



The influential voice of Nebraska's hospitals

# 2021 Legislative Session

## Nebraska HFMA

[www.nebraskahospitals.org](http://www.nebraskahospitals.org)

# 2021 Legislative Session

## 90 Day Session (June 10)

- Property Tax
- K-12 Funding
- New Prison
- Redistricting

# 2021 Legislative Session

## Political Landscape

- 8 “New” Senators (3 former senators returned)
- 32 Republicans (+1)
- 17 Democrats (-1)

Any contentious issues will need 33 votes to overcome a filibuster.

30 votes to overcome a governor’s veto.

# Health and Human Services Committee

- **Chair: John Arch Papillion**
- Senator Machaela Cavanaugh Omaha
- Senator Jen Day Gretna
- Senator Ben Hansen Blair
- Senator Dave Murman Glenvil
- Senator Lynn Walz Fremont
- Senator Matt Williams Gothenburg

# Appropriations Committee

- **Chair: Senator John Stinner - Scottsbluff**
- Senator Rob Clements - Elmwood
- Senator Myron Dorn - Adams
- Senator Steve Erdman - Bayard
- Senator Robert Hilkemann - Omaha
- Senator Kolterman - Seward
- Senator Mike McDonnell - Omaha
- Senator Tony Vargas - Omaha
- Senator Anna Wishart - Lincoln

# NHA's Priorities & Strong Interest

## Priorities

- Budget
- Telehealth
- Behavioral Health
- Workforce Development
- Medicaid Expansion
- Workplace Violence

## Strong Interest

- Heritage Health
- Human Trafficking
- Opioid Crisis
- Workers' Compensation

# 2021 Legislative Session

## 90 Bills of Interest

684 Bills Introduced

**Monitor – 52 Bills**

**Support – 29 Bills**

**Oppose – 6 Bills**

# 2021 Legislative Session

## **COVID LIABILITY/IMMUNITY**

- LB52 - Provide for immunity for injury or death resulting from COVID-19 exposure
- LB139 - Adopt the COVID-19 Liability Protection Act (SLAMA Priority)

## **CRISIS STANDARDS OF CARE**

- LB53 - Provide immunity for health care providers acting in conformance with the crisis standard of care during a COVID-19 state of emergency



# 2021 Legislative Session

## TELEHEALTH

- LB314 - Change provisions related to insurance coverage of telehealth
- LB400 - Change requirements related to coverage of telehealth by insurers and Medicaid (PASSED)
- LB487 - Change insurance coverage provisions for mental health conditions and serious mental illness (PASSED)

# 2021 Legislative Session

- LB421 - State intent regarding appropriations for qualified educational debt under the Rural Health Systems and Professional Incentive Act (BUDGET)

There are currently 52 applicants on the waiting list for loan repayment program. Individuals applying for loan repayment assistance are presently waiting an average of 21 months to receive an award.

## Physicians

- 13 of Nebraska's 93 counties have no primary care physician.
- 44 counties do not have any OB-GYN physicians.
- 78 counties have no practicing psychiatrists.
- Nearly one-fifth of physicians in Nebraska are more than 60 years old.



# 2021 Legislative Session

## BUDGET

The Appropriations Committee is recommending a 2% increase in Medicaid provider rates in each of the next two years. About \$90 million/year. This was not included in the governor's budget proposal.

- \$10.1 million a year for behavioral health care.
- \$1.45 billion to direct property tax relief
- \$210 million for other legislative priorities.
- \$50 million in each of the two budget years into the Rainy Day Fund.

# 2021 Legislative Session

## Bills of Interest

### OPPOSE

- LB133 - Adopt the Nebraska EPIC Consumption Tax Act and eliminate certain other taxes
- LB160 - Change provisions of the Nebraska Hospital-Medical Liability Act
- LB263 - Require occupational boards to issue certain credentials based on credentials or work experience in another jurisdiction
- LB494 - Direct the Department of Health and Human Services to apply for grants to establish and maintain a health care insurance claims and payment information data base
- LB581 - Change motorcycle, moped, and autocycle helmet provisions
- LR11CA - Constitutional amendment to require enactment of a consumption tax and prohibit certain other forms of taxation (ERDMAN Priority)

# 2021 Legislative Session

## FEDERAL

### American Rescue Plan

- \$5 billion total to Nebraska
- \$1.2 billion to the State of Nebraska for spending needs.
- The Treasury Department will provide guidance on spending.

# 2022 Elections

Primary: May 10, 2022  
General: November 8, 2022

- Governor Ricketts term-limited out of office
- 24 out of the 49 senate seats are up for election in 2022
- 14 current senators face re-election
- There will be at least 10 new senators elected
  - 10 senators are term-limited out of office

# Legislative Updates

- NHA Advocacy Team conducts weekly calls every Friday during session at 1pm
- Legislative Wrap-Up newsletter
- Action Items for Hospitals document at the end of each session



# Federal Updates

- **Provider Relief Funds Reporting**
  - The AHA is urging HHS Secretary Becerra to extend the “spend date” timeline from June 30, 2021, to the end of the pandemic.
  - A bi-partisan group House members have sent a letter to HHS urging that the move the due date to June 30, 2022.
- **340b Issue**
  - HRSA has notified all 6 drug manufacturers that they are in violation of 340b statute and must provide discounts to 340b community pharmacies.
  - Must refund 340b entities for overcharges.
  - If they don’t comply with this, they will subject to civil monetary penalties not to exceed \$5,000 for each instance of overcharging.

# Federal Updates

- FY 2022 Hospital Wage Index Appeals
  - May 28, 2021, is the deadline for hospitals to submit correction requests for their wage index data to both CMS and their MAC to correct errors due to CMS or MAC mishandling of the final wage and occupational mix data.
- Treasury Announcement
  - Last week the Treasury announced the launch of the COVID State and Local Fiscal Recovery Funds.
  - Nebraska will receive \$1.04 billion.
  - There are 5 categories that the State can use the funds for.
    - Support public health expenditures
    - Address negative economic impacts
    - Replace lost public sector revenues
    - Provide premium pay for essential workers
    - Invest in water, sewer and broadband infrastructure

# NHA Updates

- Community Benefit Reporting
  - NHA is going to take a look at our community benefit reporting.
  - With the COVID issues over the past two years we need to look at how we can collect the data to show the impact of the pandemic on our facilities.
  - In June, we will be putting together a workgroup to look at the report and determine what changes need to be made.
- CFO Call
  - Every other Monday at 11am CT.
  - Try to pass along all we hearing from the Federal, State and Local issues.
  - Also, will let you know about NHA related things.

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