

AMENDMENTS TO LB358A
(Amendments to Final Reading copy)

Introduced by Walz, 15.

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

3 Section 1. Laws 2023, LB814, section 96, is amended to read:

4 Sec. 96. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

5 Program No. 344 - Children's Health Insurance

	FY2023-24	FY2024-25
6		
7 GENERAL FUND	26,384,947	26,246,298
8 CASH FUND	7,085,700	7,085,700
9 FEDERAL FUND est.	98,621,626	98,760,275
10 PROGRAM TOTAL	132,092,273	132,092,273

11 There is included in the appropriation to this program for FY2023-24
12 \$26,384,947 General Funds, \$7,085,700 Cash Funds, and \$98,621,626 Federal
13 Funds estimate for state aid, which shall only be used for such purpose.

14 There is included in the appropriation to this program for FY2024-25
15 \$26,246,298 General Funds, \$7,085,700 Cash Funds, and \$98,760,275 Federal
16 Funds estimate for state aid, which shall only be used for such purpose.

17 There is included in the amount shown as aid for this program for
18 FY2023-24 \$-0- General Funds and \$-0- Federal Funds and for FY2024-25
19 \$398,525 General Funds and \$950,121 Federal Funds to increase
20 reimbursement rates for dental services provided under the Children's
21 Health Insurance Program by twelve and one-half percent for fiscal year
22 2024-25.

23 There is included in the appropriation to this program for FY2023-24
24 \$6,835,700 Cash Funds for state aid from the Nebraska Health Care Cash
25 Fund. There is included in the appropriation to this program for
26 FY2024-25 \$6,835,700 Cash Funds for state aid from the Nebraska Health

1 Care Cash Fund.

2 There is included in the amount shown as aid for this program for
3 FY2023-24 up to \$250,000 Cash Funds and for FY2024-25 up to \$250,000 Cash
4 Funds from the Health and Human Services Cash Fund for the state match
5 for utilization of the unused administrative cap as allowed under the
6 Children's Health Insurance Program for payments to the Nebraska Regional
7 Poison Center funded through the University of Nebraska Medical Center.
8 The match is from Cash Funds transferred from the University of Nebraska
9 Medical Center.

10 It is the intent of the Legislature that phased-down state
11 contributions to the federal government as defined and required by the
12 federal Medicare Prescription Drug, Improvement, and Modernization Act of
13 2003 may be made from appropriations to this program.

14 Sec. 2. Section 70, Legislative Bill 1412, One Hundred Eighth
15 Legislature, Second Session, 2024, is amended to read:

16 Sec. 70. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES
17 Program No. 348 - Medical Assistance

18		FY2023-24	FY2024-25
19	GENERAL FUND	1,000,583,595	1,004,665,399
20	CASH FUND	133,894,141	72,117,244
21	FEDERAL FUND est.	2,429,949,804	2,075,656,145
22	PROGRAM TOTAL	3,564,427,540	3,152,438,788

23 The Department of Administrative Services shall monitor the
24 appropriations and expenditures for this program according to the
25 following program classification:

- 26 No. 348 - Medical Assistance
- 27 No. 349 - Medicaid Expansion Aid

28 There is included in the appropriation to this program for FY2023-24
29 \$1,000,583,595 General Funds, \$133,894,141 Cash Funds, and \$2,429,949,804
30 Federal Funds estimate for state aid, which shall only be used for such

1 purpose. There is included in the appropriation to this program for
2 FY2024-25 \$1,004,665,399 General Funds, \$72,117,244 Cash Funds, and
3 \$2,075,656,145 Federal Funds estimate for state aid, which shall only be
4 used for such purpose.

5 There is included in the amount shown as aid for this program for
6 FY2023-24 \$450,000 Cash Funds from the Nebraska Health Care Cash Fund for
7 a state plan amendment covering tobacco-use cessation in compliance with
8 Title XIX of the federal Social Security Act. There is included in the
9 amount shown as aid for this program for FY2024-25 \$450,000 Cash Funds
10 from the Nebraska Health Care Cash Fund for a state plan amendment
11 covering tobacco-use cessation in compliance with Title XIX of the
12 federal Social Security Act. The smoking cessation funding for FY2023-24
13 and FY2024-25 is for the costs of tobacco-use cessation counseling and
14 tobacco-use cessation pharmaceuticals approved by the federal Food and
15 Drug Administration for such purpose.

16 There is included in the amount shown as aid for this program for
17 FY2023-24 \$-0- General Funds and \$-0- Federal Funds and for FY2024-25
18 \$3,054,187 General Funds and \$5,611,661 Federal Funds to increase
19 reimbursement rates for dental services provided under the Medical
20 Assistance Act by twelve and one-half percent for fiscal year 2024-25.

21 It is the intent of the Legislature that phased-down state
22 contributions to the federal government as defined and required by the
23 federal Medicare Prescription Drug, Improvement, and Modernization Act of
24 2003 may be made from appropriations to this program.

25 The chief executive officer of the Department of Health and Human
26 Services may certify to the budget administrator of the budget division
27 of the Department of Administrative Services FY2023-24 and FY2024-25
28 unexpended appropriation balances for Medical Assistance, Program No.
29 348, available to transfer to Developmental Disability Aid, Program No.
30 424, to be used only to maintain individuals with an intellectual or
31 developmental disability in a medicaid program that best serves their

1 needs at a cost that does not exceed the cost of services provided in an
2 institution. The budget administrator of the budget division of the
3 Department of Administrative Services shall administratively transfer
4 during FY2023-24 and FY2024-25 available appropriations as certified by
5 the chief executive officer of the Department of Health and Human
6 Services from Medical Assistance, Program No. 348, to Developmental
7 Disability Aid, Program No. 424.

8 It is the intent of the Legislature that the Department of Health
9 and Human Services provide monthly status reports electronically to the
10 Clerk of the Legislature and the Legislative Fiscal Analyst on medicaid
11 expansion. The department shall include in the report information on
12 policy decisions on services, community engagement, wellness
13 requirements, and rate setting.

14 It is the intent of the Legislature that the total amount
15 appropriated for medicaid nursing facility rates for Program No. 348,
16 specified as \$449,351,518 for FY2023-24 (\$186,851,595 General Funds and
17 \$262,499,923 Federal Funds) and \$449,351,518 for FY2024-25 (\$186,031,528
18 General Funds and \$263,319,990 Federal Funds), shall be used in the
19 medicaid nursing facility rate calculation for Program No. 348, including
20 the calculation of the annual inflation factor.

21 The total amount appropriated for medicaid nursing facility rates
22 for Program No. 348 includes amounts for rate enhancement and any other
23 purpose related to medicaid nursing facility services. The department
24 shall file a report electronically with the Legislative Fiscal Analyst
25 and the Clerk of the Legislature no later than August 1, 2023, on how the
26 inflation factor was calculated for FY2023-24 rates and no later than
27 August 1, 2024, on how the inflation factor was calculated for FY2024-25
28 rates.

29 The department shall file a report electronically with the
30 Legislative Fiscal Analyst and the Clerk of the Legislature between
31 December 15 and December 31 of each year of the biennium ending June 30,

1 2025, identifying the amount of any unspent remaining appropriation from
2 the prior fiscal year's appropriations earmarked for nursing facility
3 payments. The report shall include an identification of encumbrances and
4 retroactive payments.

5 Sec. 3. Original Laws 2023, LB814, section 96; and section 70,
6 Legislative Bill 1412, One Hundred Eighth Legislature, Second Session,
7 2024, are repealed.

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

10 2. On page 1, strike beginning with "appropriate" in line 1 through
11 line 3 and insert "to amend Laws 2023, LB814, section 96; and section 70,
12 Legislative Bill 1412, One Hundred Eighth Legislature, Second Session,
13 2024; to provide for use of appropriated funds to aid in carrying out the
14 provisions of Legislative Bill 358, One Hundred Eighth Legislature,
15 Second Session, 2024; to repeal the original sections; and to declare an
16 emergency."