

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 869

Introduced by Crawford, 45.

Read first time January 11, 2016

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Medical Assistance Act; to amend
- 2 section 68-901, Revised Statutes Supplement, 2015; to require that
- 3 certain providers be subject to a national criminal history record
- 4 information check as prescribed; to harmonize provisions; to repeal
- 5 the original section; and to declare an emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-901, Revised Statutes Supplement, 2015, is
2 amended to read:

3 68-901 Sections 68-901 to 68-975 and section 2 of this act shall be
4 known and may be cited as the Medical Assistance Act.

5 Sec. 2. (1)(a) Any provider with a high categorical risk level as
6 determined by the Centers for Medicare and Medicaid Services or the
7 medicaid assistance program established pursuant to the Medical
8 Assistance Act shall be subject to a fingerprint-based criminal history
9 record information check.

10 (b) Such provider who is an individual, or any individual with at
11 least a five percent direct or indirect ownership interest in any such
12 provider, shall provide his or her fingerprints to the Nebraska State
13 Patrol. The Nebraska State Patrol shall undertake a search for
14 fingerprint-based criminal history record information relating to such
15 provider, including transmittal of the fingerprints to the Federal Bureau
16 of Investigation for a national fingerprint-based criminal history record
17 information check.

18 (c) The fingerprint-based criminal history record information check
19 shall include information concerning the provider from federal
20 repositories of such information and repositories of such information in
21 other states, if authorized by federal law.

22 (d) The Nebraska State Patrol shall issue a report to the department
23 that includes the fingerprint-based criminal history record information
24 concerning the provider.

25 (e) The provider or individual being screened shall pay the actual
26 cost of the fingerprinting and fingerprint-based criminal history record
27 information check.

28 (2) The department shall maintain a record of the results of the
29 fingerprint-based criminal history record information check.

30 (3) The department may deny or terminate the enrollment of:

31 (a) Any provider who is an individual who does not pass the national

1 fingerprint-based criminal history record information check; or

2 (b) Any provider in which an individual with at least a five percent
3 direct or indirect ownership interest in the provider does not pass the
4 national fingerprint-based criminal history record information check.
5 Criteria for not passing the fingerprint-based criminal history record
6 information check includes at least the following: (i) Any criminal
7 conviction within the last ten years related to the provider's
8 involvement with the federal Health Insurance for the Aged Act, 42 U.S.C.
9 1305 et seq., any program or assistance set forth in Chapter 68, or the
10 federal Children's Health Insurance Program established pursuant to 42
11 U.S.C. 1397aa, as such act, laws, and section existed on January 1, 2016;
12 or (ii) any conviction involving fraudulent activities.

13 Sec. 3. Original section 68-901, Revised Statutes Supplement, 2015,
14 is repealed.

15 Sec. 4. Since an emergency exists, this act takes effect when
16 passed and approved according to law.