centers for Medicare and Medicaid Services, shall develop a policy regarding what constitutes inappropriate utilization of a hospital emergency department and any cost sharing required by enrollees as a result of such policy.

(c) The total of monthly contributions plus cost sharing each quarter shall be limited to one quarter of five percent of the yearly income of the member. The policy shall include guidelines for hardship exemptions from monthly contributions and cost sharing by members.

(3) Preventive care services and wellness activities shall include, but are not limited to, an annual physical and completion of an approved health risk assessment to identify unhealthy characteristics, including chronic disease, alcohol use, substance use disorders, tobacco use, and obesity and immunization status. Future requirements may include additional preventive care services, health promotion, and disease management as determined by the department and the committee.

Sec. 46. Eligibility for coverage under the Wellness in Nebraska Act is a qualifying event under the federal Health

Insurance Portability and Accountability Act of 1996, Public Law 104-191. Services that are otherwise covered through the Wellness in Nebraska plan shall not be excluded from coverage because they are ordered by a court or required as a condition of probation or parole. Following initial enrollment, a member is eligible for covered benefits for twelve months, subject to program termination and other limitations specified by the department. The department shall review each member's eligibility annually. Every newly eligible individual who applies for coverage under the Wellness in Nebraska Act shall at the time of enrollment acknowledge in writing that he or she has received written information stating that coverage under the Wellness in Nebraska Act is subject to cancellation pursuant to section 49 of this act upon notice thereof to the enrollee.

Sec. 47. The department shall include in its applications for waivers required by the Wellness in Nebraska Act a plan for evaluations. The plan may include whether:

(1) WIN Marketplace Coverage participants will have greater access to health care providers than WIN Medicaid Coverage participants due to increased reimbursement provided by a qualified health plan;

(2) WIN Marketplace Coverage participants have greater access to health care providers than persons insured by private qualified health plans, due to the increased focus on primary care delivery through patient-centered medical homes;

(3) The WIN Marketplace Coverage option for newly eligible individuals with higher incomes will result in lower

administrative costs attributable to the medical assistance program;

(4) The focus pursuant to WIN Marketplace Coverage on primary care and patient-centered medical homes results in improved outcomes and cost containment compared to other private qualified health plan participants;

(5) WIN Marketplace Coverage members will experience fewer gaps in insurance coverage and maintain continuous access to the same qualified health plan and providers than persons covered by medicaid;

(6) Provision of premium assistance for qualified health plans on the health benefit exchange, resulting in more medicaid recipients in the health benefit exchange will increase competition in the private market, resulting in lower costs for all Nebraskans participating in the health benefit exchange;

(7) The incentive program that reduces cost sharing in subsequent years results in increased preventive care services and other disease prevention and health promotion activities;

(8) The incentive program that reduces cost sharing results in lower health care costs and improved health outcomes for participants under the Wellness in Nebraska Act;

(9) The copayment requirement for overutilization of hospital emergency departments decreases the non-emergency use of the emergency department;

(10) Limiting WIN Marketplace Coverage and WIN Medicaid Coverage participation to only individuals without access to employer-sponsored insurance keeps people on their private

employer-sponsored insurance;

(11) Offering newly-eligible individuals coverage under the Wellness in Nebraska plan offers low-income newly eligible individuals an opportunity to assure access to a primary care provider, emphasizes preventive care services, and encourages the appropriate utilization of services in the most cost-effective manner;

(12) Increased financing available through the Affordable Care Act allows for innovation and implementation of new health care delivery systems to promote coordinated care, managed care, and the development of accountable care organizations, resulting in higher quality and lower premium costs;

(13) The health care delivery systems provided to the newly eligible individuals through the innovative and integrated care plans increase positive health outcomes and translate to improved value and health;

(14) Value-based payment models developed pursuant to the Wellness in Nebraska Act are effective in promoting increased quality and controlling costs in comparison to fee-for-service reimbursement and capitation payment models;

(15) Financial participation through monthly contributions for WIN Marketplace Coverage and WIN Medicaid Coverage rather than copayments results in more consistent financial responsibility and compliance; and

(16) There is any difference between newly eligible individuals who receive incentives for exemption from monthly contributions compared to traditional medicaid beneficiaries who

make copayments when participants move from medicaid to private qualified health plans with respect to members fulfilling their financial responsibilities and cooperating in healthy behaviors.

Sec. 48. (1) The Wellness in Nebraska Oversight Committee is created as a special legislative committee. The committee shall consist of nine members of the Legislature appointed by the Executive Board of the Legislative Council as follows: (a) The chairperson of the Health and Human Services Committee of the Legislature who shall serve as chairperson of the Wellness in Nebraska Oversight Committee; (b) two members of the Health and Human Services Committee of the Legislature, (b) two members of the Appropriations Committee of the Legislature, (c) two members of the Banking, Commerce and Insurance Committee of the Legislature, and (d) two members of the Legislature who are not members of such committees. The executive board shall appoint members of the Wellness in Nebraska Oversight Committee no later than thirty days after the effective date of this act.

(2) The Wellness in Nebraska Oversight Committee shall oversee and monitor the Wellness in Nebraska Act, including, but not limited to, reviewing information from the department, participating with the department in negotiations with the Centers for Medicare and Medicaid Services regarding medicaid waiver applications, and providing recommendations to the department to implement the act.

(3) The committee shall meet at least quarterly with representatives of the department, including, but not limited to, the Director of Medicaid and Long-Term Care of the Division of

Medicaid and Long-term Care of the department, with the Director of Insurance, and other interested parties. The committee may meet at other times at the call of the chairperson.

(4) The committee may hire a consultant with training and expertise in health care system innovation and medicaid, preferably including specialized knowledge and experience in the process of applying and negotiating medicaid waivers.

(5) The committee may utilize individuals and organize work groups who or which may include stakeholders, health care providers, public and private insurers, health care delivery organizations, specialty societies, professional and higher education entities, and consumers to provide information, expertise, and recommendations on Nebraska's health care system to the committee in furtherance of its duties.

(6) The Department of Health and Human Services and the Department of Insurance shall provide the committee with any reports, data, analysis, including actuarial data and reports, or other information which the departments utilize for implementing the act. The department, with the involvement of the committee, shall contract for an actuarial study to provide analysis for the application of the waivers to enact the Wellness in Nebraska Act. The analysis shall include participation data, cost estimates, and any other information required by the Centers for Medicare and Medicaid Services for waiver applications under the act.

Sec. 49. (1) If federal funding under the Affordable Care Act falls below ninety percent, the Legislature in the first regular legislative session following such reduction in federal

funding shall review the Wellness in Nebraska Act to determine how to mitigate the impact on state expenditures and review health coverage options available for persons receiving coverage under the Wellness in Nebraska Act.

(2) If the Centers for Medicare and Medicaid Services do not approve the application for a waiver to establish WIN Marketplace Coverage, all newly eligible individuals who would have participated in WIN Marketplace Coverage pursuant to subdivision (2)(a) of section 38 of this act shall be covered under WIN Medicaid Coverage pursuant to subdivision (2)(c) of section 38 of this act and section 41 of this act.

Sec. 50. The department shall adopt and promulgate rules and regulations to carry out the Wellness in Nebraska Act.

Sec. 51. Section 44-4225, Revised Statutes Cumulative Supplement, 2012, is amended to read:

44-4225 (1) Following the close of each calendar year, the board shall report the board's determination of the paid and incurred losses for the year, taking into account investment income and other appropriate gains and losses. The board shall distribute copies of the report to the director, the Governor, and each member of the Legislature. The report submitted to each member of the Legislature shall be submitted electronically.

(2) The Comprehensive Health Insurance Pool Distributive Fund is created. Commencing with the premium and related retaliatory taxes for the taxable year ending December 31, 2001, and for each taxable year thereafter, any premium and related retaliatory taxes imposed by section 44-150 or 77-908

paid by insurers writing health insurance in this state, except as otherwise set forth in subdivisions (1) and (2) of section 77-912, shall be remitted to the State Treasurer for credit to the fund. The fund shall be used for the operation of and payment of claims made against the pool. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(3) The board shall make periodic estimates of the amount needed from the fund for payment of losses resulting from claims, including a reasonable reserve, and administrative, organizational, and interim operating expenses and shall notify the director of the amount needed and the justification of the board for the request.

(4) The director shall approve all withdrawals from the fund and may determine when and in what amount any additional withdrawals may be necessary from the fund to assure the continuing financial stability of the pool.

(5)(a) No later than May 1~~, 2002, and each May 1 thereafter,~~ in 2014 and 2015, after funding of the net loss from operation of the pool for the prior premium and related retaliatory tax year, taking into account the policyholder premiums, account investment income, claims, costs of operation, and other appropriate gains and losses, the director shall transmit any money remaining in the fund as directed by section 77-912, disregarding the provisions of subdivisions (1) through (3) of such section. Interest earned on money in the fund prior to May 1, 2015, shall be credited proportionately in the same manner as premium and

related retaliatory taxes set forth in section 77-912.

(b) No later than May 1, 2016, and each May 1 thereafter, after funding of the net loss from operation of the pool for the prior premium and related retaliatory tax year, taking into account the policyholder premiums, account investment income, claims, costs of operation, and other appropriate gains and losses, the director shall transmit any money remaining in the fund to the State Treasurer for credit to the various funds as follows:

(i) Fifty percent of the money remaining to the Insurance Tax Fund;

(ii) Sixteen and one-half percent of the money remaining to the General Fund;

(iii) Twenty-three and one-half percent of the money remaining to the Health Care Access and Support Fund; and

(iv) Ten percent of the money remaining to the Mutual Finance Assistance Fund.

(6) Interest earned on money in the Comprehensive Health Insurance Pool Distributive Fund beginning May 1, 2015, shall be credited proportionately in the same manner as provided in subdivision (5)(b) of this section.

Sec. 52. Section 68-901, Revised Statutes Cumulative Supplement, 2012, is amended to read:

68-901 Sections 68-901 to 68-974 and section 53 of this act shall be known and may be cited as the Medical Assistance Act.

Sec. 53. The Health Care Access and Support Fund is created. The fund shall be used to support the medical assistance program under the Wellness in Nebraska Act, including participants

pursuant to the state plan amendment and all waivers granted by the Centers for Medicare and Medicaid Services. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Any unexpended balance remaining in the fund at the close of the biennium shall be reappropriated for the succeeding biennium.

Sec. 54. Section 68-906, Revised Statutes Cumulative Supplement, 2012, is amended to read:

68-906 For purposes of paying medical assistance under the Medical Assistance Act and sections 68-1002 and 68-1006, the State of Nebraska accepts and assents to all applicable provisions of Title XIX and Title XXI of the federal Social Security Act. Any reference in the Medical Assistance Act to the federal Social Security Act or other acts or sections of federal law shall be to such federal acts or sections as they existed on January 1, ~~2010.~~ 2014.

Sec. 55. Original sections 44-4225, 68-901, and 68-906, Revised Statutes Cumulative Supplement, 2012, are repealed.

Sec. 56. Since an emergency exists, this act takes effect when passed and approved according to law.