STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
Nebraska Medical Assistance Program

State/Territory: Nebraska

TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>SECTION</th>
<th>PAGE NUMBERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Plan Submittal Statement</td>
<td>1</td>
</tr>
<tr>
<td>SECTION 1 - SINGLE STATE AGENCY ORGANIZATION</td>
<td>2</td>
</tr>
<tr>
<td>1.1 Designation and Authority</td>
<td>2</td>
</tr>
<tr>
<td>1.2 Organization for Administration</td>
<td>7</td>
</tr>
<tr>
<td>1.3 Statewide Operation</td>
<td>8</td>
</tr>
<tr>
<td>1.4 State Medical Care Advisory Committee</td>
<td>9</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>SECTION</th>
<th>PAGE NUMBERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1 Application, Determination of Eligibility and Furnishing Medicaid</td>
<td>10</td>
</tr>
<tr>
<td>2.2 Coverage and Conditions of Eligibility</td>
<td>12</td>
</tr>
<tr>
<td>2.3 Residence</td>
<td>13</td>
</tr>
<tr>
<td>2.4 Blindness</td>
<td>14</td>
</tr>
<tr>
<td>2.5 Disability</td>
<td>15</td>
</tr>
<tr>
<td>2.6 Financial Eligibility</td>
<td>16</td>
</tr>
<tr>
<td>2.7 Medicaid Furnished Out of State</td>
<td>18</td>
</tr>
</tbody>
</table>
SECTION 3 - SERVICES: GENERAL PROVISIONS .............................................. 19

3.1 Amount, Duration, and Scope of Services ........................................... 19

3.2 Coordination of Medicaid with Medicare Part B ................................. 29

3.3 Medicaid for Individuals Age 65 or Over in Institutions for Mental Diseases ................................................................. 30

3.4 Special Requirements Applicable to Sterilization Procedures ............. 31

3.5 Medicaid for Medicare Cost Sharing for Qualified Medicare Beneficiaries ................................................................. 31a

3.6 Ambulatory Prenatal Care for Pregnant Women during Presumptive Eligibility Period ................................................................. 31b
SECTION 4 - GENERAL PROGRAM ADMINISTRATION ................................................. 32

4.1 Methods of Administration ............................................................................. 32
4.2 Hearings for Applicants and Recipients .......................................................... 33
4.3 Safeguarding Information on Applicants and Recipients ................................. 34
4.4 Medicaid Quality Control ............................................................................... 35
4.5 Medicaid Agency Fraud Detection and Investigation Program ......................... 36
4.6 Reports ........................................................................................................... 37
4.7 Maintenance of Records .................................................................................. 38
4.8 Availability of Agency Program Manuals ......................................................... 39
4.9 Reporting Provider Payments to the Internal Revenue Service ....................... 40
4.10 Free Choice of Providers ............................................................................... 41
4.11 Relations with Standard-Setting and Survey Agencies .................................. 42
4.12 Consultation to Medical Facilities .................................................................. 44
4.13 Required Provider Agreement ....................................................................... 45
4.14 Utilization/Quality Control ............................................................................ 46
4.15 Inspection of Care in Skilled Nursing and Intermediate Care Facilities and Institutions for Mental Disease .............................................................. 51
4.16 Relations with State Health and Vocational Rehabilitation Agencies and Title V Grantees ................................................................................. 52
4.17 Liens and Adjustments or Recoveries .............................................................. 53
4.18 Cost Sharing and Similar Charges .................................................................. 54
4.19 Payment for Services ..................................................................................... 57
<table>
<thead>
<tr>
<th>SECTION</th>
<th>PAGE NUMBERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.20</td>
<td>Direct Payments to Certain Recipients for Physicians’ or Dentists’ Services</td>
</tr>
<tr>
<td>4.21</td>
<td>Prohibition Against Reassignment of Provider Claims</td>
</tr>
<tr>
<td>4.22</td>
<td>Third Party Liability</td>
</tr>
<tr>
<td>4.23</td>
<td>Use of Contracts</td>
</tr>
<tr>
<td>4.24</td>
<td>Standards for Payments for Skilled Nursing and Intermediate Care Facility Services</td>
</tr>
<tr>
<td>4.25</td>
<td>Program for Licensing Administrators of Nursing Homes</td>
</tr>
<tr>
<td>4.26</td>
<td>RESERVED</td>
</tr>
<tr>
<td>4.27</td>
<td>Disclosure of Survey Information and Provider or Contractor Evaluation</td>
</tr>
<tr>
<td>4.28</td>
<td>Appeals Process for Skilled Nursing and Intermediate Care Facilities</td>
</tr>
<tr>
<td>4.29</td>
<td>Conflict of Interest Provisions</td>
</tr>
<tr>
<td>4.30</td>
<td>Exclusion of Providers and Suspension of Practitioners Convicted and Other Individuals</td>
</tr>
<tr>
<td>4.31</td>
<td>Disclosure of Information by Providers and Fiscal Agents</td>
</tr>
<tr>
<td>4.32</td>
<td>Income and Eligibility Verification System</td>
</tr>
<tr>
<td>4.33</td>
<td>Medicaid Eligibility Cards for Homeless Individuals</td>
</tr>
<tr>
<td>4.34</td>
<td>Systematic Alien Verification for Entitlements</td>
</tr>
<tr>
<td>4.35</td>
<td>Remedies for Skilled Nursing and Intermediate Care Facilities that Do Not Meet Requirements of Participation</td>
</tr>
</tbody>
</table>
## SECTION 5 - PERSONNEL ADMINISTRATION

<table>
<thead>
<tr>
<th>SECTION 5.1</th>
<th>Standards of Personnel Administration</th>
<th>80</th>
</tr>
</thead>
<tbody>
<tr>
<td>SECTION 5.2</td>
<td>RESERVED</td>
<td>81</td>
</tr>
<tr>
<td>SECTION 5.3</td>
<td>Training Programs; Subprofessional and Volunteer Programs</td>
<td>82</td>
</tr>
</tbody>
</table>
SECTION 6 - FINANCIAL ADMINISTRATION .................................................... 83

6.1 Fiscal Policies and Accountability .......................................................... 83

6.2 Cost Allocation ....................................................................................... 84

6.3 State Financial Participation................................................................. 85
SECTION 7 - GENERAL PROVISIONS

7.1 Plan Amendments ................................................................. 86
7.2 Nondiscrimination ................................................................. 87
7.3 Maintenance of AFDC Effort ................................................... 88
7.4 State Governor’s Review ......................................................... 89
### LIST OF ATTACHMENTS

<table>
<thead>
<tr>
<th>No.</th>
<th>Title of Attachment</th>
</tr>
</thead>
<tbody>
<tr>
<td>*1.1-A</td>
<td>Attorney General’s Certification</td>
</tr>
<tr>
<td>*1.1-B</td>
<td>Waiver(s) Under the Intergovernmental Cooperation Act</td>
</tr>
<tr>
<td>1.2-A</td>
<td>Organization and Functions of the Medicaid Agency</td>
</tr>
<tr>
<td>1.2-B</td>
<td>Organization and Function of the Medical Assistance Unit</td>
</tr>
<tr>
<td>1.2-C</td>
<td>Professional Medical and Supporting Staff</td>
</tr>
<tr>
<td>1.2-D</td>
<td>Description of Staff Making Eligibility Determination</td>
</tr>
<tr>
<td>*2.2-A</td>
<td>Groups Covered and Agencies Responsible for Eligibility Determinations</td>
</tr>
<tr>
<td></td>
<td>* Supplement 1 – Reasonable Classifications of Individuals under the Age of 21, 20, 19 and 18</td>
</tr>
<tr>
<td></td>
<td>* Supplement 2 – Definitions of Blindness and Disability (Territories only)</td>
</tr>
<tr>
<td></td>
<td>* Supplement 3 – Method of Determining Cost Effectiveness of Caring for Certain Disabled Children at Home</td>
</tr>
<tr>
<td>*2.6-A</td>
<td>Eligibility Conditions and Requirements (States only)</td>
</tr>
<tr>
<td></td>
<td>* Supplement 1 - Income Eligibility Levels – Categorically Needy, Medically Needy and Qualified Medicare Beneficiaries</td>
</tr>
<tr>
<td></td>
<td>* Supplement 2 - Resource Levels - Categorically Needy, Including Groups with Income Up to a Percentage of the Federal Poverty Level, Medically Needy, and Other Optional Groups</td>
</tr>
<tr>
<td></td>
<td>* Supplement 3 - Reasonable Limits on Amounts for Necessary Medical or Remedial Care Not Covered Under Medicaid</td>
</tr>
<tr>
<td></td>
<td>* Supplement 4 - Section 1902(f) Methodologies for Treatment of Income that Differ from Those of the SSI Program</td>
</tr>
</tbody>
</table>

* Forms Provided

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TN No. **.MS-03-12**  
Supersedes Approval Date **Nov 6, 2003**  
Effective Date **Aug 13, 2003**

Transmittal No. **MS-91-24**
<table>
<thead>
<tr>
<th>No.</th>
<th>Title of Attachment</th>
</tr>
</thead>
<tbody>
<tr>
<td>*</td>
<td>Supplement 5 - Section 1902(f) Methodologies for Treatment of Resources that Differ from Those of the SSI Program</td>
</tr>
<tr>
<td>*</td>
<td>Supplement 5a - Methodologies for Treatment of Resources for Individuals With Incomes Up to a Percentage of the Federal Poverty Level</td>
</tr>
<tr>
<td>*</td>
<td>Supplement 6 - Standards for Optional State Supplementary Payments</td>
</tr>
<tr>
<td>*</td>
<td>Supplement 7 - Income Levels for 1902(f) States – Categorically Needy Who are Covered under Requirements More Restrictive Than SSI</td>
</tr>
<tr>
<td>*</td>
<td>Supplement 8 - Resource Standards for 1902(f) States – Categorically Needy</td>
</tr>
<tr>
<td>*</td>
<td>Supplement 8a - More Liberal Methods of Treating Income Under Section 1902(r)(2) of the Act</td>
</tr>
<tr>
<td>*</td>
<td>Supplement 8b - More Liberal Methods of Treating Resources Under Section 1902(r)(2) of the Act</td>
</tr>
<tr>
<td>*</td>
<td>Supplement 9 - Transfer of Resources</td>
</tr>
<tr>
<td>*</td>
<td>Supplement 10 - Consideration of Medicaid Qualifying Trusts - Undue Hardship</td>
</tr>
<tr>
<td>*</td>
<td>Supplement 11 - Cost - Effective Methods for COBRA Groups (States and Territories)</td>
</tr>
</tbody>
</table>

### 2.6-A

**Eligibility Conditions and Requirements (Territories only)**

| *  | Supplement 1 - Income Eligibility Levels – Categorically Needy, Medically Needy and Qualified Medicare Beneficiaries |
| *  | Supplement 2 - Resource Levels on Amounts for Necessary Medical or Remedial Care Not Covered Under Medicaid |
| *  | Supplement 3 - Resource Levels for Optional Groups with Incomes Up to a Percentage of the Federal Poverty Level and Medically Need. |
| *  | Supplement 4 - Consideration of Medicaid Qualifying Trusts - Undue Hardship |
| *  | Supplement 5 - More Liberal Methods of Treating Income under Section 1902(r)(2) of the Act |
| *  | Supplement 6 - More Liberal Methods of Treating Resources under Section 1902(r)(2) of the Act |

* Forms Provided
State/Territory: Nebraska

<table>
<thead>
<tr>
<th>No.</th>
<th>Title of Attachment</th>
</tr>
</thead>
<tbody>
<tr>
<td>*3.1-A</td>
<td>Amount, Duration, and Scope of Medical and Remedial Care and Services Provided to the Categorically Needy</td>
</tr>
<tr>
<td></td>
<td>Supplement 1 - Case Management Services</td>
</tr>
<tr>
<td></td>
<td>Supplement 2 - Alternative Health Care Plans for Families Covered Under Section 1925 of the Act</td>
</tr>
<tr>
<td>*3.1-B</td>
<td>Amount, Duration, and Scope of Services Provided Medically Needy Groups</td>
</tr>
<tr>
<td>3.1-C</td>
<td>Standards and Methods of Assuring High Quality Care</td>
</tr>
<tr>
<td>3.1-D</td>
<td>Methods of Providing Transportation</td>
</tr>
<tr>
<td>*3.1-E</td>
<td>Standards for the Coverage of Organ Transplant Services</td>
</tr>
<tr>
<td>3.1-F</td>
<td>Definition of MCO, PCCM</td>
</tr>
<tr>
<td>4.11-A</td>
<td>Standards for Institutions</td>
</tr>
<tr>
<td>4.14-A</td>
<td>Single Utilization Review Methods for Intermediate Care Facilities</td>
</tr>
<tr>
<td>4.14-B</td>
<td>Multiple Utilization Review Methods for Intermediate Care Facilities</td>
</tr>
<tr>
<td>4.16-A</td>
<td>Cooperative Arrangements with State Health and State Vocational Rehabilitation Agencies and with Title V Grantees</td>
</tr>
<tr>
<td>4.17-A</td>
<td>Determining that an Institutionalized Individual Cannot Be Discharged and Returned Home</td>
</tr>
<tr>
<td>*4.18-A</td>
<td>Charges Imposed on Categorically Needy</td>
</tr>
<tr>
<td>*4.18-B</td>
<td>Medically Needy - Premium</td>
</tr>
<tr>
<td>*4.18-C</td>
<td>Charges Imposed on Medically Needy and Other Optional Groups</td>
</tr>
<tr>
<td>*4.18-D</td>
<td>Premiums Imposed on Low Income Pregnant Women and Infants</td>
</tr>
<tr>
<td>*4.18-E</td>
<td>Premiums Imposed on Qualified Disabled and Working Individuals</td>
</tr>
<tr>
<td>4.19-A</td>
<td>Methods and Standards for Establishing Payment Rates – Inpatient Hospital Care</td>
</tr>
<tr>
<td>*</td>
<td>Forms Provided</td>
</tr>
</tbody>
</table>

TN No. MS-03-12
Supersedes Approval Date Nov 6, 2003 Effective Date Aug 13, 2003
Transmittal No. MS-91-24
<table>
<thead>
<tr>
<th>No.</th>
<th>Title of Attachment</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.19-B</td>
<td>Methods and Standards for Establishing Payment Rates – Other Types of Care</td>
</tr>
<tr>
<td></td>
<td>* Supplement 1 - Methods and Standards for Establishing Payment Rates for Title XVIII</td>
</tr>
<tr>
<td></td>
<td>Deductible/Coinsurance</td>
</tr>
<tr>
<td>4.19-C</td>
<td>Payments for Reserved Beds</td>
</tr>
<tr>
<td>4.19-D</td>
<td>Methods and Standards for Establishing Payment Rates – Skilled Nursing and Intermediate Care Facility Services</td>
</tr>
<tr>
<td>4.19-E</td>
<td>Timely-Claims Payment - Definition of Claim</td>
</tr>
<tr>
<td>4.20-A</td>
<td>Conditions for Direct Payment for Physicians’ and Dentists’ Services</td>
</tr>
<tr>
<td>4.22-A</td>
<td>Requirements for Third Party Liability - Identifying Liable Resources</td>
</tr>
<tr>
<td>*4.22-B</td>
<td>Requirements for Third Party Liability - Payment of Claims</td>
</tr>
<tr>
<td>*4-22-C</td>
<td>Cost-Effective Methods of Employer-Based Group Health Plans</td>
</tr>
<tr>
<td>*4.32-A</td>
<td>Income and Eligibility Verification System Procedures: Requests to Other State Agencies</td>
</tr>
<tr>
<td>*4.33-A</td>
<td>Method for Issuance of Medicaid Eligibility Cards to Homeless Individuals</td>
</tr>
<tr>
<td>7.2-A</td>
<td>Methods of Administration - Civil Rights (Title VI)</td>
</tr>
</tbody>
</table>

*Forms Provided

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Transmittal No. MS-91-24 HCFA ID: 7982E
STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State/Territory: Nebraska

Citation
As a condition for receipt of Federal funds under the title XIX of the Social Security Act the

42 CFR
430.10 Nebraska Department of Health and Human Services
(Single State Agency)

submits the following State plan for the medical assistance program, and hereby agrees to administer the program in accordance with the provisions of this State plan, the requirement of titles XI and XIX of the Act, and all applicable Federal regulations and other official issuances of the Department.
State/Territory: Nebraska

SECTION 1 - SINGLE STATE AGENCY ORGANIZATION

Citation

1.1 Designation and Authority

42 CFR 431.10 (a) The Nebraska Department of Health and Human Services is the single State agency designated to administer or supervise the administration of the Medicaid program under title XIX of the Social Security Act. (All references in this plan to "the Medicaid agency" mean the agency named in this paragraph.)

ATTACHMENT 1.1-A, is a certification signed by the State Attorney General identifying the single State agency and citing the legal authority under which it administers or supervises administration of the program.

TN No. MS-07-05
Supersedes Approval Date Nov 29 2007 Effective Date Jul 01 2007

TN No. MS-97-6
Sec. 1902 1.1(b)  The State agency that administered or supervised the administration of the plan approved under title X of the Act as of January 1, 1965, has been separately designated to administer or supervise the administration of that part of this plan which relates to blind individuals.

☐ Yes. The State agency so designated is ____________

This agency has a separate plan covering that portion of the State plan under title XIX for which it is responsible.

☒ Not applicable. The entire plan under title XIX is administered or supervised by the State agency named in paragraph 1.1(a).
1.1(c) Waivers of the single State agency requirement which are currently operative have been granted under authority of the Intergovernmental Cooperation Act of 1968.

☐ Yes. ATTACHMENT 1.1-B describes these waivers and the approved alternative organizational arrangements.

☒ Not applicable. Waivers are no longer in effect.

☐ Not applicable. No waivers have ever been granted.
The agency named in paragraph 1.1(a) has responsibility for all determinations of eligibility for Medicaid under this plan.

Determinations of eligibility for Medicaid under this plan are made by the agency(ies) specified in ATTACHMENT 2.2-A. There is a written agreement between the agency named in paragraph 1.1(a) and other agency(ies) making such determinations for specific groups covered under this plan. The agreement defines the relationships and respective responsibilities of the agencies.
1.1(e) All other provisions of this plan are administered by the Medicaid agency except for those functions for which final authority has been granted to a Professional Standards Review Organization under title XI of the Act.

(f) All other requirements of 42 CFR 431.10 are met.
1.2 Organization for Administration

(a) ATTACHMENT 1.2-A contains a description of the organization and functions of the Medicaid agency and an organization of the agency.

(b) Within the State agency, the Division of Medicaid & Long-Term Care has been designated as the medical assistance unit. ATTACHMENT 1.2-B contains a description of the organization and functions of the medical assistance unit and an organization chart of the unit.

(c) ATTACHMENT 1.2-C contains a description of the kinds and numbers of professional medical personnel and supporting staff used in the administration of the plan and their responsibilities.

(d) Eligibility determinations are made by State or local staff of an agency other than the agency named in paragraph 1.1(a). ATTACHMENT 1.2-D contains a description of the staff designated to make such determinations and the functions they will perform.

☒ Not applicable. Only staff of the agency named in paragraph 1.1(a) make such determinations.
State/Territory: Nebraska

Citation

1.3 Statewide Operation

42 CFR 431.50(b) The plan is in operation on a Statewide basis in accordance with all requirements of 42 CFR 431.50.

☐ The plan is State administered.

☐ The plan is administered by the political subdivisions of the State and is mandatory on them.
STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Nebraska

1.4 State Medical Care Advisory Committee (42 CFR 431.12(b))
There is an advisory committee to the Medicaid agency director on health and medical care
services established in accordance with and meeting all the requirements of 42 CFR
431.12.

[X] The State enrolls recipients in MCO, PIHP, PAHP, and/or PCCM
programs. The State assures that it complies with 42 CFR 438.104(c) to
consult with the Medical Care Advisory Committee in the review of
marketing materials.

Tribal Consultation Requirements
Section 1902(a)(73) of the Social Security Act (the Act) requires a State in which one or
more Indian Health Programs or Urban Indian Organizations furnish health care services
to establish a process for the State Medicaid agency to seek advice on a regular, ongoing
basis from designees of Indian health programs, whether operated by the Indian Health
Service (IHS), Tribes or Tribal organizations under the Indian Self-Determination and
Education Assistance Act (ISDEAA), or Urban Indian Organizations under the Indian
Health Care Improvement Act (IHCIA). Section 2107(e)(I) of the Act was also amended
to apply these requirements to the Children’s Health Insurance Program (CHIP).
Consultation is required concerning Medicaid and CHIP matters having a direct impact
on Indian health programs and Urban Indian organizations.

Please describe the process the State uses to seek advice on a regular, ongoing basis
from federally-recognized tribes, Indian Health Programs and Urban Indian
Organizations on matters related to Medicaid and CHIP programs and for
consultation on State Plan Amendments, waiver proposals, waiver extensions,
waiver amendments, waiver renewals and proposals for demonstration projects
prior to submission to CMS. Please include information about the frequency,
inclusiveness and process for seeking such advice.

The Division of Medicaid and Long-Term Care (MLTC) meets on a quarterly basis or as
needed with the tribes (Omaha, Ponca, Santee Sioux and Winnebago) and with the CMS
Native American contact to discuss relevant Medicaid/CHIP matters that impact the
tribes and to invite discussion and comments for consideration.

Effective September 1, 2010, MLTC implemented a policy regarding seeking
consultation from all federally recognized tribes, Indian Health Service and Urban Indian
Organizations within the state regarding State Plan Amendments (SPA), proposals for
demonstrations, and waivers, including proposed, extensions, amendments and renewals,
which may have an impact on those entities. All proposed SPA’s, waivers, and
demonstrations will be sent to the Tribes for comment, not just those that we believe will
directly impact the tribes. However, purely technical changes that have no impact on the
substance of the topic (such as pagination, renumbering of lists, etc.) will not be
submitted to the Tribes.

Proposed SPA’s, waivers, and demonstrations are routed to the tribes for comment/input
prior to submitting to CMS. The Division of Medicaid and Long-Term Care consults with
the tribes by notifying designated tribal entities electronically via email with a description
of the proposed change(s). The tribal liaison, which is a position designated by the
Division of Medicaid and Long-Term Care, is responsible for maintaining a complete list
of tribal contacts and their respective email and mailing addresses. The tribal contact list
is updated at the tribal consultation meetings and was last updated at the tribal
consultation meeting held in November, 2010. The proposed SPA, waiver, or
demonstration is submitted to Tribal Clinics, Health Centers, the IHS Hospital, and to
the Nebraska Urban Indian Health Coalition for comment. The tribes have 30 days to
respond or comment to the proposed SPA, waiver or demonstration from the date the
required notice is submitted to the tribes. Following the 30 day period, if no comment is
received from the tribes, the Division of Medicaid and Long-Term Care is authorized to
submit the SPA, waiver or demonstration to CMS. The CMS Native American Contact is
copied in this process by the MLTC to detail our efforts to secure comments/input from
the Tribes.

If comments are, in fact, received from the tribes, the same is relayed to the Division
Director for further consideration. In situations where comments are received from the
tribes, the consultation process time-frame shall extend to a 60 day time period from the
date the required notice was submitted to the tribes so that the Division of Medicaid and
Long-Term Care can address such comments as set forth below. Following the 60 day
period after comments are received from the tribes, the Division of Medicaid and Long-
Term Care is authorized to submit the SPA, waiver or demonstration to CMS.

If one tribe has a question or concern about a SPA, waiver amendment, waiver extension,
waiver renewal or demonstration proposal, that concern would be communicated and
transmitted electronically via e-mail to all other tribes and tribal entities by the tribal
liaison. Such communication will specify who raised the concern or comment, the
specific nature of the concern or comment, and what the Department proposed to do in
response to that concern or comment in an attempt to address or resolve the concern. A
management decision is then made as to whether additional action (telephone
conferences, meetings, research, etc.) would be appropriate under the circumstances prior
to submitting the SPA, waiver or demonstration to CMS.

Comments from the Tribes, or the lack of comments/response, are reported to the CMS
Native American Contact, as well as our response/resolution to those comments.
The consultation process established by the Department is based in part on face to face visits and discussions with various tribal entities and the Nebraska Department of Health and Human Services. At the November 29, 2010 meeting, discussions were initiated relating to the proposed SPA consultation process. Tribal Liaison shared the written policy of the Department as it existed at that time regarding the proposed consultation process. Comments from the tribes regarding the process and how it might impact the tribes were noted and later expressed to state Medicaid management. At the November meeting, it was proposed by the Department that the tribes be given notice regarding all proposed SPA’s and waivers, not just those that the Department thought might have some impact on the tribes. Some members expressed the Department should indicate to the tribes which SPA’s and waivers had a direct impact on the tribes in its opinion. The tribes also expressed that it would be helpful to have a process in place to share comments and Department responses to those comments during the consultation process. These suggestions were discussed with Medicaid administrators and adopted by the Department. Current policy is that if one tribe has a question or concern about a SPA or waiver, that concern will be made known to all the tribal entities by the Department, as well as making it known how the Department attempted to resolve the concern.

In order to facilitate the consultation process, the Department will, in advance of the consultation meeting, provide the tribes with a formal agenda describing the SPA’s and waivers that might have relevance to the tribes, as well as other information that will be addressed by the Department. The Department will take minutes of the meeting, which will be available on request, and maintain a record of the same. The Department will ensure that a current roster of participants is kept and maintained, indicating participant’s names, addresses, telephone numbers, and with which group they are associated.

Please describe the consultation process that occurred specifically for the development and submission of this State Plan Amendment, when it occurred and who was involved.

Initial Amendment
In January of 2010, the State received guidance from CMS, SMDL# 10-001, that set forth the general requirements expected of States to alert tribal entities to proposed State Plan Amendments, waivers, and demonstrations. On February 18, 2010, a Nebraska State/Tribal Consultation Meeting was held. Attending were representatives from the various Tribes in Nebraska, Indian health providers, the Native American Contact from CMS, the Nebraska Medicaid tribal liaison, and the Nebraska Medicaid Director. The tribal consultation issue was discussed in general terms at the meeting and the Tribes expressed a desire to become involved in the consultation process.
Following this, a written process was developed by Nebraska Medicaid outlining the process for the State to follow to secure consultation with the Tribes prior to the State submitting a SPA, waiver, or demonstration. The proposed process was reviewed and approved by Nebraska Medicaid administration. In June, 2010, the protocol for consultation was shared with Medicaid Division staff and sent to the tribal entities.

In October 2010, the State received additional guidance from CMS regarding the consultation process required with tribal entities prior to submitting a SPA, waiver, or demonstration to CMS. The guidance suggested that states should submit to the Tribes a comprehensible summary of the effect of the proposed SPA, waiver, or demonstration rather than merely submitting the SPA, waiver, or demonstration documents. Nebraska Medicaid revised the protocol for submitting a SPA, waiver, or demonstration and securing tribal consultation and communicated to Medicaid Division staff. On November 2, 2010, the State notified all tribal entities its intent to submit a SPA regarding the tribal consultation process. The letter outlined a summary of the consultation process set forth in the revised protocol.

The tribal consultation issue was discussed in detail at a November 29, 2010 Nebraska State/Tribal Consultation Meeting. Attending were representatives from the various Tribes in Nebraska, Indian health providers, the Native American Contact from CMS, and the Nebraska Medicaid tribal liaison. The tribal consultation issue was discussed in detail at the meeting.

Prior Amendment
A communication was sent to all tribal entities June 2, 2011, advising them of the technical changes and it was also discussed at a meeting with them July 12, 2011.

Current Amendment
A communication was sent to all tribal entities September 7, 2011 advising them that the Department intended to submit a SPA to change the current consultation process, allowing the tribes 30 days to respond to proposed SPA’s, waivers or demonstrations and establishing a 60 day time-period for the consultation process if comments were received from the tribes.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1098. The time required to complete this information collection is estimated to average 1 hour per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

CMS-10293 (07/2013)
1.5 Pediatric Immunization Program

1928 of the Act

1. The State has implemented a program for the distribution of pediatric vaccines to program-registered providers for the immunization of federally vaccine eligible children in accordance with section 1928 as indicated below.

a. The State program will provide each vaccine-eligible child with medically appropriate vaccines according to the schedule developed by the Advisory Committee on Immunization Practices and without charge for the vaccines.

b. The State will outreach and encourage a variety of providers to participate in the program and to administer vaccines in multiple settings, e.g., private health care providers, providers that receive funds under Title V of the Indian Health Care Improvement Act, health programs or facilities operated by Indian tribes, and maintain a list of program-registered providers.

c. With respect to any population of vaccine-eligible children a substantial portion of whose parents have limited ability to speak the English language, the State will identify program-registered providers who are able to communicate with this vaccine-eligible population in the language and cultural context which is most appropriate.

d. The State will instruct program-registered providers to determine eligibility in accordance with section 1928(b) and (h) of the Social Security Act.

e. The State will assure that no program-registered provider will charge more for the administration of the vaccine than the regional maximum established by the Secretary. The State will inform program-registered providers of the maximum fee for the administration of vaccines.

f. The State will assure that no vaccine-eligible child is denied vaccines because of an inability to pay an administration fee.

g. Except as authorized under section 1915(b) of the Social Security Act or as permitted by the Secretary to prevent fraud or abuse, the State will not impose any additional qualifications or conditions, in addition to those indicated above, in order for a provider to qualify as a program-registered provider.
2. The State has not modified or repealed any Immunization Law in effect as of May 1, 1993 to reduce the amount of health insurance coverage of pediatric vaccines.

3. The State Medicaid Agency has coordinated with the State Public Health Agency in the completion of this preprint page.

4. The State agency with overall responsibility for the Implementation and enforcement of the provisions of section 1928 is:

☐ State Medicaid Agency

☒ State Public Health Agency
SECTION 2 – COVERAGE AND ELIGIBILITY

Citation

2.1 Application, Determination of Eligibility and Furnishing Medicaid

42 CFR (a) The Medicaid agency meets all requirements of 42 CFR Part 435, Subpart J for processing applications, determining eligibility, and furnishing Medicaid.
### Citation

2.1 (b) (1) Except as provided in items 2.1(b)(2) and (3) below, individuals are entitled to Medicaid services under the plan during the three months preceding the month of application, if they were, or on application would have been, eligible. The effective date of prospective and retroactive eligibility is specified in Attachment 2.6-A.

1902(e)(8) and 1905(a) of the Act

(2) For individuals who are eligible for Medicare cost-sharing expenses as qualified Medicare beneficiaries under section 1902(a)(10)(E)(i) of the Act, coverage is available for services furnished after the end of the month which the individual is first determined to be a qualified Medicare beneficiary. Attachment 2.6-A specifies the requirements for determination of eligibility for this group.

1902(a)(47) and

(3) Pregnant women are entitled to ambulatory prenatal care under the plan during a presumptive eligibility period in accordance with section 1920 of the Act. Attachment 2.6-A specifies the requirements for determination of eligibility for this group.

42 CFR 438.6

(c) The Medicaid agency elects to enter into a risk contract that complies with 42 CFR 438.6, and that is procured through an open, competitive procurement process that is consistent with 45 CFR Part 74. The risk contract is with (check all that apply):

- [ ] Qualified under Title XIII 1310 of the Public Health Service Act.
- [x] A Managed Care Organization that meets the definition of 1903(m) of the Act and 42 CFR 438.2.
- [ ] A Prepaid Inpatient Health Plan that meets the definition of 42 CFR 438.2.
- [ ] A Prepaid Ambulatory Health Plan that meets the definition of 42 CFR 438.2.
- [ ] Not applicable.
2.1 (d) The Medicaid agency has procedures to take applications, assist applicants, and perform initial processing of applications from those low income pregnant women, infants, and children under age 19, described is §1902(a)(10)(A)(i)(IV), (a)(10) (A)(i) (VI), (a)(10)(A)(i)(VII), and (a)(10)(A)(ii)(IX) at locations other than those used by the title IV-A program including FQHCs and disproportionate share hospitals. Such application forms do not include the ADFC form except as permitted by HCFA instructions.

Note: Applications may be taken for all eligibility groups.
2.2 Coverage and Conditions of Eligibility

42 CFR 435.10

Medicaid is available to the groups specified in ATTACHMENT 2.2-A.

☐ Mandatory categorically needy and other required special groups only.

☐ Mandatory categorically needy, other required special groups, and the medically needy, but no other optional groups.

☐ Mandatory categorically needy, other required special groups, and specified optional groups.

☒ Mandatory categorically needy, other required special groups, specified optional groups, and the medically needy.

The conditions of eligibility that must be met are specified in ATTACHMENT 2.6-A.

All applicable requirements of 42 CFR Part 435 and sections 1902(a)(10)(A)(i)(IV), (V), and (VI), 1902(a)(10)(A)(ii)(XI), 1902(a)(10)(E), 1902(1) and (m), 1905(p), (q) and (s), 1920, and 1925 of the Act are met.
2.3 Residence

435.10 and Medicaid is furnished to eligible individuals who are residents
435.403, and of the State under 42 CFR 435.403, regardless of whether or
1902(b) of the not the individuals maintain the residence permanently or
Act, P.L. 99- maintain it at a fixed address.
272 (Section 9529)and
P.L. 99-509 (Section 9405)
2.4 Blindness

42 CFR 435.530 and 42 CFR 435.530(b) are met. The more restrictive definition of blindness in terms of ophthalmic measurement used in this plan is specified in ATTACHMENT 2.2-A.
2.5 Disability

42 CFR 435.121, 435.540(b), 435.541

All of the requirements of 42 CFR 435.540 and 435.541 are met. The State uses the same definition of disability used under the SSI program unless a more restrictive definition of disability is specified in Item A.13.b. of ATTACHMENT 2.2-A of this plan.
2.6 Financial Eligibility

(a) The financial eligibility conditions for Medicaid-only eligibility groups and for persons deemed to be cash assistance recipients are described in ATTACHMENT 2.6-A.
2.7 Medicaid Furnished Out of State

Medicaid is furnished under the conditions specified in 42 CFR 431.52 to an eligible individual who is a resident of the State while the individual is in another State, to the same extent that Medicaid is furnished to residents in the State.

TN No. MS-86-25
Supersedes Approval Date Jan 7 1987 Effective Date Oct 1 1986
TN No. MS-82-14 HCFA ID: 0053C/0061E
SECTION 3 – SERVICES: GENERAL PROVISIONS

Citation

3.1   Amount, Duration, and Scope of Services

42 CFR Part 440, Subpart B and sections 1902(a), 1902(e), 1905(a), 1905(p), 1915, 1920, and 1925 of the Act

(a) Medicaid is provided in accordance with the requirements of 42 CFR Part 440, Subpart A, or, for EPSDT services, section 1905(r) and 42 CFR Part 441, Subpart B.

1. Categorically needy.

Services for the categorically needy are described below and in ATTACHMENT 3.1-A. These services include:

(i) Each item or service listed in section 1905(a)(1) through (5) and (21) of the Act, is provided as defined in 42 CFR Part 440, Subpart A, or, for EPSDT services, section 1905(r) and 42 CFR Part 441, Subpart B.

(ii) Nurse-midwife services listed in section 1905(a)(17) of the Act, are provided to the extent that nurse-midwives are authorized to practice under State law or regulation and without regard to whether the services are furnished in the area of management of the care of mothers and babies throughout the maternity cycle. Nurse-midwives are permitted to enter into independent provider agreements with the Medicaid agency without regard to whether the nurse-midwife is under the supervision of, or associated with, a physician or other health care provider.

☐ Not applicable. Nurse-midwives are not authorized to practice in this State.

TN No. MS-94-07
Supersedes Approval Date Jul 13 1994 Effective Date Apr 1 1994
TN No. MS-91-24
Citation

3.1(a)(1)  Amount, Duration, and Scope of Services: Categorically Needy
(Continued)

1902(e)(5) of the Act

(iii) Pregnancy-related, including family planning services, and postpartum services for a 60-day period (beginning on the day pregnancy ends) and any remaining days in the month in which the 60th day falls are provided to women who, while pregnant, were eligible for, applied for, and received medical assistance on the day the pregnancy ends.

(iv) Services for medical conditions that may complicate the pregnancy (other than pregnancy-related or postpartum services) are provided to pregnant women.

1902(a)(10), Clause (VII) of the matter following (F) of the Act

(v) Services related to pregnancy (including prenatal, delivery, postpartum, and family planning services) and to other conditions that may complicate pregnancy are the same services provided to poverty level pregnant women eligible under the provision of sections 1902(a)(10)(A)(i)(IV) and 1902(a)(10)(A)(ii)(IX) of the Act.
3.1(a)(1) Amount, Duration, and Scope of Services: Categorically Needy (Continued)

1902(a)(10)(D) of the Act (vi) Home health services are provided to individuals entitled to nursing facility services as indicated in item 3.1(b) of this plan.

1902(e)(7) of the Act (vii) Inpatient services that are being furnished to infants and children described in section 1902(1)(1)(B)-through (D), or section 1905(n)(2) of the Act on the date the infant or child attains the maximum age for coverage under the approved State plan will continue until the end of the stay for which the inpatient services are furnished.

1902(e)(9) of the Act (viii) Respiratory care services are provided to ventilator dependent individuals as indicated in item 3.1(h) of this plan.

1902(a)(52) and 1925 of the Act (ix) Services are provided to families eligible under section 1925 of the Act as indicated in item 3.1(h) of this plan.

1905(a)(23) and 1929 (x) Home and Community Care for Functionally Disabled Elderly Individuals, as defined, described and limited in Supplement 2 to Attachment 3.1-A and Appendices A-G to Supplement 2 to Attachment 3.1-A.

ATTACHMENT 3.1-A identifies the medical and remedial services provided to the categorically needy, specifies all limitations on the amount, duration and scope of those services, and lists the additional coverage (that is in excess of established service limits) for pregnancy-related services and services for conditions that may complicate the pregnancy.
State/Territory: Nebraska

Citation 3.1(a)(1) Amount, Duration, and Scope of Services: Categorically Needy (Continued)

1905(a)(26) and 1934

X Program of All-Inclusive Care for the Elderly (PACE) services, as described and limited in Supplement 4 to Attachment 3.1-A.

ATTACHMENT 3.1-A identifies the medical and remedial services provided to the categorically needy. (Note: Other programs to be offered to Categorically Needy beneficiaries would specify all limitations on the amount, duration and scope of those services. As PACE provides services to the frail elderly population without such limitation, this is not applicable for this program. In addition, other programs to be offered to Categorically Needy beneficiaries would also list the additional coverage -that is in excess of established service limits- for pregnancy-related services for conditions that may complicate the pregnancy. As PACE is for the frail elderly population, this also is not applicable for this program.)

TN No. NE 12-04
Supersedes Approval Date OCT 24 2012 Effective Date FEB 01 2013
TN No. New page
3.1 Amount, Duration, and Scope of Services (continued)

42 CFR Part 440, Subpart B

(a) (2) Medically needy.

☒ This State plan covers the medically needy. The services described below and in ATTACHMENT 3.1-B are provided.

Services for the medically needy include:

1902(a)(10)(C)(iv) of the Act
42 CFR 440.220

(i) If services in an institution for mental diseases (42 CFR 440.140 and 440.160) or an intermediate care facility for the mentally retarded (or both) are provided to any medically needy group, then each medically needy group is provided either the services listed in section 1905(a)(1) through (5) and (17) of the Act, or seven of the services listed in section 1905(a)(1) through (20). The services are provided as defined in 42 CFR Part 440, Subpart A and in sections 1902, 1905, and 1915 of the Act.

☐ Not applicable with respect to nurse-midwife services under section 1902(a)(17). Nurse-midwives are not authorized to practice in this State.

1902(e)(5) of the Act

(ii) Prenatal care and delivery services for pregnant women.
3.1(a)(2) Amount, Duration, and Scope of Services: Medically Needy
(Continued)

(iii) Pregnancy-related, including family planning services, and postpartum services for a 60-day period (beginning on the day the pregnancy ends) and any remaining days in the month in which the 60th day falls are provided to women who, while pregnant, were eligible for, applied for, and received medical assistance on the day the pregnancy ends.

(iv) Services for any other medical condition that may complicate the pregnancy (other than pregnancy related and postpartum services) are provided to pregnant women.

(v) Ambulatory services, as defined in ATTACHMENT 3.1-B, for recipients under age 18 and recipients entitled to institutional services.

Not applicable with respect to recipients entitled to institutional services; the plan does not cover those services for the medically needy.

1902(a)(10)(c) (vi) Home health services to recipients entitled to nursing facility services as indicated in item 3.1(b) of this plan.

(vii) Services in an institution for mental diseases for individuals over age 65.

42 CFR 440.140, 440.150, 440.160, Subpart B 442.441, Subpart C 1902(a)(20) and (21) of the Act (viii) Services in an intermediate care facility for the mentally retarded.

(ix) Inpatient psychiatric services for individuals under age 21.
Amount, Duration, and Scope of Services: Medically Needy
(Continued)

Respiratory care services are provided to ventilator
dependent individuals as indicated in item 3.1(h) of this
plan.

Home and Community Care for Functionally
Disabled Elderly Individuals, as defined, described
and limited in Supplement 2 to Attachment
3.1-A and Appendices A-G to Supplement 2 to
Attachment 3.1-A.

ATTACHMENT 3.1-B identifies the services provided to each
covered group of the medically needy; specifies all limitations on
the amount, duration, and scope of those items; and specifies
the ambulatory services provided under this plan and any
limitations on them. It also lists the additional coverage (that is
in excess of established service limits) for pregnancy-related
services and services for conditions that may complicate the
pregnancy.
State/Territory: Nebraska

Citation 3.1(a)(2) Amount, Duration, and Scope of Services: Medically Needy (Continued)
1905(a)(26) and 1934

X Program of All-Inclusive Care for the Elderly (PACE) services, as described and limited in Supplement 4 to Attachment 3.1-A.

ATTACHMENT 3.1-B identifies services provided to each covered group of the medically needy. (Note: Other programs to be offered to Medically Needy beneficiaries would specify all limitations on the amount, duration and scope of those services. As PACE provides services to the frail elderly population without such limitation, this is not applicable for this program. In addition, other programs to be offered to Medically Needy beneficiaries would also list the additional coverage -that is in excess of established service limits- for pregnancy-related services for conditions that may complicate the pregnancy. As PACE is for the frail elderly population, this also is not applicable for this program.)
3.1 Amount, Duration, and Scope of Services (continued)

(a)(3) Other Required Special Groups: Qualified Medicare Beneficiaries

1902(a)(10)(E)(i) and clause (VIII) of the matter following (F), and 1905(p)(3) of the Act

Medicare cost sharing for qualified Medicare beneficiaries described in section 1905(p) of the Act is provided only as indicated in item 3.2 of this plan.

(a)(4)(i) Other Required Special Groups: Qualified Disabled and Working Individuals

1902(a)(10)(E)(ii) and 1905(s) of the Act

Medicare Part A premiums for qualified disabled and working individuals described in section 1902(a)(10)(E)(ii) of the Act are provided as indicated in item 3.2 of this plan.

(ii) Other Required Special Groups: Specified Low-Income Medicare Beneficiaries

1902(a)(10)(E)(iii) and 1905(p)(3)(A)(ii) of the Act

Medicare Part B premiums for specified low-income Medicare beneficiaries described in section 1902(a)(10)(E)(iii) of the Act are provided as indicated in item 3.2 of this plan.

(iii) Other Required Special Groups: Qualifying Individuals -1

1902(a)(10)(E)(iv)(I), 1905(p)(3)(A)(ii), and 1933 of the Act

Medicare Part B premiums for qualifying individuals described in 1902(a)(10)(E)(iv)(I) and subject to 1933 of the Act are provided as indicated in item 3.2 of this plan.
Other Required Special Groups: Qualifying Individuals -2

The portion of the amount of increase to the Medicare Part B premium attributable to the Home Health provisions for qualifying individuals described in 1902(A)(10)(E)(iv)(II) and subject to 1933 of the Act are provided as indicated in item 3.2 of this plan.

Other Required Special Groups: Families Receiving Extended Medicaid Benefits

Extended Medicaid benefits for families described in section 1925 of the Act are provided as indicated in item 3.5 of this plan.
Limited Coverage for Certain Aliens

(i) Aliens granted lawful temporary resident status under section 245A of the Immigration and Nationality Act who meet the financial and categorical eligibility requirements under the approved State Medicaid plan are provided the services covered under the plan if they –

(A) Are aged, blind or disabled individuals as defined in section 1614(a)(1) of the Act;

(B) Are children under 18 years of age; or

(C) Are Cuban or Haitian entrants as defined in section 501(e)(1) and (2)(A) of P.L. 96422 in effect on April 1, 1983.

(ii) Except for emergency services and pregnancy-related services, as defined in 42 CFR 447.53(b) aliens granted lawful temporary resident status under section 245A of the Immigration and Nationality Act who are not identified in items 3.1(a)(6)(i)(A) through (C) above, and who meet the financial and categorical eligibility requirements under the approved State plan are provided services under the plan no earlier than five years from the date the alien is granted lawful temporary resident status.
State/Territory: Nebraska

Citation

1905(a)(9) of the Act (a)(7) Homeless Individuals

Clinic services furnished to eligible individuals who do not reside in a permanent dwelling or do not have a fixed home or mailing address are provided without restrictions regarding the site at which the services are furnished.

1902(a)(47) of the Act ☑ (a)(8) Presumptively Eligible Pregnant Women

Ambulatory prenatal care for pregnant women is provided during a presumptive eligibility period if the care is furnished by a provider that is eligible for payment under the State plan.

42 CFR 441.55 (a)(9) EPSDT Services

The Medicaid agency meets the requirements of sections 1902(a)(43), 1905(a)(4)(B), and 1905(r) of the Act with respect to early and periodic screening, diagnostic, and treatment (EPSDT) services.

TN No. MS-97-11
Supersedes Approval Date Feb 9 1998 Effective Date

TN No. MS-92-1
3.1 (a)(9) Amount, Duration, and Scope of Services: EPSDT Services (continued)

42 CFR 441.60 The Medicaid agency has in effect agreements with continuing care providers. Described below are the methods employed to assure the providers’ compliance with their agreements.

(a)(10) Comparability of Services

42 CFR 440.240 and 440.250 Except for those items or services for which sections 1902(a), 1902(a)(10), 1903(v), 1915, 1925, and 1932 of the Act, 42 CFR 440.250 and section245A of the Immigration and Nationality Act, permit exceptions:

(i) Services made available to the categorically needy are equal in amount, duration, and scope for each categorically needy person.

(ii) The amount, duration, and scope of services made available to the categorically needy are equal to or greater than those made available to the medically needy.

(iii) Services made available to the medically needy are equal in amount, duration, and scope for each person in a medically needy coverage group.

(iv) Additional coverage for pregnancy-related services and services for conditions that may complicate the pregnancy are equal for categorically and medically needy.

**Describe here.**

The MCO submits monthly encounter data.

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TN No. MS-03-12
Supersedes Approval Date Nov 6 2003 Effective Date Aug 13 2003
TN No. MS-92-1
State/Territory: Nebraska

Citation

3.1(b) Home health services are provided in accordance with the requirements of 42 CFR 441.15.

(1) Home health services are provided to all categorically needy individuals 21 years of age or over.

☐ Yes
☐ Not applicable. The State plan does not provide for skilled nursing facility services for such individuals.

(2) Home health services are provided to all categorically needy individuals under 21 years of age.

☐ Yes

(3) Home health services are provided to the medically needy:

☐ Yes, to all
☐ Yes, to individuals age 21 or over; SNF services are provided
☐ Yes, to individuals under age 21; SNF services are provided
☐ No; SNF services are not provided
☐ Not applicable; the medically needy are not included under this plan
3.1 Amount, Duration, and Scope of Services (continued)

42 CFR 431.53 (c)(1) Assurance of Transportation

Provision is made for assuring necessary transportation of recipients to and from providers. Methods used to assure such transportation are described in ATTACHMENT 3.1-D.

42 CFR 483.10 (c)(2) Payment for Nursing Facility Services

The State includes in nursing facility services at least the items and services specified in 42 CFR 483.10 (c) (8) (i).
Methods and Standards to Assure Quality of Services

The standards established and the methods used to assure high quality care are described in ATTACHMENTS 3.1-C.
Citation

3.1(e) Family Planning Services

42 CFR 441.20 AT-78-90 The requirements of 42 CFR 441.20 are met regarding freedom from coercion or pressure of mind and conscience, and freedom of choice of method to be used for family planning.
3.1(f)(1) Optometric Services

42 CFR 441.30 Optometric services (other than those provided under §435.531 and 436.531) are not now but were previously provided under the plan. Services of the type an optometrist is legally authorized to perform are specifically included in the term "physicians' services" under this plan and are reimbursed whether furnished by a physician or an optometrist.

☐ Yes.

☐ No. The conditions described in the first sentence apply but the term "physicians' services" does not specifically include services of the type an optometrist is legally authorized to perform.

☒ Not applicable. The conditions in the first sentence do not apply.

(2) Organ Transplant Procedures

1903(i)(1) Organ transplant procedures are provided.

☐ No

☒ Yes. Similarly situated individuals are treated alike and any restriction on the facilities that may, or practitioners who may, provide those procedures is consistent with the accessibility of high quality care to individuals eligible for the procedures under this plan. Standards for the coverage of organ transplant procedures are described at ATTACHMENT 3.1-E.
3.1 (g) Participation by Indian Health Service Facilities

Indian Health Service facilities are accepted as providers, in accordance with 42 CFR 431.110(b), on the same basis as other qualified providers.

(h) Respiratory Care Services for Ventilator-Dependent Individuals

Respiratory care services, as defined in section 1902(e)(9)(C) of the Act, are provided under the plan to individuals who--

(1) Are medically dependent on a ventilator for life support at least six hours per day;

(2) Have been so dependent as inpatients during a single stay or a continuous stay in one or more hospitals, SNFs or ICFs for the lesser of--

- 30 consecutive days;
- ___ days (the maximum number of inpatient days allowed under the State plan);

(3) Except for home respiratory care, would require respiratory care on an inpatient basis in a hospital, SNF, or ICF for which Medicaid payments would be made;

(4) Have adequate social support services to be cared for at home; and

(5) Wish to be cared for at home.

☐ Yes. The requirements of section 1902(e)(9) of the Act are met.

☒ Not applicable. These services are not included in the plan.
3.2 Coordination of Medicaid with Medicare and Other Insurance

(a) Premiums

(1) Medicare Part A and Part B

1902(a)(10)(E)(i) and 1905(p)(1) of the Act

(i) Qualified Medicare Beneficiary (QMB)

The Medicaid agency pays Medicare Part A premiums (if applicable) and Part B premiums for individuals in the QMB group defined in Item A.25 of ATTACHMENT 2.2-A, through the group premium payment arrangement, unless the agency has a Buy-in agreement for such payment, as indicated below.

Buy-In agreement for:

- Part A
- Part B

☑ Part B

The Medicaid agency pays premiums, for which the beneficiary would be liable, for enrollment in an HMO participating in Medicare.
(ii) Qualified Disabled and Working Individual (QDWI)

1902(a)(10)(E)(ii) and 1905(s) of the Act

The Medicaid agency pays Medicare Part A premiums under a group premium payment arrangement, subject to any contribution required as described in ATTACHMENT 4.18-E, for individuals in the QDWI group defined in item A.26 of ATTACHMENT 2.2-A of this plan.

(iii) Specified Low-Income Medicare Beneficiary (SLMB)

1902(a)(10)(E)(iii) and 1905(p)(3)(A)(iii) of the Act

The Medicaid agency pays Medicare Part B premiums under the State buy-in process for individuals in the SLMB group defined in item A.27 of ATTACHMENT 2.2-A of this plan.

(iv) Qualifying Individual - 1 (OI-1)

1902(a)(10)(E)(iv)(I), 1905(p)(3)(A)(ii), and 1933 of the Act

The Medicaid agency pays Medicare Part B premiums under the State buy-in process for individuals described in 1902(a)(10)(E)(iv)(I) and subject to 1933 of the Act.

(iv) Qualifying Individual - 2 (OI-2)

1902(a)(10)(E)(iv)(II), 1905(p)(3)(A)(ii), and 1933 of the Act

The Medicaid agency pays the portion of the amount of increase to the Medicare Part B premium attributable to the Home Health Provision to the individuals described in 1902(a)(10)(E)(iv)(II) and subject to 1933 of the Act.
(iv) Other Medicaid Recipients

The Medicaid agency pays Medicare Part B premiums to make Medicare Part B coverage available to the following individuals:

- All individuals who are: a) receiving benefits under titles I, IV-A, X, XIV, or XVI (AABD or SSI); b) receiving State supplements under title XVI; or c) within a group listed at 42 CFR 431.625(d)(2).

- Individuals receiving title II or Railroad Retirement benefits.

- Medically needy individuals (FFP is not available for this group).

(2) Other Health Insurance

The Medicaid agency pays insurance premiums for medical or any other type of remedial care to maintain a third party resource for Medicaid covered services provided to eligible individuals (except individuals 65 years of age or older and disabled individuals, entitled to Medicare Part A but not enrolled in Medicare Part B).
(b) Deductibles/Coinsurance

1. Medicare Part A and B

Supplement 1 to ATTACHMENT 4.19-B describes the methods and standards for establishing payment rates for services covered under Medicare, and/or the methodology for payment of Medicare deductible and coinsurance amounts, to the extent available for each of the following groups.

(i) Qualified Medicare Beneficiaries (QMBs)

The Medicaid agency pays Medicare Part A and Part B deductible and coinsurance amounts for QMBs (subject to any nominal Medicaid copayment) for all services available under Medicare.

(ii) Other Medicaid Recipients

The Medicaid agency pays for Medicaid services also covered under Medicare and furnished to recipients entitled to Medicare(subject to any nominal Medicaid copayment). For services furnished to individuals who are described in section 3.2(a)(1)(iv),payment is made as follows:

42 CFR 431.625

☑️ For the entire range of services available under Medicare Part B

☐ Only for the amount, duration, and scope of services otherwise available under this plan.

(iii) Dual Eligible--QMB plus

The Medicaid agency pays Medicare Part A and Part B deductible and coinsurance amounts for all services available under Medicare and pays for all Medicaid services furnished to individuals eligible both as QMBs and categorically or medically needy (subject to any nominal Medicaid copayment).
The Medicaid agency pays all premiums, deductibles, coinsurance and other cost sharing obligations for items and services covered under the State plan (subject to any nominal Medicaid copayment) for eligible individuals in employer-based cost-effective group health plans.

When coverage for eligible family members is not possible unless ineligible family members enroll, the Medicaid agency pays premiums for enrollment of other family members when cost-effective. In addition, the eligible individual is entitled to services covered by the State plan which are not included in the group health plan. Guidelines for determining cost effectiveness are described in section 4.22(h).

The Medicaid agency pays premiums for individuals described in item 1 of Attachment 2.2-A.
3.3 Medicaid for Individuals Age 65 or Over in Institutions for Mental Diseases

42 CFR 441.101, 42 CFR 431.620(c) and (d) AT-79-29

Medicaid is provided for individuals 65 years of age or older who are patients in institutions for mental diseases.

☑ Yes. The requirements of 42 CFR Part 441, Subpart C, and 42 CFR 431.620(c) and (d) are met.

☐ Not applicable. Medicaid is not provided to aged individuals in such institutions under this plan.
3.4 Special Requirements Applicable to Sterilization Procedures

42 CFR 441.252
AT'78-99

All requirements of 42 CFR Part 441, Subpart F are met.
3.5 Families Receiving Extended Medicaid Benefits

1902(a)(52) and 1925 of the Act

(a) Services provided to families during the first 6-month period of extended Medicaid benefits under Section 1925 of the Act are equal in amount, duration, and scope to services provided to categorically needy AFDC recipients as described in ATTACHMENT 3.1-A (or may be greater if provided through a caretaker relative employer's health insurance plan).

(b) Services provided to families during the second 6-month period of extended Medicaid benefits under section 1925 of the Act are -

- Equal in amount, duration, and scope to services provided to categorically needy AFDC recipients as described in ATTACHMENT 3.1-A (or may be greater if provided through a caretaker relative employer's health insurance plan).

- Equal in amount, duration, and scope to services provided to categorically needy AFDC recipients, (or may be greater if provided through a caretaker relative employer's health insurance plan) minus any one or more of the following acute services:
  - Nursing facility services (other than services in an institution for mental diseases) for individuals 21 years of age or older.
  - Medical or remedial care provided by licensed practitioners.
  - Home health services.
3.5 Families Receiving Extended Medicaid Benefits (Continued)

- Private duty nursing services.
- Physical therapy and related services
- Other diagnostic, screening, preventive, and rehabilitation services.
- Inpatient hospital services and nursing facility services for individuals 65 years of age or over in an institution for mental diseases.
- Intermediate care facility services for the mentally retarded.
- Inpatient psychiatric services for individuals under age 21.
- Hospice services.
- Respiratory care services.
- Any other medical care and any other type of remedial care recognized under State law and specified by the Secretary.
3.5  Families Receiving Extended Medicaid Benefits (Continued)

(c)  The agency pays the family's premiums, enrollment fees, deductibles, coinsurance, and similar costs for health plans offered by the caretaker's employer as payments for medical assistance—

☐  1st 6 months  ☐  2nd 6 months

☐  The agency requires caretakers to enroll in employers' health plans as a condition of eligibility.

☐  1st 6 mos.  ☐  2nd 6 mos.

(d)  (1)  The Medicaid agency provides assistance to families during the second 6-month period of extended Medicaid benefits through the following alternative methods:

☐  Enrollment in the family option of an employer's health plan.

☐  Enrollment in the family option of a State employee health plan.

☐  Enrollment in the State health plan for the uninsured.

☐  Enrollment in an eligible health maintenance organization (HMO) with a prepaid enrollment of less than 50 percent Medicaid recipients (except recipients of extended Medicaid).
3.5 Families Receiving Extended Medicaid Benefits (Continued)

Supplement 2 to ATTACHMENT 3.1-A specifies and describes the alternative health care plan(s) offered, including requirements for assuring that recipients have access to services of adequate quality.

(2) The agency—

(i) Pays all premiums and enrollment fees imposed on the family for such plan(s).

(ii) Pays all deductibles and coinsurance imposed on the family for such plan(s).
SECTION 4 – GENERAL PROGRAM ADMINISTRATION

Citation

4.1 Methods of Administration

42 CFR 431.15 AT-79-29

The Medicaid agency employs methods of administration found by the Secretary of Health and Human Services to be necessary for the proper and efficient operation of the plan.
4.2  Hearings for Applicants and Recipients

42 CFR 431.202  The Medicaid agency has a system of hearings that meets all the requirements of 42 CFR Part 431, Subpart E.

AT-79-29  With respect to transfers and discharges from nursing facilities, the requirements of 1919(e)(3) are met.
4.3 Safeguarding Information on Applicants and Recipients

Under State statute which imposes legal sanctions, safeguards are provided that restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with the administration of the plan.

All other requirements of 42 CFR Part 431, Subpart F are met.
4.4 **Medicaid Quality Control**

(a) A system of quality control is implemented in accordance with 42 CFR Part 431, Subpart P.

(b) The State operates a claims processing assessment system that meets the requirements of 431.800(e), (g), (h), (j) and (k).

☐ Yes.

☒ Not applicable. The State has an approved Medicaid Management Information System (MMIS).
4.5 Medicaid Agency Fraud Detection and Investigation Program

The Medicaid agency has established and will maintain methods, criteria and procedures that meet all requirements of 42 CFR 455.13 through 455.21 and 455.23 for prevention and control of program fraud and abuse.
36a

HCFA-PM-99-3 (CMSO)
June 1999

State/Territory: Nebraska

Citation

4.5a Medicaid Agency Fraud Detection and Investigation

Section 1902 (a)(64) of the Social Security Act P.L. 105-33

The Medicaid agency has established a mechanism to receive reports from beneficiaries and others and compile data concerning alleged instances of waste, fraud, and abuse relating to the operation of this title.
4.5b Medicaid Recovery Audit Contractor Program

_____ The State has established a program under which it will contract with one or more recovery audit contractors (RACs) for the purpose of identifying underpayments and overpayments of Medicaid claims under the State plan and under any waiver of the State plan.

X The State is seeking an exception to establishing such program for the following reasons:

Nebraska implemented Heritage Health effective January 1, 2017. Heritage Health combines physical health, behavioral health and pharmacy programs into a single managed care system. A dental benefits manager for dental services was effective October 1, 2017. Neb Rev Stat 68-974(3)(a) excludes Managed Care claims from the scope of the Recovery Audit Contractor. This leaves very few claims for review or recovery from the fee for service program.

_____ The State/Medicaid agency has contracts of the type(s) listed in section 1902(a)(42)(B)(ii)(I) of the Act. All contracts meet the requirements of the statute. RACs are consistent with the statute.

Place a check mark to provide assurance of the following:

_____ The State will make payments to the RAC(s) only from amounts recovered.

_____ The State will make payments to the RAC(s) on a contingent basis for collecting overpayments.

The following payment methodology shall be used to determine State payments to Medicaid RACs for identification and recovery of overpayments (e.g., the percentage of the contingency fee):

_____ The State attests that the contingency fee rate paid to the Medicaid RAC will not exceed the highest rate paid to Medicare RACs, as published in the Federal Register.

TN No NE 17-0019
Supersedes TN No. 13-21
Approval Date December 15, 2017 Effective Date December 1, 2017
The State attests that the contingency fee rate paid to the Medicaid RAC will exceed the highest rate paid to Medicare RACs, as published in the Federal Register. The State will only submit for FFP up to the amount equivalent to that published rate.

The contingency fee rate paid to the Medicaid RAC that will exceed the highest rate paid to Medicare RACs, as published in the Federal Register. The State will submit a justification for that rate and will submit for FFP for the full amount of the contingency fee.

The following payment methodology shall be used to determine State payments to Medicaid RACs for the identification of underpayments (e.g., amount of flat fee, the percentage of the contingency fee):

- Flat fee to be negotiated

The State has an adequate appeal process in place for entities to appeal any adverse determination made by the Medicaid RAC(s).

The State assures that the amounts expended by the State to carry out the program will be amounts expended as necessary for the proper and efficient administration of the State plan or a waiver of the plan.

The State assures that the recovered amounts will be subject to a State’s quarterly expenditure estimates and funding of the State’s share.

Efforts of the Medicaid RAC(s) will be coordinated with other contractors or entities performing audits of entities receiving payments under the State plan or waiver in the State, and/or State and Federal law enforcement entities and the CMS Medicaid Integrity Program.
4.6 Reports

The Medicaid agency will submit all reports in the form and with the content required by the Secretary, and will comply with any provisions that the Secretary finds necessary to verify and assure the correctness of the reports. All requirements of 42 CFR 431.16 are met.
4.7  Maintenance of Records

The Medicaid agency maintains or supervises the maintenance of records necessary for the proper and efficient operation of the plan, including records regarding applications, determination of eligibility, the provision of medical assistance, and administrative costs, and statistical, fiscal and other records necessary for reporting and accountability, and retains these records in accordance with Federal requirements. All requirements of 42 CFR 431.17 are met.
4.8 Availability of Agency Program Manuals

42 CFR 431.18(b) Program manuals and other policy issuances that affect the public, including the Medicaid agency's rules and regulations governing eligibility, need and amount of assistance, recipient rights and responsibilities, and services offered by the agency are maintained in the State office and in each local and district office for examination, upon request, by individuals for review, study, or reproduction. All requirements of 42 CFR 431.18 are met.
There are procedures implemented in accordance with 42 CFR 433.37 for identification of providers of services by social security number or by employer identification number and for reporting the information required by the Internal Revenue Code (26 U.S.C.6041) with respect to payment for services under the plan.
Revision: HCFA-AT-99-3 (CMSO)  
June 1999
State/Territory: Nebraska

Citation

4.10 Free Choice of Providers

42 CFR 431.51  
AT-78-90  
46 FR 48524  
48 FR 23212  
1902(a)(23)  
P.L. 100-93  
(section 8(f)  
P.L. 100-203  
(Section 4113)  

(a) Except as provided in paragraph (b), the Medicaid agency assures that an individual eligible under the plan may obtain Medicaid services from any institution, agency, pharmacy, person, or organization that is qualified to perform the services, including of the Act an organization that provides these services or arranges for their availability on a prepayment basis.

(b) Paragraph (a) does not apply to services furnished to an individual —

(1) Under an exception allowed under 42 CFR 431.54, subject to the limitations in paragraph (c), or

(2) Under a waiver approved under 42 CFR 431.55, subject to the limitations in paragraph (c), or

(3) By an individual or entity excluded from participation in accordance with section 1902(p) of the Act,

Section 1902(a)(23) Of the Social Security Act
P.L. 105-33

(4) By individuals or entities who have been convicted of a felony under Federal or State law and for which the State determines that the offense is inconsistent with the best interests of the individual eligible to obtain Medicaid Services, or

Section 1902(a)(23) Of the Social Security Act
P.L. 105-33

(5) Under an exception allowed under 42 CFR 438.50 or 42 CFR 440.168, subject to the limitations in paragraph (c)

(c) Enrollment of an individual eligible for medical assistance in a primary care case management system described in section 1905(t), 1915(a), 1915(b)(1), or 1932(a); or managed care organization, prepaid inpatient health plan, a prepaid ambulatory health plan, or a similar entity shall not restrict the choice of the qualified person from whom the individual may receive emergency services or services under section 1905(a)(4)(c).

TN No. MS-03-12  
Supersedes Approval Date Nov 6 2003  
Effective Date Aug 13 2003

TN No. MS-01-07
4.11 Relations with Standard-Setting and Survey Agencies

(a) The State agency utilized by the Secretary to determine qualifications of institutions and suppliers of services to participate in Medicare is responsible for establishing and maintaining health standards for private or public institutions (exclusive of Christian Science sanatoria) that provide services to Medicaid recipients. This agency is the Nebraska Department of Health and Human Services.

(b) The State authority(ies) responsible for establishing and maintaining standards, other than those relating to health, for public or private institutions that provide services to Medicaid recipients is (are): Nebraska Health and Human Services System.

(c) ATTACHMENT 4.11-A describes the standards specified in paragraphs (a) and (b) above, that are kept on file and made available to the Health Care Financing Administration on request.
The Nebraska Department of Health and Human Services, which is the State agency responsible for licensing health institutions, determines if institutions and agencies meet the requirements for participation in the Medicaid program. The requirements in 42 CFR 431.610(e), (f) and (g) are met.
4.12 Consultation to Medical Facilities

(a) Consultative services are provided by health and other appropriate State agencies to hospitals, nursing facilities, home health agencies, clinics and laboratories in accordance with 42 CFR 431.105(b).

(b) Similar services are provided to other types of facilities providing medical care to individuals receiving services under the programs specified in 42 CFR 431.105(b).

☐ Yes, as listed below:

☒ Not applicable. Similar services are not provided to other types of medical facilities.
4.13  Required Provider Agreement

With respect to agreements between the Medicaid agency and each provider furnishing services under the plan:

42 CFR 431.107 (a) For all providers, the requirements of 42 CFR 431.107 and 42 CFR Part 442, Subparts A and B (if applicable) are met.

42 CFR Part 483 Subpart B, and section 1919 of the Act (b) For providers of NF services, the requirements of 42 CFR Part 483, Subpart B, and section 1919 of the Act are also met.

42 CFR Part 483, Subpart D (c) For providers of ICF/MR services, the requirements of participation in 42 CFR Part 483, Subpart D are also met.

1920 of the Act (d) For each provider that is eligible under the plan to furnish ambulatory prenatal care to pregnant women during a presumptive eligibility period, all the requirements of section 1920(b)(2) and (c) are met.

☐ Not applicable. Ambulatory prenatal care is not provided to pregnant women during a presumptive eligibility period.
For each provider receiving funds under the plan, all the requirements for advance directives of section 1902(w) are met:

1. Hospitals, nursing facilities, providers of home health care or personal care services, hospice programs, managed care organizations, prepaid inpatient health plans, prepaid ambulatory health plans (unless the PAHP excludes providers in 42 CFR 489.102), and health insuring organizations are required to do the following:

   a. Maintain written policies and procedures with respect to all adult individuals receiving medical care by or through the provider or organization about their rights under State law to make decisions concerning medical care, including the right to accept or refuse medical or surgical treatment and the right to formulate advance directives.

   b. Provide written information to all adult individuals on their policies concerning implementation of such rights.

   c. Document in the individual's medical records whether or not the individual has executed an advance directive;

   d. Not condition the provision of care or otherwise discriminate against an individual based on whether or not the individual has executed an advance directive;

   e. Ensure compliance with requirements of State Law (whether
statutory or recognized by the courts) concerning advance directives; and

(f) Provide (individually or with others) for education for staff and the community on issues concerning advance directives.

(2) Providers will furnish the written information described in paragraph (1)(a) to all adult individuals at the time specified below:

(a) Hospitals at the time an individual is admitted as an inpatient.

(b) Nursing facilities when the individual is admitted as a resident.

(c) Providers of home health care or personal care services before the individual comes under the care of the provider;

(d) Hospice program at the time of initial receipt of hospice care by the individual from the program; and

(e) Managed care organizations, health insuring organizations, prepaid inpatient health plans, and prepaid ambulatory health plans (as applicable) at the time of enrollment of the individual with the organization.

(3) Attachment 4.34 A describes law of the State (whether statutory or as Recognized by the courts of the State) concerning advance directives.

☐ Not applicable. No State law or court decision exist regarding advance directives.
4.14 Utilization/Quality Control

(a) A Statewide program of surveillance and utilization control has implemented that safeguards against unnecessary or inappropriate use of Medicaid services available under this plan and against excess payments, and that assesses the quality of services. The requirements of 42 CFR Part 456 are met:

- Directly

- By undertaking medical and utilization review requirements through a contract with a Utilization and Quality Control Peer Review Organization (PRO) designated under 42 CFR Part 462. The contract with the PRO —
  1. Meets the requirements of §434.6(a);
  2. Includes a monitoring and evaluation plan to ensure satisfactory performance;
  3. Identifies the services and providers subject to PRO review;
  4. Ensures that PRO review activities are not inconsistent with the PRO review of Medicare services; and
  5. Includes a description of the extent to which PRO determinations are considered conclusive for payment purposes.

By undertaking quality and utilization reviews through contracts with utilization review organizations which do peer reviews (PRO-like/non-PRO-like entities). One contract includes hospital services (selected in-patient and selected out-patient services); the other contract includes mental health substance abuse inpatient services

A qualified External Quality Review Organization performs an annual External Quality Review that meets the requirements of 42 CFR 438 Subpart E on each managed care organization, prepaid inpatient health plan, and health insuring organizations under contract, except where exempted by the regulation.

Supersedes Approval Date Nov 6 2003 Effective Date Aug 13 2003
The contracts with the entities —

1. Meets the requirements of §434.6(a);

2. Includes a monitoring and evaluation plan to ensure satisfactory performance;

3. Identifies the services and providers subject to the entity's review;

4. Includes a description of the extent to which the entity's determinations are considered conclusive for payment purposes.

4.14 (b) The Medicaid agency meets the requirements of 42 CFR Part 456, Subpart C, for control of the utilization of inpatient hospital services.

☐ Utilization and medical review are performed by a Utilization and Quality Control Peer Review Organization designated under 42 CFR Part 462 that has a contract with the agency to perform those reviews.

☐ Utilization review is performed in accordance with 42 CFR Part 456, Subpart H, that specifies the conditions of a waiver of the requirements of Subpart C for.

☐ All hospitals (other than mental hospitals).

☐ Those specified in the waiver.

☒ No waivers have been granted.
The Medicaid agency meets the requirements of 42 CFR Part 456, Subpart D, for control of utilization of inpatient services in mental hospitals.

Utilization and medical review are performed by a Utilization and Quality Control Peer Review Organization designated under 42 CFR Part 462 that has a contract with the agency to perform those reviews.

Utilization review is performed in accordance with 42 CFR Part 456, Subpart H, that specifies the conditions of a waiver of the requirements of Subpart D for—

- All mental hospitals.
- Those specified in the waiver
- No waivers have been granted.
- Not applicable. Inpatient services in mental hospitals are not provided under this plan.

Note: The utilization review entity will not review—

1. Inpatient hospital services in institutions for mental disease (IMD's) for clients age 65 or older; and

2. Treatment Crisis Intervention services for which coverage is limited to a maximum of 7 days.
4.14(d) The Medicaid agency meets the requirements of
42 CFR 456.2 42 CFR Part 456, Subpart E, for the control of
utilization of skilled nursing facility services.

☐ Utilization and medical review are performed by a
Utilization and Quality Control Peer Review
Organization designated under 42 CFR Part 462 that
has a contract with the agency to perform those
reviews.

☐ Utilization review is performed in accordance with 42
CFR Part 456, Subpart H, that specifies the
conditions of a waiver of the requirements of Subpart
F for:

☐ All skilled nursing facilities.

☐ Those specified in the waiver.

☒ No waivers have been granted.
The Medicaid agency meets the requirements of 42 CFR Part 456, Subpart F, for control of the utilization of intermediate care facility services.

Utilization review in facilities is provided through:

- [ ] Facility-based review.
- [x] Direct review by personnel of the medical assistance unit of the State agency.
- [ ] Personnel under contract to the medical assistance unit of the State agency.
- [ ] Utilization and Quality Control Peer Review Organizations.
- [ ] Another method as described in ATTACHMENT 4.14-A.
- [ ] Two or more of the above methods.

ATTACHMENT 4.14-B describes the circumstances under which each method is used.

- [ ] Not applicable. Intermediate care facility services are not provided under this plan.
42 CFR 438.356(e) (f) For each contract, the State must follow an open, competitive procurement process that is in accordance with State law and regulations and consistent with 45 CFR part 74 as it applies to State procurement of Medicaid services.

42 CFR 438.354
42 CFR 438.356(b) and (d) The State must ensure that an External Quality Review Organization and its subcontractors performing the External Quality Review or External Quality Review-related activities meets the competence and independence requirements.

☐ Not applicable.

TN No. MS-03-12
Supersedes Approval Date Nov 6 2003 Effective Date Aug 13 2003

TN No. MS-91-30
Revision: HCFA-PM-92-2 (HSQB) March 1992

State/Territory: Nebraska

Citation

4.15 Inspection of Care in Intermediate Care Facilities for the Mentally Retarded, Facilities Providing Inpatient Psychiatric Services for Individuals Under 21, and Mental Hospitals

42 CFR Part 456 Subpart I, and 1902(a)(31) and 1903(g) of the Act

☐ The State has contracted with a Peer Review Organization (PRO) to perform inspection of care for:

☐ ICFs/MR;

☐ Inpatient psychiatric facilities for recipients under age 21; and

☐ Mental Hospitals.

42 CFR Part 456 Subpart A and 1902(a)(30) of the Act

☒ All applicable requirements of 42 CFR Part 456, Subpart I, are met with respect to periodic inspections of care and services.

☐ Not applicable with respect to intermediate care facilities for the mentally retarded services; such services are not provided under this plan.

☐ Not applicable with respect to services for individuals age 65 or over in institutions for mental disease; such services are not provided under this plan.

☐ Not applicable with respect to inpatient psychiatric services for individuals under age 21; such services are not provided under this plan.

TN No. MS-92-19
Supersedes Approval Date Jan 14 1993 Effective Date Oct 1 1992

TN No. MS-78-9
4.16 Relations with State Health and Vocational Rehabilitation Agencies and Title V Grantees

The Medicaid agency has cooperative arrangements with State health and vocational rehabilitation agencies and with title V grantees, that meet the requirements of 42 CFR 431.615.

ATTACHMENT 4.16-A describes the cooperative arrangements with the health and vocational rehabilitation agencies.
**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT**

### Citation

**4.17 Liens and Adjustments or Recoveries**

<table>
<thead>
<tr>
<th>42 CFR 433.36(c) 1902(a) (18) and 1917(a) and (b) of the Act</th>
<th>(a) <strong>Liens</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>□ The State imposes liens against an individual's real property on account of medical assistance paid or to be paid.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The State complies with the requirements of section 1917 (a) of the Act and regulations at 42 CFR 433.36(c)-(g) with respect to any lien imposed against the property of any individual prior to his or her death on account of medical assistance paid or to be paid on his or her behalf.</td>
</tr>
<tr>
<td>□ The State imposes liens on real property on account of benefits incorrectly paid.</td>
<td></td>
</tr>
<tr>
<td>□ The State imposes TEFRA liens 1917(a)(1)(B) on real property of an individual who is an inpatient of nursing facility, ICF/MR, or other medical institution, where the individual is required to contribute toward the cost of institutional care all but a minimal amount of income required for personal needs.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The procedures by the State for determining that an institutionalized individual cannot reasonably be expected to be discharged are specified in Attachment 4.17-A. (Note: If the State indicates in its State plan that it is imposing TEFRA liens, then the State is required to determine whether an institutionalized individual is permanently institutionalized and afford these individuals notice, hearing procedures, and due process requirements.)</td>
</tr>
</tbody>
</table>

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**TN No. MS-03-01**

<table>
<thead>
<tr>
<th>Supersedes</th>
<th>Approval Date</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>TN No. MS-83-01</td>
<td>Nov 6 2003</td>
<td>Jan 1 2003</td>
</tr>
</tbody>
</table>
The State imposes liens on both real and personal property of an individual after the individual's death.

(b) Adjustments or Recoveries

The State complies with the requirements of section 1917(b) of the Act and regulations at 42 CFR 433.36(h)-(i).

Adjustments or recoveries for Medicaid claims correctly paid are as follows:

(1) For permanently institutionalized individuals, adjustments or recoveries are made from the individual's estate or upon sale of the property subject to a lien imposed because of medical assistance paid on behalf of the individual for services provided in a nursing facility, ICF/MR, or other medical institution.

* Adjustments or recoveries are made for all other medical assistance paid on behalf of the individual

(2) * The State determines "permanent institutional status" of individuals under the age of 55 other than those with respect to whom it imposes liens on real property under §1917(a)(1)(B) (even if it does not impose those liens).

(3) For any individual who received medical assistance at age 55 or older, adjustments or recoveries of payments are made from the individual's estate for nursing facility services, home and community-based services, and related hospital and prescription drug services.
STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: Nebraska

☑ In addition to adjustment or recovery of payments for services listed above, payments are adjusted or recovered for other services under the State plan as listed below:

All Medicaid services provided under the Nebraska Title XIX State Plan for individuals age 55 and over, except for Medicare Cost Sharing as specified at 4.17(b)(3) – Continued.

42 CFR 1396p(b)(1)(B)(ii) (3) (continued)
Limitations on Estate Recovery - Medicare Cost Sharing:

(i) Medical assistance for Medicare cost sharing is protected from estate recovery for the following categories of dual eligibles: QMB, SLMB, QI, QDWI, QMB+, SLMB+. This protection extends to medical assistance for four Medicare cost sharing benefits: (Part A and B premiums, deductibles, coinsurance, co-payments) with dates of service on or after January 1, 2010. The date of service for deductibles, coinsurance, and co-payments is the date the request for payment is received by the State Medicaid Agency. The date of service for premiums is the date the State Medicaid Agency paid the premium.

(ii) In addition to being a qualified dual eligible the individual must also be age 55 or over. The above protection from estate recovery for Medicare cost sharing benefits (premiums, deductibles, coinsurance, co-payments) applies to approved mandatory (i.e., nursing facility, home and community-based services, and related prescription drugs and hospital services) as well as optional Medicaid services identified in the State plan, which are applicable to the categories of duals referenced above.

Supersedes TN No. MS-06-07
Approval Date FEB 11 2011  Effective Date OCT 01 2010

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53b
1917(b)1(c) (4) ☒ If an individual covered under a long-term care insurance policy received benefits for which assets or resources were disregarded as provided for in Attachment 2.6-A, Supplement 8c (State Long-Term Care Insurance Partnership), the State does not seek adjustment or recovery from the individual’s estate for the amount of assets or resources disregarded.
STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: Nebraska

Citation

(c) Adjustments or Recoveries: Limitations

The State complies with the requirements of section 1917(b)(2) of the Act and regulations at 42 CFR §433.36(h) - (i).

(1) Adjustment or recovery of medical assistance correctly paid will be made only after the death of the individual's surviving spouse, and only when the individual has no surviving child who is either under age 21, blind, or disabled.

(2) With respect to liens on the home of any individual who the State determines is permanently institutionalized and who must as a condition of receiving services in the institution apply their income to the cost of care, the State will not seek adjustment or recovery of medical assistance correctly paid on behalf of the individual until such time as none of the following individuals are residing in the individual's home:

(a) a sibling of the individual (who was residing in the individual's home for at least one year immediately before the date that the individual was institutionalized), or

(b) a child of the individual (who was residing in the individual's home for at least two years immediately before the date that the individual was institutionalized) who establishes to the satisfaction of the State that the care the child provided permitted the individual to reside at home rather than become institutionalized.

Supersedes Approval Date Nov 6 2003 Effective Date Jan 1 2003

TN No. New Page
STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: Nebraska

Citation

(3) No money payments under another program are reduced as a means of adjusting or recovering Medicaid claims incorrectly paid.

(d) ATTACHMENT 4.17-A

(1) Specifies the procedures for determining that an institutionalized individual cannot reasonably be expected to be discharged from the medical institution and return home. The description of the procedure meets the requirements of 42 CFR 433.36(d).

(2) Specifies the criteria by which a son or a daughter can establish that he or she has been providing care, as specified under 42 CFR 433.36(f).

(3) Defines the following terms:

- estate (at a minimum, estate as defined under State probate law). Except for the grandfathered States listed in section 4.17(b)(3), if the State provides a disregard for assets or resources for any individual who received or is entitled to receive benefits under a long term care insurance policy, the definition of estate must include all real, personal property, and assets of an individual (including any property or assets in which the individual had any legal title or interest at the time of death to the extent of the interest and also including the assets conveyed through devices such as joint tenancy, life estate, living trust, or other arrangement),
STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: Nebraska

Citation

- individual's home,
- equity interest in the home,
- residing in the home for at least 1 or 2 years,
- on a continuous basis,
- discharge from the medical institution and return home, and
- lawfully residing.

(4) Describes the standards and procedures for waiving estate recovery when it would cause undue hardship.

(5) Defines when adjustment or recovery is not cost-effective. Defines cost-effective and includes methodology or thresholds used to determine cost-effectiveness.

(6) Describes collection procedures. Includes advance notice requirements, specifies the method for applying for a waiver, hearing and appeals procedures, and the time frames involved.

TN No. MS-03-01
Supersedes Approval Date Nov 6 2003 Effective Date Jan 1 2003

TN No. New Page
4.18 Recipient Cost Sharing and Similar Charges

(a) Unless a waiver under 42 CFR 431.55(g) applies, deductibles, coinsurance rates, and copayments do not exceed the maximum allowable charges under 42 CFR 447.54.

(b) Except as specified in items 4.18(b)(4), (5), and (6) below, with respect to individuals covered as categorically needy or as qualified Medicare beneficiaries (as defined in section 1905(p)(1) of the Act) under the plan:

1. No enrollment fee, premium, or similar charge is imposed under the plan.

2. No deductible, coinsurance, copayment or similar charge is imposed under the plan for the following:

   (i) Services to individuals under age 18, or under--

   - Age 19
   - Age 20
   - Age 21

   Reasonable categories of individuals who are age 18 or older, but under age 21, to whom charges apply are listed below, if applicable.

   Individuals age 19 and 20 who are eligible under the -

   1. ADC Program;
   2. AABD Program;
   3. Refugee Resettlement Program; or
   4. Ribicoff Program.

(ii) Services to pregnant women related to the pregnancy or any other medical condition that may complicate the pregnancy.
4.18(b)  (2) (Continued)

42 CFR 447.51 through 447.58  

(iii) All services furnished to pregnant women.

☐ Not applicable. Charges apply for services to pregnant women unrelated to the pregnancy.

(iv) Services furnished to any individual who is an inpatient in a hospital, long-term care facility, or other medical institution, if the individual is required, as a condition of receiving services in the institution, to spend for medical care costs all but a minimal amount of his or her income required for personal needs.

(v) Emergency services if the services meet the requirements in 42 CFR 447.53(b)(4).

(vi) Family planning services and supplies furnished to individuals of childbearing age.

(vii) Services furnished by a managed care organization, health insuring organization, prepaid inpatient health plan, or prepaid ambulatory health plan in which the individual is enrolled, unless they meet the requirements of 42 CFR 447.60.

☐ Managed care enrollees charged deductibles, coinsurance rates, and copayments in an amount equal to the State Plan service cost sharing.

☒ Managed care enrollees are not charged deductibles, coinsurance rates, and copayments.

1916 of the Act, P.L. 99-272, (Section 9505)  

(viii) Services furnished to an individual receiving hospice care, as defined in section 1905(o) of the Act.
 Unless a waiver under 42 CFR 431.55(g) applies, nominal deductible, coinsurance, copayment, or similar charges are imposed for services that are not excluded from such charges under item (b)(2) above.

☐ Not applicable. No such charges are imposed.

(i) For any service, no more than one type of charge is imposed.

(ii) Charges apply to services furnished to the following age groups:

☐ 18 or older
☐ 19 or older
☐ 20 or older
☐ 21 or older

☒ Charges apply to services furnished to the following reasonable categories of individuals listed below who are 18 years of age or older but under age 21.

Individuals age 19 and 20 who are eligible under the -

1. ADC Program;
2. AABD Program;
3. Refugee Resettlement Program; or
4. Ribicoff Program.
For the categorically needy and qualified Medicare beneficiaries, ATTACHMENT 4.18-A specifies the:

(A) Service(s) for which a charge(s) is applied;

(B) Nature of the charge imposed on each service;

(C) Amount(s) of and basis for determining the charge(s);

(D) Method used to collect the charge(s);

(E) Basis for determining whether an individual is unable to pay the charge and the means by which such an individual is identified to providers;

(F) Procedures for implementing and enforcing the exclusions from cost sharing contained in 42 CFR 447.53(b); and

(G) Cumulative maximum that applies to all deductible, coinsurance or copayment charges imposed on a specified time period.

☐ Not applicable. There is no maximum.
A monthly premium is imposed on pregnant women and infants who are covered under section 1902(a)(10)(A)(ii)(IX) of the Act and whose income equals or exceeds 150 percent of the Federal poverty level applicable to a family of the size involved. The requirements of section 1916(c) of the Act are met. ATTACHMENT 4.18-D specifies the method the State uses for determining the premium and the criteria for determining what constitutes undue hardship for waiving payment of premiums by recipients.

For families receiving extended benefits during a second 6-month period under section 1925 of the Act, a monthly premium is imposed in accordance with sections 1925(b)(4) and (5) of the Act.

A monthly premium, set on a sliding scale, imposed on qualified disabled and working individuals who are covered under section 1902(a)(10)(E)(ii) of the Act and whose income exceeds 150 percent (but does not exceed 200 percent) of the Federal poverty level applicable to a family of the size involved. The requirements of section 1916(d) of the Act are met. ATTACHMENT 4.18-E specifies the method and standards the State uses for determining the premium.
Individuals are covered as medically needy under the plan.

An enrollment fee, premium or similar charge is imposed. ATTACHMENT 4.18-B specifies the amount of and liability period for such charges subject to the maximum allowable charges in 42 CFR 447.52(b) and defines the State's policy regarding the effect on recipients of non-payment of the enrollment fee, premium, or similar charge.

No deductible, coinsurance, copayment, or similar charge is imposed under the plan for the following:

(i) Services to individuals under age 18, or under—

☒ Age 19
☐ Age 20
☐ Age 21

Reasonable categories of individuals who are age 18, but under age 21, to whom charges apply are listed below, if applicable:

Individuals age 19 and 20 who are eligible under the -

1. ADC Program;
2. AABD Program;
3. Refugee Resettlement Program; or
4. Ribicoff Program.
42 CFR 447.51 through 447.58

(ii) Services to pregnant women related to the pregnancy or any other medical condition that may complicate the pregnancy.

(iii) All services furnished to pregnant women.

☐ Not applicable. Charges apply for services to pregnant women unrelated to the pregnancy.

(iv) Services furnished to any individual who is an inpatient in a hospital, long-term care facility, or other medical institution, if the individual is required, as a condition of receiving services in the institution, to spend for medical care costs all but a minimal amount of his income required for personal needs.

(v) Emergency services if the services meet the requirements in 42 CFR 447.53(b)(4).

(vi) Family planning services and supplies furnished to individuals of childbearing age.

1916 of the Act, P.L. 99-272 (Section 9505)

(vii) Services furnished to an individual receiving hospice care, as defined in section 1905(o) of the Act.

(viii) Services provided by a health maintenance organization (HMO) to enrolled individuals.

☐ Not applicable. No such charges are imposed.
Unless a waiver under 42 CFR 431.55(g) applies, nominal deductible, coinsurance, copayment, or similar charges are imposed on services that are not excluded from such charges under item (b)(2) above.

☐ Not applicable. No such charges are imposed.

(i) For any service, no more than one type of charge is imposed.

(ii) Charges apply to services furnished to the following age group:

1. 18 or older
2. 19 or older
3. 20 or older
4. 21 or older

Reasonable categories of individuals who are 18 years of age, but under 21, to whom charges apply are listed below, if applicable.

Individuals age 19 and 20 who are eligible under the -

1. ADC Program;
2. AABD Program;
3. Refugee Resettlement Program; or
4. Ribicoff Program.
For the medically needy, and other optional groups, ATTACHMENT 4.18C specifies the:

(A) Service(s) for which charge(s) is applied;

(B) Nature of the charge imposed on each service;

(C) Amount(s) of and basis for determining the charge(s);

(D) Method used to collect the charge(s);

(E) Basis for determining whether an individual is unable to pay the charge(s) and the means by which such an individual is identified to providers;

(F) Procedures for implementing and enforcing the exclusions from cost sharing contained in 42 CFR 447.53(b); and

(G) Cumulative maximum that applies to all deductible, coinsurance, or copayment charges imposed on a family during a specified time period.

Not applicable. There is no maximum.
4.19  Payment for Services

42 CFR 447.252
1902(a)(13)
and 1923 of
the Act

(a) The Medicaid agency meets the requirements of
42 CFR Part 447, Subpart C, and sections
1902(a)(13) and 1923 of the Act with respect to
payment for inpatient hospital services.

ATTACHMENT 4.19-A describes the methods and
standards used to determine rates for payment for
inpatient hospital services.

☑ Inappropriate level of care days are covered and
are paid under the State plan at lower rates than
other inpatient hospital services, reflecting the
level of care actually received, in a manner
consistent with section 1861(v)(1)(G) of the Act.

☐ Inappropriate level of care days are not covered.

TN No. MS-91-24
Supersedes Approval Date Jan 20 1992 Effective Date Nov 1 1991

TN No. MS-87-11
42 CFR 447.201 4.19(b)  In addition to the services specified in paragraphs 42 CFR 447.302 4.19(a), (d), (k), (l), and (m), the Medicaid agency meets the following requirements:

1. **Section 1902(a)(13)(E) of the Act regarding payment for services furnished by Federally qualified health centers (FQHCs) under section 1905(a)(2)(C) of the Act. The agency meets the requirements of section 6303 of the State Medicaid Manual (HCFA-Pub. 45-6) regarding payment for FQHC services. ATTACHMENT 4.19-B describes the method of payment and how the agency determines the reasonable costs of the services (for example, cost-reports, cost or budget reviews, or sample surveys).**

2. **Sections 1902(a)(13)(E) and 1926 of the Act, and 42 CFR Part 447, Subpart D, with respect to payment for all other types of ambulatory services provided by rural health clinics under the plan.**

**ATTACHMENT 4.19-B** describes the methods and standards used for the payment of each of these services except for inpatient hospital, nursing facility services and services in intermediate care facilities for the mentally retarded that are described in other attachments.

**SUPPLEMENT 1 to ATTACHMENT 4.19-B** describes general methods and standards used for establishing payment for Medicare Part A and B deductible/coinsurance.
4.19(c) Payment is made to reserve a bed during a recipient's temporary absence from an inpatient facility.

☑ Yes. The State's policy is described in ATTACHMENT 4.19-C

☐ No.
42 CFR 447.252  
(1) The Medicaid agency meets the requirements of 42 CFR Part 447, Subpart C. with respect to payments for skilled nursing and intermediate care facility services.

ATTACHMENT 4.19-D describes the methods and standards used to determine rates for payment for skilled nursing and intermediate care facility services.

(2) The Medicaid agency provides payment for routine skilled nursing facility services furnished by a swing-bed hospital.

☐ At the average rate per patient day paid to SNFs for routine services furnished during the previous calendar year.

☐ At a rate established by the State, which meets the requirements of 42 CFR Part 447, Subpart C, as applicable.

☐ Not applicable. The agency does not provide payment for SNF services to a swing-bed hospital.

(3) The Medicaid agency provides payment for routine intermediate care facility services furnished by a swing-bed hospital.

☐ At the average rate per patient day paid to ICFs, other than ICFs for the mentally retarded, for routine services furnished during the previous calendar year.

☐ At a rate established by the State, which meets the requirements of 42 CFR Part 447, Subpart C, as applicable.

☐ Not applicable. The agency does not provide payment for ICF services to a swing-bed hospital.

☐ (4) Section 4.19(d)(1) of this plan is not applicable with respect to intermediate care facility services; such services are not provided under this State plan.
The Medicaid agency meets all requirements of 42 CFR 447.45 for timely payment of claims.

ATTACHMENT 4.19-E specifies, for each type of service, the definition of a claim for purposes of meeting these requirements.
4.19 (f) The Medicaid agency limits participation to providers who meet the requirements of 42 CFR 447.15.

No provider participating under this plan may deny services to any individual eligible under the plan on account of the individual's inability to pay a cost sharing amount imposed by the plan in accordance with 42 CFR 431.55(g) and 447.53. This service guarantee does not apply to an individual who is able to pay, nor does an individual's inability to pay eliminate his or her liability for the cost sharing change.
4.19(g) The Medicaid agency assures appropriate audit of records when payment is based on costs of services or on a fee plus cost of materials.
<table>
<thead>
<tr>
<th>Citation</th>
<th>4.19(h)</th>
<th>The Medicaid agency meets the requirements of 42 CFR 447.203 for documentation and availability of payment rates.</th>
</tr>
</thead>
<tbody>
<tr>
<td>42 CFR 447.201</td>
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<tr>
<td>42 CFR 447.203</td>
<td></td>
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<tr>
<td>AT-78-90</td>
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</tbody>
</table>
4.19(i) The Medicaid agency's payments are sufficient to enlist enough providers so that services under the plan are available to recipients at least to the extent that those services are available to the general population.
The Medicaid agency meets the requirements of 42 CFR 447.201 for public notice of any changes in Statewide method or standards for setting payment rates.

The Medicaid agency meets the requirements of section 1903(v) of the Act with respect to payment for medical assistance furnished to an alien who is not lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law. Payment is made only for care and services that are necessary for the treatment of an emergency medical condition, as defined in section 1903(v) of the Act.
The Medicaid agency meets the requirements of section 1903(i)(14) of the Act with respect to payment for physician services furnished to children under 21 and pregnant women. Payment for physician services furnished by a physician to a child or a pregnant woman is made only to physicians who meet one of the requirements listed under this section of the Act.
4.19(m) Medicaid Reimbursement for Administration of Vaccines under the Pediatric Immunization Program

1928(c)(2) (C)(ii) of the Act.

A provider may impose a charge for the administration of a qualified pediatric vaccine as stated in 1928(c)(2)(C) of the Act. Within this overall provision, Medicaid reimbursement to providers will be administered as follows.

(ii) The State:
- sets a payment rate at the level of the regional maximum established by the DHHS Secretary.
- is a Universal Purchase State and sets a payment rate at the level of the regional maximum established in accordance with State law.
- sets a payment rate below the level of the regional maximum established by the DHHS Secretary.
- is a Universal Purchase State and sets a payment rate below the level of the regional maximum established by the Universal Purchase State.

The State pays the following rate for the administration of a vaccine: $10.50

1926 of the Act

(iii) Medicaid beneficiary access to immunizations is assured through the following methodology:

The State will compare -

a. The number of Medicaid pediatric practitioners (including practitioners listed in section 1926(a)(4)(B) of the Act) who are Medicaid-enrolled providers and who have submitted pediatric immunization claims; and

b. The total number of pediatric practitioners providing immunizations to children.

The Medicaid-enrolled providers must have at least one Medicaid pediatric immunization claim per month or an average of 12 claims per year.
4.20  Direct Payments to Certain Recipients for Physicians’ or Dentists’ Services

42 CFR 447.25(b)  Direct payments are made to certain recipients as specified by, and in accordance with, the requirements of 42 CFR 447.25.

☐ Yes, for ☐ physicians’ services
☐ dentists’ services

ATTACHMENT 4.20-A specifies the conditions under which such payments are made.

☒ Not applicable. No direct payments are made to recipients.

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TN No.  MS-78-2
Supersedes Approval Date Feb 28 1978 Effective Date Jan 1 1978

TN No. MS-77-2
Prohibition Against Reassignment of Provider Claims

Payment for Medicaid services furnished by any provider under this plan is made only in accordance with the requirements of 42 CFR 447.10.
4.22 Third Party Liability

42 CFR 433.137
1902(a)(25)(H) and (I) of the Act

(a) The Medicaid agency meets all requirements of:
1. 42 CFR 433.138 and 433.139.
4. Sections 1902(a)(25)(H) and (I) of the Act.

42 CFR 433.138(f)

(b) ATTACHMENT 4.22-A –

(1) Specifies the frequency with which the data exchanges required in §433.138(d)(1), (d)(3) and (d)(4) and the diagnosis and trauma code edits required in §433.138(e) are conducted;

(2) Describes the methods the agency uses for meeting the followup requirements contained in §433.138(g)(1)(i) and (g)(2)(i);

(3) Describes the methods the agency uses for following up on information obtained through the State motor vehicle accident report file data exchange required under §433.138(d)(4)(ii) and specifies the time frames for incorporation into the eligibility case file and into its third party data base and third party recovery unit of all information obtained through the followup that identifies legally liable third party resources; and

(4) Describes the methods the agency uses for following up on paid claims identified under §433.138(e) (methods include a procedure for periodically identifying those trauma codes that yield the highest third party collections and giving priority to following up on those codes) and specifies the time frames for incorporation into the eligibility case file and into its third party data base and third party recovery unit of all information obtained through the followup that identifies legally liable third party resources.
Providers are required to bill liable third parties when services covered under the plan are furnished to an individual on whose behalf child support enforcement is being carried out by the State IV-D agency.

(d) ATTACHMENT 4.22-B specifies the following:

(1) The method used in determining a provider's compliance with the third party billing requirements at §433.139(b)(3)(ii)(C).

(2) The threshold amount or other guideline used in determining whether to seek recovery of reimbursement from a liable third party, or the process by which the agency determines that seeking recovery of reimbursement would not be cost effective.

(3) The dollar amount or time period the State uses to accumulate billings from a particular liable third party in making the decision to seek recovery of reimbursement.

(e) The Medicaid agency ensures that the provider furnishing a service for which a third party is liable follows the restrictions specified in 42 CFR 447.20.
42 CFR 433.151(a) (f) The Medicaid agency has written cooperative agreements for the enforcement of rights to and collection of third party benefits assigned to the State as a condition of eligibility for medical assistance with the following: (Check as appropriate.)

☐ State title IV-D agency. The requirements of 42 CFR 433.152(b) are met.

☐ Other appropriate State agency(s)

☐ Other appropriate agency(s) of another State

☐ Courts and law enforcement officials.

1902(a)(60) of the Act (g) The Medicaid agency assures that the State has in effect the laws relating to medical child support under section 1908 of the Act.

1906 of the Act (h) The Medicaid agency specifies the guidelines used in determining the cost effectiveness of an employer-based group health plan by selecting one of the following.

☐ The Secretary's method as provided in the State Medicaid Manual, Section 3910.

☒ The State provides methods for determining cost effectiveness on ATTACHMENT 4.22-C.
4.23  Use of Contracts

The Medicaid agency has contracts of the type(s) listed in 42 CFR Part 434. All contracts meet the requirements of 42 CFR Part 434.

Not applicable. The State has such no contracts.
4.24 Standards for Payments for Nursing Facility and Intermediate Care Facility for the Mentally Retarded Services

With respect to nursing facilities and intermediate care facilities for the mentally retarded, all applicable requirements of 42 CFR Part 442, Subparts B and C are met.

☐ Not Applicable to intermediate care facilities for the mentally retarded; such services are not provided under this plan.
4.25  Program for Licensing Administrators of Nursing Homes

42 CFR 431.702  The State has a program that, except with respect to Christian Science sanatoria, meets the requirements of 42 CFR Part 431, Subpart N, for the licensing of nursing home administrators.
<table>
<thead>
<tr>
<th>Citation</th>
<th>4.26 Drug Utilization Review Programs</th>
</tr>
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<tbody>
<tr>
<td>1927(g)</td>
<td>A. 1. The Medicaid agency meets the requirements of Section 1927(g) of the Act for a drug use review (DUR) program for outpatient drug claims.</td>
</tr>
<tr>
<td>42 CFR 456.700</td>
<td></td>
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<tr>
<td>1927(g)(1)(A)</td>
<td>2. The DUR program assures that prescriptions for outpatient drugs are:</td>
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<tr>
<td></td>
<td>- Appropriate</td>
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<td></td>
<td>- Medically necessary</td>
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<td></td>
<td>- are not likely to result in adverse medical results</td>
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<tr>
<td>1927(g)(1)(a)</td>
<td>B. The DUR program is designed to educate physicians and pharmacist to identify and reduce the frequency of patterns of fraud, abuse, gross overuse, or inappropriate or medically unnecessary care among physicians, pharmacists, and patients or associated with specific drugs as well as:</td>
</tr>
<tr>
<td>42 CFR 456.705(b)</td>
<td>- Potential and actual adverse drug reactions</td>
</tr>
<tr>
<td>and 456.709(b)</td>
<td>- Therapeutic appropriateness</td>
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<td></td>
<td>- Overutilization and underutilization</td>
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<td></td>
<td>- Appropriate use of generic products</td>
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<td></td>
<td>- Drug disease contraindications</td>
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<td>- Drug-drug interactions</td>
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<td>- Incorrect drug dosage or duration of drug treatment</td>
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<td>- Drug-allergy interactions</td>
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<td></td>
<td>- Clinical abuse/misuse</td>
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<tr>
<td>1927(g)(1)(B)</td>
<td>C. The DUR program shall assess data use against predetermined standards whose source materials for their development are consistent with peer-reviewed medical literature which has been critically reviewed by unbiased independent experts and the following compendia.</td>
</tr>
<tr>
<td>42 CFR 456.703 (d) and (f)</td>
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<tr>
<td></td>
<td>- American Hospital Formulary Service Drug Information</td>
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<td></td>
<td>- United States Pharmacopeia-Drug Information</td>
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<tr>
<td></td>
<td>- American Medical Association Drug Evaluations</td>
</tr>
</tbody>
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**Supersedes:** MS-92-20  
**Approval Date:** May 3 1993  
**Effective Date:** Apr 1 1993
Citation

1927(g)(1)(D) 42 CFR 456.703(b)  D. DUR is not required for drugs dispensed to residents of nursing facilities that are in compliance with drug regimen review procedures set forth in 42 CFR 483.60. The State has never-the-less chosen to include nursing home drugs in:

- Prospective DUR
- Retrospective DUR.

1927(g)(2)(A) 42 CFR 456.705(b)  E. 1. The DUR program includes prospective review of drug therapy at the point of sale or point of distribution before each prescription is filled or delivered to the Medicaid recipient.

2. Prospective DUR includes screening each prescription filled or delivered to an individual receiving benefits for potential drug therapy problems due to:

- Therapeutic duplication
- Drug-disease contraindications
- Drug-drug interactions
- Drug-interactions with non-prescription or over-the-counter drugs
- Incorrect drug dosage or duration of drug treatment
- Drug allergy interactions
- Clinical abuse/misuse

3. Prospective DUR includes counseling for Medicaid recipients based on standards established by State law and maintenance of patient profiles.

1927(g)(2)(B) 42 CFR 456.709(a)  F. 1. The DUR program includes retrospective DUR through its mechanized drug claims processing and information retrieval system or otherwise which undertakes ongoing periodic examination of claims data and other records to identify:

- Patterns of fraud and abuse
- Gross overuse
- Inappropriate or medically unnecessary care among physicians, pharmacists, Medicaid recipients, or associated with specific drugs or groups of drugs.

TN No. MS-93-10
Supersedes Approval Date May 3 1993 Effective Date Apr 1 1993

TN No. MS-92-20
927(g)(2)(C) 42 CFR 456.709(b) F. 2. The DUR program assesses data on drug use against explicit predetermined standards including but not limited to monitoring for:

- Therapeutic appropriateness
- Overutilization and underutilization
- Appropriate use of generic products
- Therapeutic duplication
- Drug-disease contraindications
- Drug-drug interactions
- Incorrect drug dosage/duration of drug treatment
- Clinical abuse/misuse

1927(g)(2)(D) 42 CFR 456.711 3. The DUR program through its State DUR Board, using data provided by the Board, provides for active and ongoing educational outreach programs to educate practitioners on common drug therapy problems to improve prescribing and dispensing practices.

1927(g)(3)(A) 42 CFR 456.716(a) G. 1. The DUR program has established a State DUR Board either:

☐ Directly, or
☒ Under contract with a private organization

1927(g)(3)(B) 42 CFR 456.716 (A) AND (B) 2. The DUR Board membership includes health professionals (one-third licensed actively practicing pharmacists and one-third but no more than 51 percent licensed and actively practicing physicians) with knowledge and experience in one or more of the following:

- Clinically appropriate prescribing of covered outpatient drugs.
- Clinically appropriate dispensing and monitoring of covered outpatient drugs.
- Drug use review, evaluation and intervention.
- Medical quality assurance.

927(g)(3)(C) 42 CFR 456.716(d) 3. The activities of the DUR Board include:

- Retrospective DUR
- Application of Standards as defined in section 1927(g)(2)(C), and
- Ongoing interventions for physicians and pharmacists targeted toward therapy problems or individuals identified in the course of retrospective DUR.
1927(g)(3)(C) 42 CFR 456.711 (a)-(d)  
G. 4. The interventions include in appropriate instances:
- Information dissemination
- Written, oral, and electronic reminders
- Face-to-Face discussions
- Intensified monitoring/review of prescribers/dispensers

1927(g)(3)(D) 42 CFR 456.712 (A) and (B)  
H. The State assures that it will prepare and submit an annual report to the Secretary, which incorporates a report from the State DUR Board, and that the State will adhere to the plans, steps, procedures as described in the report.

1927(h)(1) 42 CFR 456.722  
I. 1. The State establishes, as its principal means of processing claims for covered outpatient drugs under this title, a point-of-sale electronic claims management system to perform on-line:
- real time eligibility verification
- claims data capture
- adjudication of claims
- assistance to pharmacists, etc. applying for and receiving payment.

1927(g)(2)(A)(i) 42 CFR 456.705(b) 1927(j)(2) 42 CFR 456.703(c)  
J. Prospective DUR is performed using an electronic point of sale drug claims processing system.

Hospitals which dispense covered outpatient drugs are exempted from the drug utilization review requirements of this section when facilities use drug formulary systems and bill the Medicaid program no more than the hospital's purchasing cost for such covered outpatient drugs.
4.27 Disclosure of Survey information and Provider or Contractor Evaluation

42 CFR 431.115(c)
AT-78-90
AT-79-74

The Medicaid agency has established procedures for disclosing pertinent findings obtained from surveys and provider and contractor evaluations that meet all the requirements in 42 CFR 431.115.
4.28 Appeals Process

(a) The Medicaid agency has established appeals procedures for NFs as specified in 42 CFR 431.153 and 431.154.

(b) The State provides an appeals system that meets the requirements of 42 CFR 431 Subpart E, 42 CFR 483.12, and 42 CFR 483 Subpart E for residents who wish to appeal a notice of intent to transfer or discharge from a NF and for individuals adversely affected by the preadmission and annual resident review requirements of 42 CFR 483 Subpart C.
4.29 Conflict of Interest Provisions

The Medicaid agency meets the requirements of Section 1902(a)(4)(C) of the Act concerning the prohibition against acts, with respect to any activity under the plan, that is prohibited by section 207 or 208 of Title 18, United States Code.

The Medicaid agency meets the requirements of 1902(a)(4)(D) of the Act concerning the safeguards against conflicts of interest that are at least as stringent as the safeguards that apply under section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423).
4.30  Exclusion of Providers and Suspension of Practitioners and Other Individuals

42 CFR 1002.203  (a)  All requirements of 42 CFR Part 1002, Subpart B are met.

☐  The agency, under the authority of State law, imposes broader sanctions.
The Medicaid agency meets the requirements of —

(1) Section 1902(p) of the Act by excluding from participation -

(A) At the State's discretion, any individual or entity for any reason for which the Secretary could exclude the individual or entity from participation in a program under Title XVIII in accordance with sections 1128, 1128A, or 1866(b)(2).

(B) An MCO (as defined in section 1903(m) of the Act), or an entity furnishing services under a waiver approved under section 1915(b)(1) of the Act, that —

(i) Could be excluded under section 1128(b)(8) relating to owners and managing employees who have been convicted of certain crimes or received other sanctions, or

(ii) Has, directly or indirectly, a substantial contractual relationship (as defined by the Secretary) with an individual or entity that is described in section 1128(b)(8)(B) of the Act.

(2) An MCO, PIHP, PAHP, or PCCM may not have prohibited affiliations with individuals (as defined in 42 CFR 438.610(b)) suspended, or otherwise excluded from participating in procurement activities under the Federal Acquisition Regulation or from participating in non-procurement activities under regulations issued under Executive Order No. 12549 or under guidelines implementing Executive Order No. 12549. If the State finds that an MCO, PCCM, PIHP, or PAHP is not in compliance the State will comply with the requirements of 42 CFR 438.610(c).
State/Territory: Nebraska

Citation

1902(a)(39) of the Act P.L. 100-93 (sec 9/5) (2) Section 1902(a)(39) of the Act by--

(A) Excluding an individual or entity from participation for the period specified by the Secretary, when required by the Secretary to do so in accordance with sections 1128 or 1128A of the Act; and

(B) Providing that no payment will be made with respect to any item or service furnished by an individual or entity during this period.

(c) The Medicaid agency meets the requirements of--

1902(a)(41) of the Act P.L. 96-272, (sec. 308(c)) (1) Section 1902(a)(41) of the Act with respect to prompt notification to HCFA whenever a provider is terminated, suspended, sanctioned, or otherwise excluded from participating under this State plan; and

1902(a)(49) of the Act P.L. 100-93 (sec. 5(a)(4)) (2) Section 1902(a)(49) of the Act with respect to providing information and access to information regarding sanctions taken against health care practitioners and providers by State licensing authorities in accordance with section 1921 of the Act.
Citation

4.31 Disclosure of Information by Providers and Fiscal Agents

455.103 The Medicaid agency has established procedures for the disclosure of information by providers and fiscal agents as specified in 42 CFR 455.104 through 455.106.

44 FR 41644
1902 (a) (38) of the Act
P.L. 100-93
4.32 Income and Eligibility Verification System

435.940 The Medicaid agency has established a system for income through 435.960
and eligibility verification in accordance with the requirements of 42 CFR 435.940 through 435.960.

52 FR 5967
P.L. 100-360
(Sec. 411(k)(15)) ATTACHMENT 4.32-A describes, in accordance with 42 CFR 435.948(a)(6), the information that will be requested in order to verify eligibility or the correct payment amount and the agencies and the State(s) from which that information will be requested.
4.33  Medicaid Eligibility Cards for Homeless Individuals

(a) The Medicaid agency has a method for making cards evidencing eligibility for medical assistance available to an individual eligible under the State's approved plan who does not reside in a permanent dwelling or does not have a fixed home or mailing address.

(b) ATTACHMENT 4.33-A specifies the method for issuance of Medicaid eligibility cards to homeless individuals.
The State Medicaid agency has established procedures for the verification of alien status through the Immigration & Naturalization Service (INS) designated system, Systematic Alien Verification for Entitlements (SAVE), effective October 1, 1988, except for aliens seeking medical assistance for treatment of emergency medical conditions under Section 1903(v)(2) of the Social Security Act.

☐ The State Medicaid agency has elected to participate in the option period of October 1, 1987 to September 30, 1988 to verify alien status through the INS designated system (SAVE).

☐ The State Medicaid agency has received the following type(s) of waiver from participation in SAVE.

☐ Total waiver

☐ Alternative system

☐ Partial implementation
4.35 Enforcement of Compliance for Nursing Facilities

42 CFR §488.402(f) (a) Notification of Enforcement Remedies

When taking an enforcement action against a non-State operated NF, the State provides notification in accordance with 42 CFR 488.402(f).

(i) The notice (except for civil money penalties and State monitoring) specifies the:

1. nature of noncompliance,
2. which remedy is imposed,
3. effective date of the remedy, and
4. right to appeal the determination leading to the remedy.

42 CFR §488.434 (ii) The notice for civil money penalties is in writing and contains the information specified in 42 CFR 488.434.

42 CFR §488.402(f)(2) (iii) Except for civil money penalties and State monitoring, notice is given at least 2 calendar days before the effective date of the enforcement remedy for immediate jeopardy situations and at least 15 calendar days before the effective date of the enforcement remedy when immediate jeopardy does not exist.

42 CFR §488.456(c)(d) (iv) Notification of termination is given to the facility and to the public at least 2 calendar days before the remedy's effective date if the noncompliance constitutes immediate jeopardy and at least 15 calendar days before the remedy's effective date if the noncompliance does not constitute immediate jeopardy. The State must terminate the provider agreement of an NF in accordance with procedures in parts 431 and 442.

(b) Factors to be Considered in Selecting Remedies

42 CFR §488.404(b)(1) (i) In determining the seriousness of deficiencies, the State considers the factors specified in 42 CFR 488.404(b)(1) & (2).

☐ The State considers additional factors. Attachment 4.35-A describes the State's other factors.
c) Application of Remedies

42 CFR §488.410 (i) If there is immediate jeopardy to resident health or safety, the State terminates the NF’s provider agreement within 23 calendar days from the date of the last survey or immediately imposes temporary management to remove the threat within 23 days.

42 CFR §488.417(b) §1919(h)(2)(C) of the Act. (ii) The State imposes the denial of payment (or its approved alternative) with respect to any individual admitted to an NF that has not come into substantial compliance within 3 months after the last day of the survey.

42 CFR §488.414 §1919(h)(2)(D) of the Act. (iii) The State imposes the denial of payment for new admissions remedy as specified in §488.417 (or its approved alternative) and a State monitor as specified at §488.422, when a facility has been found to have provided substandard quality of care on the last three consecutive standard surveys.

42 CFR §488.408 §1919(h)(2)(A) of the Act. (iv) The State follows the criteria specified at 42 CFR §488.408(c)(2), §488.408(d)(2), and §488.408(e)(2), when it imposes remedies in place of or in addition to termination.

42 CFR §488.412(a) (v) When immediate jeopardy does not exist, the State terminates an NF’s provider agreement no later than 6 months from the finding of noncompliance, if the conditions of 42 CFR 488.412(a) are not met.

(d) Available Remedies

42 CFR §488.406(b) §1919(h)(2)(A) of the Act. (i) The State has established the remedies defined in 42 CFR 488.406(b).

- (1) Termination
- (2) Temporary Management
- (3) Denial of Payment for New Admissions
- (4) Civil Money Penalties
- (5) Transfer of Residents; Transfer of Residents with Closure of Facility
- (6) State Monitoring

Attachments 4.35-B through 4.35-G describe the criteria for applying the above remedies.
The State uses alternative remedies. The State has established alternative remedies that the State will impose in place of a remedy specified in 42 CFR 488.406(b).

- (1) Temporary Management
- (2) Denial of Payment for New Admissions
- (3) Civil Money Penalties
- (4) Transfer of Residents; Transfer of Residents with Closure of Facility
- (5) State Monitoring.

Attachments 4.35-B through 4.35-G describe the alternative remedies and the criteria for applying them.

State Incentive Programs

- (1) Public Recognition
- (2) Incentive Payments
4.36 Required Coordination Between the Medicaid and WIC Programs

1902(a)(11)(C) and 1902(a)(53) of the Act

The Medicaid agency provides for the coordination between the Medicaid program and the Special Supplemental Food Program for Women, Infants, and Children (WIC) and provides timely notice and referral to WIC in accordance with section 1902(a)(53) of the Act.
4.38 Nurse Aide Training and Competency Evaluation for Nursing Facilities

(a) The State assures that the requirements of 42 CFR 483.150(a), which relate to individuals deemed to meet the nurse aide training and competency evaluation requirements, are met.

(b) The State waives the competency evaluation requirements for individuals who meet the requirements of 42 CFR 483.150(b)(1).

(c) The State deems individuals who meet the requirements of 42 CFR 483.150(b)(2) to have met the nurse aide training and competency evaluation requirements.

(d) The State specifies any nurse aide training and competency evaluation programs it approves as meeting the requirements of 42 CFR 483.152 and competency evaluation programs it approves as meeting the requirements of 42 CFR 483.154.

(e) The State offers a nurse aide training and competency evaluation program that meets the requirements of 42 CFR 483.152.

(f) The State offers a nurse aide competency evaluation program that meets the requirements of 42 CFR 483.154.
If the State does not choose to offer a nurse aide training and competency evaluation program or nurse aide competency evaluation program, the State reviews all nurse aide training and competency evaluation programs and competency evaluation programs upon request.

The State survey agency determines, during the course of all surveys, whether the requirements of 483.75(e) are met.

Before approving a nurse aide training and competency evaluation program, the State determines whether the requirements of 42 CFR 483.152 are met.

Before approving a nurse aide competency evaluation program, the State determines whether the requirements of 42 CFR 483.154 are met.

For program reviews other than the initial review, the State visits the entity providing the program.

The State does not approve a nurse aide training and competency evaluation program or competency evaluation program offered by or in certain facilities as described in 42 CFR 483.151(b)(2) and (3).
(m) The State, within 90 days of receiving a request for approval of a nurse aide training and competency evaluation program or competency evaluation program, either advises the requestor whether or not the program has been approved or requests additional information from the requestor.

(n) The State does not grant approval of a nurse aide training and competency evaluation program for a period longer than 2 years.

(o) The State reviews programs when notified of substantive changes (e.g., extensive curriculum modification).

(p) The State withdraws approval from nurse aide training and competency evaluation programs and competency evaluation programs when the program is described in 42 CFR 483.151(b)(2) or (3).

(q) The State withdraws approval of nurse aide training and competency evaluation programs that cease to meet the requirements of 42 CFR 483.152 and competency evaluation programs that cease to meet the requirements of 42 CFR 483.154.

(r) The State withdraws approval of nurse aide training and competency evaluation programs and competency evaluation programs that do not permit unannounced visits by the State.
When the State withdraws approval from a nurse aide training and competency evaluation program or competency evaluation program, the State notifies the program in writing, indicating the reasons for withdrawal of approval.

The State permits students who have started a training and competency evaluation program from which approval is withdrawn to finish the program.

The State provides for the reimbursement of costs incurred in completing a nurse aide training and competency evaluation program or competency evaluation program for nurse aides who become employed by or who obtain an offer of employment from a facility within 12 months of completing such program.

The State provides advance notice that a record of successful completion of competency evaluation will be included in the State's nurse aide registry.

Competency evaluation programs are administered by the State or by a State-approved entity which is neither a skilled nursing facility participating in Medicare nor a nursing facility participating in Medicaid.

The State permits proctoring of the competency evaluation in accordance with 42 CFR 483.154(d).

The State has a standard for successful completion of competency evaluation programs.
Citation

42 CFR 483.75; 42 CFR 483 Subpart D; Secs. 1902(a)(28), 1919(e)(1) and (2), and 1919(f)(2), P.L. 100-203 (Sec. 4211(a)(3)); P.L. 101-239 (Secs. 6901(b)(3) and (4)); P.L. 101-508 (Sec. 4801(a)).

(z) The State includes a record of successful completion of a competency evaluation within 30 days of the date an individual is found competent.

(aa) The State imposes a maximum upon the number of times an individual may take a competency evaluation program (any maximum imposed is not less than 3).

(bb) The State maintains a nurse aide Registry that meets the requirements in 42 CFR 483.156.

(cc) The State includes home health aides on the registry.

(dd) The State contracts the operation of the registry to a non-State entity.

(ee) ATTACHMENT 4.38 contains the State's description of registry information to be disclosed in addition to that required in 42 CFR 483.156(c)(1)(iii) and (iv).

(ff) ATTACHMENT 4.38-A contains the State's description of information included on the registry in addition to the information required by 42 CFR 483.156(c).

(gg) The State waives the prohibition of nurse aide training and competency evaluation program offered in (but not by) certain nursing homes if the State determines the facility meets specified exception criteria.
The State:

(1) assures there is no other such program offered within a reasonable distance of the facility;
   a. the facility must make a diligent effort to locate other approved NATCEPs within a reasonable distance (1/2 hour travel time each way from the facility) unless the facility can demonstrate distance or program availability would create a hardship for program participants.
   b. the facility must provide evidence that classes are not currently being offered at an approved site within a reasonable distance.
   c. the facility must provide evidence that classes are not currently being offered within a reasonable distance during time frames to meet student and facility needs.

(2) assures, through an oversight effort, an adequate environment exists for operating the program in the facility; and
   a. the facility must be in substantial compliance with the Federal requirements for participation in §483.13 Resident Behavior and Facility Practices, §483.15 Quality of Life, §483.25 Quality of Care, and §483.75(f) Proficiency of Nurse Aides.

"Substantial compliance" means compliance with the federal requirements of participation as set forth in 42 CFR §§483.13, 483.15, 483.25 and 483.75(f).

b. the facility must not be determined to be a poor performing facility.

A "poor performing facility" is a facility cited for substandard quality of care on the current standard survey and for substandard quality of care or immediate jeopardy on at least one of the previous two standard surveys. See, Survey and Certification Regional Letter No. 97-02.
c. employees of the facility cannot function as instructors for the program. If the approved NATCEP is experiencing difficulty in finding qualified instructors, the state may, in limited hardship situations, allow the NATCEP to use facility employees to serve as instructors if they meet the qualifications for instructors and the individual is paid and supervised by the NATCEP.

d. the sponsoring NATCEP must describe the evaluation process used to determine an adequate teaching/learning environment exists for conducting the course (i.e., adequacy of classroom, availability of equipment and oversight of the entire course). The NATCEP is responsible for program administration and assuring program requirements are met.

e. The facility must notify students and the instructor of their right to register any concerns with the state agency at any time during the course and be given information on how to contact the state agency. The state agency may make unannounced visits to any courses offered to determine compliance with the criteria for the waiver or to investigate complaints.

f. The facility and NATCEP instructor/coordinator must have policies for communicating and resolving problems encountered during the course.

g. At the end of the course, the NATCEP instructor/coordinator and all of the students are required to submit an evaluation of the course. The state agency will review and evaluate course evaluations for determination of future waivers.
Revision: HCFA-PM-91-10 (BPD) December, 1991

State/Territory: Nebraska

Citation

(3) provides notice of such determination and assurances to the state long term care ombudsman.

a. The state agency will notify the ombudsman by state agency letter of all facilities granted waivers and oversight efforts to assure compliance with the law.

b. Assurances to the state long term care ombudsman will include:

- The state agency requires the NATCEP to submit the evaluation process used to determine an adequate teaching/learning environment exists for conducting the course and assuring program requirements are met.

- The state agency requires the NATCEP to submit the policies developed for communicating and resolving problems encountered during the course.

- The state agency has the right to make unannounced visits to any courses offered in a facility under waiver. Students or the instructor have the right to register any concerns with the state agency at any time during the program and must be given information on how to contact the agency.

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TN No. MS-99-1
Supersedes Approval Date Mar 30 1999 Effective Date Mar 30 1999

TN No. MS-91-30
Citation

4.39  Preadmission Screening and Annual Resident Review in Nursing Facilities

(a) The Medicaid agency has in effect a written agreement with the State mental health and mental retardation authorities that meet the requirements of 42 (CFR) 431.621(c).

(b) The State operates a preadmission and annual resident review program that meets the requirements of 42 CFR 483.100-138.

(c) The State does not claim as "medical assistance under the State Plan" the cost of services to individuals who should receive preadmission screening or annual resident review until such individuals are screened or reviewed.

(d) With the exception of NF services furnished to certain NF residents defined in 42 CFR 483.118(c)(1), the State does not claim as "medical assistance under the State plan" the cost of NF services to individuals who are found not to require NF services.

(e) ATTACHMENT 4.39 specifies the State's definition of specialized services.

(f) Except for residents identified in 42 CFR 483.118(c)(1), the State mental health or mental retardation authority makes categorical determinations that individuals with certain mental conditions or levels of severity of mental illness would normally require specialized services of such an intensity that a specialized services program could not be delivered by the State in most, if not all, NFs and that a more appropriate placement should be utilized.

(g) The State describes any categorical determinations it applies in ATTACHMENT 4.39A.
Survey & Certification Process

Sections 1919(g)(1) thru (2) and 1919(g)(4) thru (5); of the Act 100-203 (Sec. 4212(a))

(a) The State assures that the requirements of 1919(g)(1)(A) through (C) and section 1919(g)(2)(A) through (E)(iii) of the Act which relate to the survey P.L. and certification of non-State owned facilities based on the requirements of section 1919(b), (c) and (d) of the Act, are met.

1919(g)(1)(B) of the Act

(b) The State conducts periodic education programs for staff and residents (and their representatives). Attachment 4.40-A describes the survey and certification educational program.

1919(g)(1)(C) of the Act

(c) The State provides for a process for the receipt and timely review and investigation of allegations of neglect and abuse and misappropriation of resident property by a nurse aide of a resident in a nursing facility or by another individual used by the facility. Attachment 4.40-B describes the State’s process.

1919(g)(1)(C) of the Act

(d) The State agency responsible for surveys and certification of nursing facilities or an agency delegated by the State survey agency conducts the process for the receipt and timely review and investigation of allegations of neglect and abuse and misappropriation of resident property. If not the State survey agency, what agency?

1919(g)(1)(C) of the Act

(e) The State assures that a nurse aide, found to have neglected or abused a resident or misappropriated resident property in a facility, is notified of the finding. The name and finding is placed on the nurse aide registry.

1919(g)(1)(C) of the Act

(f) The State notifies the appropriate licensure authority of any licensed individual found to have neglected or abused a resident or misappropriated resident property in a facility.
The State has procedures, as provided for at section 1919(g)(2)(A)(i), for the scheduling and conduct of standard surveys to assure that the State has taken all reasonable steps to avoid giving notice through the scheduling procedures and the conduct of the surveys themselves. Attachment 4.40-C describes the State's procedures.

The State assures that each facility shall have a standard survey which includes (for a case-mix stratified sample of residents) a survey of the quality of care furnished, as measured by indicators of medical, nursing and rehabilitative care, dietary and nutritional services, activities and social participation, and sanitation, infection control, and the physical environment, written plans of care and audit of resident's assessments, and a review of compliance with resident's rights not later than 15 months after the date of the previous standard survey.

The State assures that the statewide average interval between standard surveys of nursing facilities does not exceed 12 months.

The State may conduct a special standard or special abbreviated standard survey within two months of any change of ownership, administration, management, or director of nursing of the nursing facility to determine whether the change has resulted in any decline in the quality of care furnished in the facility.

The State conducts extended surveys immediately or, if not practicable, not later than two weeks following a completed standard survey in a nursing facility which is found to have provided substandard care or in any other facility at the Secretary's or State's discretion.

Supersedes Approval Date Mar 4 1993 Effective Date Oct 1 1992
1919(g)(2)(C) of the Act (l) The State conducts standard and extended surveys based upon a protocol, i.e., survey forms, methods, procedures and guidelines developed by HCFA, using individuals in the survey team who meet minimum qualifications established by the Secretary.

1919(g)(2)(D) of the Act (m) The State provides for programs to measure and reduce inconsistency in the application of survey results among surveyors. Attachment 4.40-D describes the State's programs.

1919(g)(2)(E)(i) of the Act (n) The State uses a multidisciplinary team of professionals including a registered professional nurse.

1919(g)(2)(E)(ii) of the Act (o) The State assures that members of a survey team do not serve (or have not served within the previous two years) as a member of the staff or consultant to the nursing facility or have no personal or familial financial interest in the facility being surveyed.

1919(g)(2)(E)(iii) of the Act (p) The State assures that no individual shall serve as a member of any survey team unless the individual has successfully completed a training and test program in survey and certification techniques approved by the Secretary.

1919(g)(4) of the Act (q) The State maintains procedures and adequate staff to investigate complaints of violations of requirements by nursing facilities and on-site monitoring. Attachment 4.40-E describes the State's complaint procedures.

1919(g)(5)(A) of the Act (r) The State makes available to the public information respecting surveys and certification of nursing facilities including statements of deficiencies, plans of correction, copies of cost reports, statements of ownership and the information disclosed under section 1126 of the Act.

Supersedes Approval Date Mar 4 1993 Effective Date Oct 1 1992
The State notifies the State long-term care ombudsman of the State’s finding of noncompliance with any of the requirements of subsection (b), (c), and (d) or of any adverse actions taken against a nursing facility.

If the State finds substandard quality of care in a facility, the State notifies the attending physician of each resident with respect to which such finding is made and the nursing facility administrator licensing board.

The State provides the State Medicaid fraud and abuse agency access to all information concerning survey and certification actions.
4.41 Resident Assessment for Nursing Facilities

Sections 1919(b)(3) and 1919(e)(5); of the Act

(a) The State specifies the instrument to be used by nursing facilities for conducting a comprehensive, accurate, standardized, reproducible assessment of each resident's functional capacity as required in §1919(b)(3)(A) of the Act.

1919(e)(5)(A) of the Act

(b) The State is using:

☐ the resident assessment instrument designated by the Health Care Financing Administration (see Transmittal #241 of the State Operations Manual) [§1919(e)(5)(A)]; or

☒ a resident assessment instrument that the Secretary has approved as being consistent with the minimum data set of core elements, common definitions, and utilization guidelines as specified by the Secretary (see Section 4470 of the State Medicaid Manual for the Secretary's approval criteria) [§1919(e)(5)(B)].
STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: Nebraska

Citation

4.42 Employee Education About False Claims Recoveries.

1902(a)(68) of the Act, P.L. 109-171 (section 6032)

(a) The Medicaid agency meets the requirements regarding establishment of policies and procedures for the education of employees of entities covered by section 1902(a)(68) of the Social Security Act (the Act) regarding false claims recoveries and methodologies for oversight of entities’ compliance with these requirements.

(1) Definitions.

(A) An "entity" includes a governmental agency, organization, unit, corporation, partnership, or other business arrangement (including any Medicaid managed care organization, irrespective of the form of business structure or arrangement by which it exists), whether for-profit or not-for-profit, which receives or makes payments, under a State Plan approved under title XIX or under any waiver of such plan, totaling at least $5,000,000 annually.

If an entity furnishes items or services at more than a single location or under more than one contractual or other payment arrangement, the provisions of section 1902(a)(68) apply if the aggregate payments to that entity meet the $5,000,000 annual threshold. This applies whether the entity submits claims for payments using one or more provider identification or tax identification numbers.

A governmental component providing Medicaid health care items or services for which Medicaid payments are made would qualify as an "entity" (e.g., a state mental...
health facility or school district providing school-based health services). A government agency which merely administers the Medicaid program, in whole or part (e.g., managing the claims processing system or determining beneficiary eligibility), is not, for these purposes, considered to be an entity.

An entity will have met the $5,000,000 annual threshold as of January 1, 2007, if it received or made payments in that amount in Federal fiscal year 2006. Future determinations regarding an entity's responsibility stemming from the requirements of section 1902(a)(68) will be made by January 1 of each subsequent year, based upon the amount of payments an entity either received or made under the State Plan during the preceding Federal fiscal year.

(B) An "employee" includes any officer or employee of the entity.

(C) A "contractor" or "agent" includes any contractor, subcontractor, agent, or other person which or who, on behalf of the entity, furnishes, or otherwise authorizes the furnishing of, Medicaid health care items or services, performs billing or coding functions, or is involved in the monitoring of health care provided by the entity.

(2) The entity must establish and disseminate written policies which must also be adopted by its contractors or agents. Written policies may be on paper or in electronic form, but must be readily available to all employees, contractors, or agents. The entity need not create an employee handbook if none already exists.
STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: Nebraska

Citation

(3) An entity shall establish written policies for all employees (including management), and of any contractor or agent of the entity, that include detailed information about the False Claims Act and the other provisions named in section 1902(a)(68)(A). The entity shall include in those written policies detailed information about the entity’s policies and procedures for detecting and preventing waste, fraud, and abuse. The entity shall also include in any employee handbook a specific discussion of the laws described in the written policies, the rights of employees to be protected as whistleblowers and a specific discussion of the entity’s policies and procedures for detecting and preventing fraud, waste, and abuse.

(4) The requirements of this law should be incorporated into each State’s provider enrollment agreements.

(5) The State will implement this State Plan amendment on January 1, 2007.

(b) ATTACHMENT 4.42-A describes, in accordance with section 1902(a)(68) of the Act, the methodology of compliance oversight and the frequency with which the State will re-assess compliance on an ongoing basis.

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TN No. MS-07-02
Supersedes  Approval Date  May 30 2007  Effective Date  Jan 1 2007

TN No. New Page
4.43 Cooperation with Medicaid Integrity Program Efforts.

The Medicaid agency assures it complies with such requirements determined by the Secretary to be necessary for carrying out the Medicaid Integrity Program established under section 1936 of the Act.
Medicaid Prohibition on Payments to Institutions or Entities Located Outside of the United States

The State shall not provide any payments for items or services provided under the State plan or under a waiver to any financial institution or entity located outside of the United States.
STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: Nebraska

Citation
1902(a)(77)
1902(a)(39)
1902(1c1c);
P.L. 111-148 and
P.L. 111-152

4.46 Provider Screening and Enrollment (Page 1 of 3)

The State Medicaid agency gives the following assurances:

As per our September 14, 2012, discussion with CMS Regional Representative Sandra Levels and Michael Berger, Nebraska is assuring compliance as per our previously stated implementation issues related to staffing and systems.

**42 CFR 455**

**PROVIDER SCREENING**

__X__ Assures that the State Medicaid agency complies with the process for screening providers under section 1902(a)(39), 1902(a)(77) and 1902(1c1c) of the Act.

**42 CFR 455.410**

**ENROLLMENT AND SCREENING OF PROVIDERS**

__X__ Assures enrolled providers will be screened in accordance with 42 CFR 455.400 et seq.

__X__ Assures that the State Medicaid agency requires all ordering or referring physicians or other professionals to be enrolled under the State plan or under a waiver of the Plan as a participating provider.

**42 CFR 455.412**

**VERIFICATION OF PROVIDER LICENSES**

__X__ Assures that the State Medicaid agency has a method for verifying providers licensed by a State and that such providers licenses have not expired or have no current limitations.

**42 CFR 455.414**

**REVALIDATION OF ENROLLMENT**

__X__ Assures that providers will be revalidated regardless of provider type at least every 5 years.

**42 CFR 455.416**

**TERMINATION OR DENIAL OF ENROLLMENT**

__X__ Assures that the State Medicaid agency will comply with section 1902(a)(39) of the Act and with the requirements outlined in 42 CFR 455.416 for all terminations or denials of provider enrollment.

**42 CFR 455.420**

**REACTIVATION OF PROVIDER ENROLLMENT**

__X__ Assures that any reactivation of a provider will include re-screening and payment of application fees as required by 42 CFR 455.460.

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TN No. NE 12-08
Supersedes
Approved OCT 04 2012
Effective JAN 01 2012

TN No. New page
STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: Nebraska

(4.46 continued, Page 2 of 3)

42 CFR 455.422 APPEAL RIGHTS
___X___ Assures that all terminated providers and providers denied enrollment as a result of the requirements of 42 CFR 455.416 will have appeal rights available under procedures established by State law or regulation.

42 CFR 455.432 SITE VISITS
___X___ Assures that pre-enrollment and post-enrollment site visits of providers who are in "moderate" or "high" risk categories will occur.

42 CFR 455.434 CRIMINAL BACKGROUND CHECKS
___X___ Assures that providers, as a condition of enrollment, will be required to consent to criminal background checks including fingerprints, if required to do so under State law, or by the level of screening based on risk of fraud, waste or abuse for that category of provider.

42 CFR 455.436 FEDERAL DATABASE CHECKS
___X___ Assures that the State Medicaid agency will perform Federal database checks on all providers or any person with an ownership or controlling interest or who is an agent or managing employee of the provider.

42 CFR 455.440 NATIONAL PROVIDER IDENTIFIER
___X___ Assures that the State Medicaid agency requires the National Provider Identifier of any ordering or referring physician or other professional to be specified on any claim for payment that is based on an order or referral of the physician or other professional.

42 CFR 455.450 SCREENING LEVELS FOR MEDICAID PROVIDERS
___X___ Assures that the State Medicaid agency complies with 1902(a)(77) and 1902(kk) of the Act and with the requirements outlined in 42 CFR 455.450 for screening levels based upon the categorical risk level determined for a provider.

42 CFR 455.460 APPLICATION FEE
___X___ Assures that the State Medicaid agency complies with the requirements for collection of the application fee set forth in section 1866(j)(2)(C) of the Act and 42 CFR 455.460.

TN No. NE 12-08
Supersedes        Approved OCT 04  2012         Effective JAN 01  2012
TN No. New page
STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: Nebraska

(4.46 continued, Page 3 of 3)

42 CFR 455.470

TEMPORARY MORATORIUM ON ENROLLMENT OF NEW PROVIDERS OR SUPPLIERS

____X____ Assures that the State Medicaid agency complies with any temporary moratorium on the enrollment of new providers or provider types imposed by the Secretary under section 1866(j)(7) and 1902(a)(4) of the Act, subject to any determination by the State and written notice to the Secretary that such a temporary moratorium would not adversely impact beneficiaries' access to medical assistance.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1151. The time required to complete this information collection is estimated to average 15 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.
SECTION 5: PERSONAL ADMINISTRATION

Citation

5.1 Standards of Personnel Administration

42 CFR 432.10 (a)  (a) The Medicaid agency has established and will maintain methods of personnel administration in conformity with standards prescribed by the U.S. Civil Service Commission in accordance with Section 208 of the Intergovernmental Personnel Act of 1970 and the regulations on Administration of the Standards for a Merit System of Personnel Administration, 5 CFR Part 900, Subpart F. All requirements of 42 CFR 432.10 are met.

☒ The plan is locally administered and State-supervised. The requirements of 42 CFR 432.10 with respect to local agency administration are met.

(b) Affirmative Action Plan

The Medicaid agency has in effect an affirmative action plan for equal employment opportunity that includes specific action steps and timetables and meets all other requirements of 5 CFR Part 900, Subpart F.
Revision: HCFA-AT-80-38 (BPP)  
May 22, 1980

State/Territory: Nebraska

Citation

5.2 Reserved
5.3 Training Programs; Subprofessional and Volunteer Programs

42 CFR Part 432, Subpart B, AT-78-90

The Medicaid agency meets the requirements of 42 CFR Part 432, Subpart B, with respect to a training program for agency personnel and the training and use of subprofessional staff and volunteers.
SECTION 6   FINANCIAL ADMINISTRATION

Citation

6.1  Fiscal Policies and Accountability

42 CFR 433.32 The Medicaid agency and, where applicable, local
AT-79-29 agencies administering the plan, maintains an accounting
system and supporting fiscal records adequate to assure that
claims for Federal funds are in accord with applicable Federal
requirements. The requirements of 42 CFR 433.32 are met.
Revision: HCFA-AT-81 (BPP)

State/Territory: Nebraska

Citation

6.2 Cost Allocation

42 CFR 433.34 There is an approved cost allocation plan on file with the
47 FR 17490 Department in accordance with the requirements contained in
45 CFR Part 95, Subpart E.
6.3  **State Financial Participation**

(a) State funds are used in both assistance and administration.

* State funds are used to pay all of the non-Federal share of total expenditures under the plan.

☐ There is local participation. State funds are to pay not less than 40 percent of the non-Federal share of the total expenditures under the plan. There is a method of apportioning Federal and State funds among the political subdivisions of the State or an equalization or other basis which, assures that lack of adequate funds from local sources will not result in lowering the amount, duration, scope or quality of care and services or level of administration under the plan in any part of the State.

(b) State and Federal funds are apportioned among the political subdivisions of the State on a basis consistent with equitable treatment of individuals in similar circumstances throughout the State.
SECTION 7: GENERAL PROVISIONS

Citation

7.1 Plan Amendments

42 CFR 430.12(c) The plan will be amended whenever necessary to reflect new or revised Federal statutes or regulations or material change in State law, organization, policy or State agency operation.
7.2 Nondiscrimination

45 CFR Parts 80 and 84

In accordance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 70b), and the regulations at 45 CFR Parts 80 and 84, the Medicaid agency assures that no individual shall be subject to discrimination under this plan on the grounds of race, color, national origin, or handicap.

The Medicaid agency has methods of administration to assure that each program or activity for which it receives Federal financial assistance will be operated in accordance with title VI regulations. These methods for title VI are described in ATTACHMENT 7.2-A.
Revision: HCFA-PM-91-4 (BPD)  
August 1991  
OMB No. 0938-  

State/Territory: Nebraska  

Citation  

7.3 [Reserved]  

TN No. MS-92-7  
Supersedes  
Approval Date Aug 7 1992  
Effective Date Apr 1 1992  

TN No. MS-91-24  
HCFA ID: 7982E
7.4 State Governor’s Review

42 CFR 430.12(b) The Medicaid agency will provide opportunity for the Office of the Governor to review State plan amendments, long range program planning projections, and other periodic reports thereon, excluding periodic, statistical, budget and fiscal reports. Any comments made will be transmitted to the Health Care Financing Administration with such documents.

☒ Not applicable. The Governor -
☐ Does not wish to review any plan material.
☐ Wishes to review only the plan material specified in the enclosed document.

I hereby certify that I am authorized to submit this plan on behalf of

Nebraska Department of Health and Human Services
(Designated Single State Agency)

Date: 9/18/07

Christine Z. Peterson, Chief Executive Officer
Department of Health and Human Services

-OR-

Vivianne M. Chaumont, Director
Division of Medicaid & Long-Term Care
Department of Health and Human Services

TN No. MS-07-05
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