

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 261

Introduced by Gloor, 35.

Read first time January 16, 2013

Committee: Health and Human Services

A BILL

- 1 FOR AN ACT relating to public health and welfare; to adopt the
- 2 Medicaid Insurance for Workers with Disabilities Act; and
- 3 to create an advisory committee.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 6 of this act shall be known and
2 may be cited as the Medicaid Insurance for Workers with Disabilities
3 Act.

4 Sec. 2. The Legislature finds and declares that:

5 (1) The federal Ticket to Work and Work Incentives
6 Improvement Act of 1999, updated in 2008, is designed to provide
7 clear criteria for Social Security Disability Insurance and
8 Supplemental Security Income beneficiaries to remove employment
9 disincentives and to support their financial independence through
10 work; and

11 (2) Updating Nebraska's current Medicaid Insurance for
12 Workers with Disabilities program to utilize the federal Ticket to
13 Work and Work Incentives Act of 1999 would encourage the following
14 stated purposes of the federal act: (a) To provide health care and
15 employment services to individuals with disabilities that will enable
16 those individuals to reduce their dependency on cash benefit
17 programs; and (b) to encourage states to adopt the option of allowing
18 individuals with disabilities to purchase medicaid coverage that is
19 necessary to enable such individuals to maintain employment.

20 Sec. 3. For purposes of the Medicaid Insurance for
21 Workers with Disabilities Act:

22 (1) Department means the Department of Health and Human
23 Services;

24 (2) Employed individual with a medically improved
25 condition means a person who (a) is at least sixteen but less than

1 sixty-five years of age, (b) ceases to be eligible for medical
2 assistance under the medical assistance program established in
3 section 68-903 because the individual, by reason of medical
4 improvement, is determined at the time of a disability determination
5 service or regularly scheduled continuing disability review to no
6 longer be eligible for benefits, (c) continues to have a severe
7 medically determinable impairment, and (d)(i) is earning at least the
8 applicable minimum wage and working at least forty hours per month or
9 (ii) is engaged in a work effort that meets substantial and
10 reasonable threshold criteria for hours of work, wages, or other
11 measures; and

12 (3) Person with a disability who is employed means a
13 person who is at least sixteen years of age but less than sixty-five
14 years of age and who (a) is disabled under 42 U.S.C., as it existed
15 on January 1, 2013, or (b) has been determined to be disabled by the
16 department.

17 Sec. 4. (1) Medical assistance from the medical
18 assistance program established in section 68-903 shall continue to be
19 paid on behalf of a person with a disability who is employed,
20 including an employed individual with a medically improved condition,
21 whose countable family income is less than two-hundred-fifty percent
22 of the Office of Management and Budget income poverty guideline for
23 the size of family involved. Countable family income shall equal the
24 sum of all unearned and earned income minus the allowable standard
25 Supplemental Security Income Exclusions as specified in 42 U.S.C.

1 1382a, as it existed on January 1, 2013, and, if the participant is
2 in a designated trial work period or extended period of eligibility,
3 minus his or her Social Security Disability Insurance unearned
4 income. Allowable assets limits shall be determined by counting the
5 number of individuals in the family, with limits of (a) ten thousand
6 dollars for a family of one, (b) fifteen thousand dollars for a
7 family of two, and (c) fifteen thousand dollars for a family of three
8 plus an additional twenty-five dollars per additional individual. All
9 assets and resources specified in 42 U.S.C. 1382b, as it existed on
10 January 1, 2013, and eligible retirement accounts shall not be
11 considered as part of these allowable asset limits.

12 (2) Such recipients of medical assistance whose countable
13 family income is one hundred percent or more of the income poverty
14 guideline may be required to pay a premium in an amount established
15 by the department in rules and regulations using a sliding-fee or
16 tiered-fee approach, but the premium shall not exceed seven percent
17 of the recipient family's countable unearned income plus three
18 percent of the recipient family's countable earned income.

19 (3) Such recipients of medical assistance who
20 subsequently lose employment shall be able to continue to be eligible
21 for medical assistance for up to six months if (a) they demonstrate
22 that they are (i) currently looking for employment if the loss of
23 employment was due to involuntary job loss or (ii) unfit to work
24 because of a medical necessity and (b) they continue to pay any
25 premiums as required in subsection (2) of this section.

1 Sec. 5. In order to increase the utilization and
2 effectiveness of the program under section 4 of this act, the
3 department shall:

4 (1) Provide education and training about the program to
5 all appropriate staff of the department;

6 (2) Conduct outreach and education about the availability
7 and benefits of the program focused on the populations that can
8 benefit from the program;

9 (3) Submit a report to the Legislature and Governor, on a
10 biennial basis, to show the effectiveness of the program. The report
11 shall contain the following information: (a) The number of
12 individuals enrolled in the program, (b) demographic information
13 about the recipients, including age, gender, disability type,
14 ethnicity, educational level, county of residence, Title II or Title
15 XVI eligibility, earned income, and amount of premium payment, (c)
16 internal and external educational activities about the availability
17 and purpose of the program, (d) outreach activities to increase the
18 utilization of the program, (e) the costs and benefits of the medical
19 assistance provided pursuant to section 4 of this act, and (f) the
20 number of people who are classified as medically needy, and specific
21 goals as to how to increase participation in the program; and

22 (4) Develop a plan to designate nonprofit employment
23 networks that have benefit specialists, to work as work-incentive
24 specialists, as specified in 42 U.S.C. 1320b-20, as it existed on
25 January 1, 2013. The benefit specialists shall work with program

1 participants and potential program participants to (a) meet the
2 stated purpose of the Medicaid Insurance for Workers with
3 Disabilities Act, (b) increase participation in the program, and (c)
4 achieve greater self sufficiency.

5 Sec. 6. The department may adopt and promulgate rules and
6 regulations to carry out the Medicaid Insurance for Workers with
7 Disabilities Act.