

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 500

Introduced by Cavanaugh, M., 6.

Read first time January 17, 2023

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to public assistance; to amend sections
2 68-1530 and 68-1534, Revised Statutes Cumulative Supplement, 2022;
3 to eliminate a requirement relating to a medicaid waiver; to change
4 a reporting requirement; to change a requirement relating to
5 independent evaluation of the family support program; and to repeal
6 the original sections.

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

1 Section 1. Section 68-1530, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 68-1530 (1) The Department of Health and Human Services shall apply
4 for a ~~three-year~~ medicaid waiver under section 1915(c) of the federal
5 Social Security Act to administer a family support program which is a
6 home and community-based services program as provided in this section.

7 (2)(a) The Advisory Committee on Developmental Disabilities created
8 in section 83-1212.01 shall assist in the development and guide the
9 implementation of the family support program. The family support program
10 shall be administered by the Division of Developmental Disabilities of
11 the Department of Health and Human Services.

12 (b) It is the intent of the Legislature that any funds distributed
13 to Nebraska pursuant to section 9817 of the federal American Rescue Plan
14 Act of 2021, Public Law 117-2, be used to eliminate unmet needs relating
15 to home and community-based services for persons with developmental
16 disabilities as much as is possible.

17 (c) If funds are distributed to Nebraska pursuant to section 9817 of
18 the federal American Rescue Plan Act of 2021, it is the intent of the
19 Legislature that such funds distributed to Nebraska should at least
20 partially fund the family support program if doing so is in accordance
21 with federal law, rules, regulations, or guidance.

22 (3) The family support program shall:

23 (a) Offer an annual capped budget for long-term services and
24 supports of ten thousand dollars for each eligible applicant;

25 (b) Offer a pathway for medicaid eligibility for disabled children
26 by disregarding parental income and establishing eligibility based on a
27 child's income and assets;

28 (c) Allow a family to self-direct services, including contracting
29 for services and supports approved by the division; and

30 (d) Not exceed eight hundred fifty participants.

31 (4) The department, in consultation with the advisory committee,

1 shall adopt and promulgate rules and regulations for the implementation
2 of the family support program to be set at an intermediate care facility
3 institutional level of care to support children with intellectual and
4 developmental disabilities and their families. Such rules and regulations
5 shall include, but not be limited to:

6 (a) Criteria for and types of long-term services and supports to be
7 provided by the family support program;

8 (b) The method, as provided in section 68-1532, for allocating
9 resources to family units participating in the family support program;

10 (c) Eligibility determination, including, but not limited to, a
11 child's maximum income and assets;

12 (d) The enrollment process;

13 (e) Limits on benefits; and

14 (f) Processes to establish quality assurance, including, but not
15 limited to, measures of family satisfaction.

16 (5) The division shall administer the family support program within
17 the limits of the appropriations by the Legislature for such program.

18 (6) The division shall submit an annual report electronically to the
19 Legislature on the family support program beginning December 1, 2024. The
20 report shall include:

21 (a) The distribution of available funds, the total number of
22 children and families served, and the status of the waiting list for the
23 comprehensive waiver and other applicable waivers;

24 (b) A summary of any grievances filed by family units pertaining to
25 the family support program, including any appeals and a description of
26 how such grievances were resolved;

27 (c) The number and demographics of children with disabilities and
28 their families who applied under the family support program but who were
29 not found eligible and the reason such children and their families were
30 not found eligible;

31 (d) Quality assurance activities and the results of annual measures

1 of family satisfaction; and

2 (e) Recommendations to innovate the family support program, improve
3 current programming, and maximize limited funding, including, but not
4 limited to, the potential utilization of other medicaid pathways or
5 medicaid waivers that could help increase access to medicaid and long-
6 term services and supports for children with disabilities or special
7 health care needs.

8 Sec. 2. Section 68-1534, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:

10 68-1534 The Department of Health and Human Services shall
11 collaborate with a private, nonprofit organization with expertise in
12 developmental disabilities for an independent evaluation of the family
13 support program set forth in section 68-1530 if private funding is made
14 available for such purpose. The evaluation shall be completed by December
15 15, 2025 ~~2023~~, and shall be submitted electronically to the department
16 and to the Health and Human Services Committee of the Legislature.

17 Sec. 3. Original sections 68-1530 and 68-1534, Revised Statutes
18 Cumulative Supplement, 2022, are repealed.