

LEGISLATIVE BILL 994A

Approved by the Governor April 15, 2014

Introduced by Campbell, 25.

FOR AN ACT relating to appropriations; to amend section 26, Legislative Bill 905, One Hundred Third Legislature, Second Session, 2014, and Laws 2013, LB195, sections 92 and 103, as amended by sections 57 and 60, respectively, Legislative Bill 905, One Hundred Third Legislature, Second Session, 2014; to appropriate funds to aid in carrying out the provisions of Legislative Bill 994, One Hundred Third Legislature, Second Session, 2014; to change provisions relating to appropriations to the Department of Health and Human Services; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. There is hereby appropriated (1) \$487,484 from the Health and Human Services Cash Fund for FY2014-15 and (2) \$503,462 from the Health and Human Services Cash Fund for FY2015-16 to the Department of Health and Human Services, for Program 33, to aid in carrying out the provisions of Legislative Bill 994, One Hundred Third Legislature, Second Session, 2014.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 2. Section 26, Legislative Bill 905, One Hundred Third Legislature, Second Session, 2014, is amended to read:

Sec. 26. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN SERVICES
Program No. 33 - Administration

	FY2013-14	FY2014-15
GENERAL FUND	-0-	154,910
<u>GENERAL FUND</u>	<u>-0-</u>	<u>654,910</u>
CASH FUND	-0-	500,000
FEDERAL FUND est.	-0-	177,090
PROGRAM TOTAL	-0-	832,000
SALARY LIMIT	-0-	335,722

There is included in the appropriations to this program made by the One Hundred Third Legislature, First and Second Sessions, for FY2013-14 \$500,000 General Funds for the electronic records initiative, which shall only be used for such purpose. There is included in the appropriations to this program made by the One Hundred Third Legislature, First and Second Sessions, for FY2014-15 ~~\$500,000~~ \$1,000,000 General Funds and ~~\$500,000~~ Cash Funds from the Health and Human Services Cash Fund for the electronic records initiative, which shall only be used for such purpose.

There is included in the appropriations to this program made by the One Hundred Third Legislature, First and Second Sessions, for FY2013-14 \$300,000 Cash Funds from the Health and Human Services Cash Fund for vital records.

It is the intent of the Legislature that the Department of Health and Human Services shall provide quarterly status reports electronically as the Request for Proposal (RFP) is being developed for the Medicaid Medical Information System (MMIS) as authorized in the appropriations to this program. The department shall provide a report electronically to the Legislature specifying the criteria utilized for the RFP for the MMIS replacement contract prior to the release of the RFP. The criteria shall include, but not be limited to, the successful completion of MMIS projects in other states and quality ongoing customer services provided during implementation of the project. The department shall evaluate utilizing an independent consultant to develop the MMIS RFP and evaluate respondents thereto in order to maximize specific technical expertise in this regard and to minimize political considerations. Upon awarding of the contract, the department shall provide electronically to the Legislature all documentation submitted by the entity that was awarded the contract.

Sec. 3. Laws 2013, LB195, section 92, as amended by section 57, Legislative Bill 905, One Hundred Third Legislature, Second Session, 2014, is amended to read:

Sec. 92. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES
 Program No. 32 - Medicaid Prescription Drug Act Administration

	FY2013-14	FY2014-15
GENERAL FUND	473,700	476,050
FEDERAL FUND est.	473,698	476,048
PROGRAM TOTAL	947,398	952,098
SALARY LIMIT	352,093	355,382

The unexpended General Fund appropriation balance existing on June 30, 2013, less \$500,000 is hereby reappropriated.

Sec. 4. Laws 2013, LB195, section 103, as amended by section 60, Legislative Bill 905, One Hundred Third Legislature, Second Session, 2014, is amended to read:

Sec. 103. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES
 Program No. 348 - Medical Assistance

	FY2013-14	FY2014-15
GENERAL FUND	703,688,424	775,093,326
CASH FUND	41,081,662	46,381,662
FEDERAL FUND est.	1,104,116,011	1,163,014,792
PROGRAM TOTAL	1,848,886,097	1,984,489,780

There is included in the appropriation to this program for FY2013-14 \$703,688,424 General Funds, \$41,081,662 Cash Funds, and \$1,104,116,011 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2014-15 \$775,093,326 General Funds, \$46,381,662 Cash Funds, and \$1,163,014,792 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the appropriation to this program for FY2013-14 \$4,765,896 Cash Funds for state aid for the continuation of the behavioral health provider rate increase and behavioral health provider rate increase for managed care, inpatient services, and residential treatment services provided with funds from the Nebraska Health Care Cash Fund. There is included in the appropriation to this program for FY2014-15 \$4,765,896 Cash Funds for state aid for the continuation of the behavioral health provider rate increase and behavioral health provider rate increase for managed care, inpatient services, and residential treatment services provided with funds from the Nebraska Health Care Cash Fund.

There is included in the appropriation to this program for FY2013-14 \$450,000 Cash Funds from the Nebraska Health Care Cash Fund for a state plan amendment covering tobacco-use cessation in compliance with Title XIX of the federal Social Security Act. There is included in the appropriation to this program for FY2014-15 \$450,000 Cash Funds from the Nebraska Health Care Cash Fund for a state plan amendment covering tobacco-use cessation in compliance with Title XIX of the federal Social Security Act. The smoking cessation funding for FY2013-14 and FY2014-15 is for the costs of tobacco-use cessation counseling and tobacco-use cessation pharmaceuticals approved by the federal Food and Drug Administration for such purpose.

The Department of Health and Human Services shall send to the Appropriations Committee of the Legislature the quarterly network access report from the behavioral health managed care provider as required by the contract. Additionally, on October 1, January 1, April 1, and July 1 of each year, the department shall report such rates of initial service authorizations, reauthorizations subsequent to initial service authorizations, and denials for behavioral health services broken out by the following age groups: Children under the age of 19; adults ages 19 to 64; and adults age 65 and older. The reports required to be submitted to the Appropriations Committee of the Legislature by this section shall be submitted electronically.

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

There is included in the appropriation to this program for FY2014-15

\$7,700,000 Cash Funds from funds transferred from the University of Nebraska Medical Center and an estimated \$9,200,000 federal funds for supplemental payments to the ~~University of~~ Nebraska Medical Center. The payments are allowed pending the approval of a Medicaid State Plan Amendment by the Centers for Medicare and Medicaid.

There is included in the appropriation to this program for FY2014-15 \$2,400,000 Cash Funds from the Health and Human Services Cash Fund (Fund 22555) for FY2014-15.

Sec. 5. Original section 26, Legislative Bill 905, One Hundred Third Legislature, Second Session, 2014, and Laws 2013, LB195, sections 92 and 103, as amended by sections 57 and 60, respectively, Legislative Bill 905, One Hundred Third Legislature, Second Session, 2014, are repealed.

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