

The State has in place a public process which complies with the requirements of Section 1902(a)(13)(A) of the Social Security Act.

31-008.16 Additional Payment to non-state-operated Intermediate Care Facility for the Mentally Retarded (ICF/MR) Providers:

In accordance with Nebraska Revised Statute 68-1804(4), non-state-operated ICF/MR providers are eligible to participate in an additional distribution. For the FY2011-12 and each fiscal year thereafter, on the second Wednesday of May, the Department will determine the amount available in the ICF/MR Reimbursement Protection Fund. These funds will be allocated as follows:

- (a) First, fifty-five thousand dollars for administration of the fund;
- (b) Second, the amount needed to reimburse intermediate care facilities for the mentally retarded for the cost of the tax;
- (c) Third, three hundred twelve thousand dollars for community-based services for persons with developmental disabilities;
- (d) Fourth, the amount remaining in the Fund, not to exceed a total of six hundred thousand dollars, will be distributed to non-state-operated ICF/MR providers by the end of May of each year based on the following methodology:
  - 1) On the second Wednesday of May each year, the number of Medicaid resident days paid for the period from the preceding July through March will be determined for each provider and
  - 2) Each provider's percentage of the total will then be determined and multiplied by the amount remaining in the Fund, not to exceed a total of six hundred thousand dollars, in order to determine the payment for each provider; and
- (e) Fifth, the remainder of the proceeds to the State General Fund.

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Supersedes

Approved \_\_\_\_\_ Effective \_\_\_\_\_

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