

LEGISLATIVE BILL 323

Approved by the Governor August 17, 2020

Introduced by Crawford, 45; Linehan, 39; Blood, 3.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-915, Revised Statutes Supplement, 2019; to change eligibility requirements for certain disabled persons; to provide an operative date; and to repeal the original section.

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

Section 1. Section 68-915, Revised Statutes Supplement, 2019, is amended to read:

68-915 The following persons shall be eligible for medical assistance:

- (1) Dependent children as defined in section 43-504;
- (2) Aged, blind, and disabled persons as defined in sections 68-1002 to 68-1005;
- (3) Children under nineteen years of age who are eligible under section 1905(a)(i) of the federal Social Security Act;
- (4) Persons who are presumptively eligible as allowed under sections 1920 and 1920B of the federal Social Security Act;
- (5) Children under nineteen years of age with a family income equal to or less than two hundred percent of the Office of Management and Budget income poverty guideline, as allowed under Title XIX and Title XXI of the federal Social Security Act, without regard to resources, and pregnant women with a family income equal to or less than one hundred eighty-five percent of the Office of Management and Budget income poverty guideline, as allowed under Title XIX and Title XXI of the federal Social Security Act, without regard to resources. Children described in this subdivision and subdivision (6) of this section shall remain eligible for six consecutive months from the date of initial eligibility prior to redetermination of eligibility. The department may review eligibility monthly thereafter pursuant to rules and regulations adopted and promulgated by the department. The department may determine upon such review that a child is ineligible for medical assistance if such child no longer meets eligibility standards established by the department;
- (6) For purposes of Title XIX of the federal Social Security Act as provided in subdivision (5) of this section, children with a family income as follows:
 - (a) Equal to or less than one hundred fifty percent of the Office of Management and Budget income poverty guideline with eligible children one year of age or younger;
 - (b) Equal to or less than one hundred thirty-three percent of the Office of Management and Budget income poverty guideline with eligible children over one year of age and under six years of age; or
 - (c) Equal to or less than one hundred percent of the Office of Management and Budget income poverty guideline with eligible children six years of age or older and less than nineteen years of age;
- (7) Persons who are medically needy caretaker relatives as allowed under 42 U.S.C. 1396d(a)(ii);
- (8) As allowed under 42 U.S.C. ~~1396a(a)(10)(A)(ii)(XV) and (XVI) 1396a(a)(10)(A)(ii)~~, disabled persons ~~who have as defined in section 68-1005 with a family income of less than two hundred fifty percent of the Office of Management and Budget income poverty guideline and who, but for earnings in excess of the limit established under 42 U.S.C. 1396d(q)(2)(B), would be considered to be receiving federal Supplemental Security Income. The department shall apply for a waiver to disregard any unearned income that is contingent upon a trial work period in applying the Supplemental Security Income standard. Such disabled persons shall be subject to payment of premiums as a percentage of family income beginning at not less than two hundred percent of the Office of Management and Budget income poverty guideline. Such premiums shall be graduated based on family income and shall not exceed seven and one-half be less than two percent or more than ten percent of family income;~~
- (9) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii), persons who:
 - (a) Have been screened for breast and cervical cancer under the Centers for Disease Control and Prevention breast and cervical cancer early detection program established under Title XV of the federal Public Health Service Act, 42 U.S.C. 300k et seq., in accordance with the requirements of section 1504 of such act, 42 U.S.C. 300n, and who need treatment for breast or cervical cancer, including precancerous and cancerous conditions of the breast or cervix;
 - (b) Are not otherwise covered under creditable coverage as defined in section 2701(c) of the federal Public Health Service Act, 42 U.S.C. ~~300gg-3(c) 300gg(c)~~;
 - (c) Have not attained sixty-five years of age; and
 - (d) Are not eligible for medical assistance under any mandatory categorically needy eligibility group;
- (10) Persons eligible for services described in subsection (3) of section 68-972; and
- (11) Persons eligible pursuant to section 68-992.

Except as provided in subdivision (8) of this section and section 68-972, eligibility shall be determined under this section using an income budgetary methodology that determines children's eligibility at no greater than two hundred percent of the Office of Management and Budget income poverty guideline and adult eligibility using adult income standards no greater than the applicable categorical eligibility standards established pursuant to state or federal law. Except as otherwise provided in subdivision (8) of this section, ~~the~~ The department shall determine eligibility under this section pursuant to such income budgetary methodology and subdivision (1)(q) of section 68-1713.

Sec. 2. This act becomes operative on October 1, 2021.

Sec. 3. Original section 68-915, Revised Statutes Supplement, 2019, is repealed.