

LEGISLATIVE UPDATE

March 14, 2022

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FEDERAL

Congress

Just ahead of the weekend, Congress passed a \$1.5 trillion omnibus appropriations bill that would fund the federal government through the end of the current fiscal year. The continuing resolution (CR) was set to expire March 11 at midnight.

At the final hour, House Democrats pulled \$15 billion in COVID-19 preparedness funding that had been attached to the omnibus package when some lawmakers expressed concerns about spending offsets for the new funding. This week, the House plans to vote on a separate bill with the COVID-19 preparedness funding, without the controversial offsets, but its prospects in the Senate are uncertain.

The 2,000 page budget contains significant provisions for healthcare:

- Extend and expand telehealth flexibilities for 151 days after the end of the COVID-19 public health emergency.
 - Also regarding telehealth, adopting flexibilities similar to those already maintained in Nebraska like expanding the originating site and extending coverage for audio-only telehealth services.
 - Expanding eligible practitioners for telehealth services to include OT, PT, Speech and Audiology.
 - Require MACPAC to study the expansion of telehealth and require HHS Secretary to publicly post telehealth utilization data.
- Requires hospitals and health systems to report cyber incidents within 72 hours and any ransomware payments made within 24 hours to the Cybersecurity and Infrastructure Security Agency at the Department of Homeland Security.
- Provide for Public Health Service Act grants to train health care professionals about perceptions and biases; support states and tribal organizations for integrated health care services and instruct HHS to include pregnant and postpartum women as part of their public awareness campaign.
- Protect certain 340B hospitals that lost their 340B eligibility due to a drop in their disproportionate share hospitals (DSH) adjustment percentage below the required threshold for 340B eligibility to gain limited access to the program.
- HHS to receive \$108.3 billion, an increase of \$11.3 billion:
 - Centers for Medicare and Medicaid Services (CMS) received a budget of \$4 billion, an increase of \$50 million
 - \$1 billion to establish Advanced Research Projects Agency for Health (ARPA-H) to accelerate the development of scientific breakthroughs for diseases like cancer and diabetes.
 - Additionally, the National Institute of Health (NIH) received \$45 billion, an increase of \$2.25 billion with a focus on cancer.
 - Centers for Disease Control and Prevention (CDC) \$8.5 billion budget, an increase of \$530 million, to invest in the nation's public health infrastructure, including data collection and monitoring.
 - Substance Abuse and Mental Health Services Administration (SAMSHA) receives \$6.5 billion, an increase of \$530 million to invest in mental health programs, specifically for youth.
 - Health Resources and Services Administration (HRSA) budget is \$8.9 billion and is tasked with improving access to care in underserved communities, developing workforce and improving maternal and child health outcomes.

STATE

Nebraska Legislature

Monday, March 14 is the 41st day of 60 in this legislative session. If you are struggling to adjust to daylight savings, you'll be happy to know the legislature advanced a bill to remove daylight savings in Nebraska on first round of debate today!

On Friday, Speaker of the Legislature Mike Hilgers (R-Dist. 21, Lincoln) outlined this week's debate to ensure quality time is available for budgetary discussions. On Tuesday, the body will debate the mid-biennium budget proposal released Friday by the Appropriations Committee.

The bill includes a favorable 15% provider rate increase (originally intended to be 10%) for nursing homes, behavioral health, developmentally disabled and child welfare totaling \$54 million. The other big winner in the budget was the work done by the STAR WARS Committee who is focused on the investment of recreational attractions like developing a marina at Lake McConahauey and a lake between Lincoln and Omaha. \$450 million of unearmarked funds were set aside for other great ideas that are coming to the floor.

The bill also includes:

- [LB792](#), a bill to invest in the Youth Rehabilitation Treatment Center in Kearney
- [LB1071](#), investing in rural workforce housing
- Nebraska Medicaid requested \$20 million (\$114 million federal) to finance the increased Medicaid cases due to the continuous eligibility requirements during the public health emergency (PHE). Additionally, when the PHE ends, the enhanced Federal Medical Assistance Percentage (FMAP) will end, but case volume will remain high until the agency evaluates eligibility for Medicaid for all enrollees.

Children's will be in the rotunda to ensure passage of the budget all week.

Lawmakers voted 45-0 to advance Senator Kolterman's [LB698](#), a bill to require Medicaid coverage for continuous glucose monitors (CGMs). Children's supported this bill to reduce hospitalization related to uncontrolled blood sugars and diabetes complications. LB698 would require the Department of Health and Human Services (DHHS) to provide Medicaid coverage for the devices by January 1, 2023. Senator Kolterman said Nebraska is one of five states that does not require Medicaid to cover the monitors, which enable an individual with diabetes to be aware of their blood sugar level constantly. HHS Committee Chair Arch addressed the cost of the bill, explaining the state could see reduced costs and better health outcomes for diabetic Nebraskans if they have fewer emergency room visits due to sudden changes in blood sugar levels. The bill is on Final Reading and will have one more round of debate before the Governor signs it into law.

Senator DeBoer's [LB741](#), a bill that would expand state review of child deaths to allow inclusion of stillbirths, was given first-round approval by the Legislature. Dr. Anderson Berry testified in support of this bill on behalf of Children's and it would allow the State Child and Maternal Death Review Team to review stillbirths to help identify preventable causes of stillbirths. The HHS Committee amended LB741 to add provisions of Senator Vargas's [LB626](#) to separate the State Child and Maternal Death Review Team into the State Child Death Review Team and the State Maternal Death Review Team. Each group would submit an annual report to the Legislature.

Senator Lynn Walz's [LB905](#) advanced on consent calendar Monday, the first of three rounds of debate before Nebraska develops a validated screening tool for perinatal depression, administered also by providers at the infant's well-child checkups up to the 12 months of their life. A referral network may also be implemented in the instances where a mother screens positive for depression or anxiety. Dr. Ann Anderson-Berry and Dr. Mel St. Germain testified on behalf of Children's in support of this legislation.

Also this week, senators voted to advance [LB1073](#), a bill that would require Governor Ricketts to apply for \$120 million in a second round of emergency rental assistance available to states through the American Rescue Plan Act (ARPA), as well as any future federal assistance programs during a public health emergency (PHE).

There has been growing contention about accessing these funds. Currently, Nebraska is one of only two states to not apply for a second round of funding, which means the program will end in the fall of this year. The federal government has extended the deadline to March 30th to give states another opportunity to apply and extend the program to 2025.

The debate was mostly positive, especially from Senator Stinner, chair of the Appropriations Committee, who pointed out

it is fiscally irresponsible to not access these funds when the committee already has almost \$4 billion in requests to spend the state's existing \$1 billion in ARPA funds. However, some senators still doubted the need for additional rental assistance, especially in rural areas.

2022 Midterm Elections

There is a sad reality setting into the legislative body, we are about to lose 14 of 49 state senators, mostly due to term-limits.

In fact, that number could increase if sitting senators are successful in their external races:

- Speaker Mike Hilgers running for Attorney General with the endorsement of Governor Ricketts
- Senator Mike Flood (R-Dist. 19, Norfolk) and Senator Patty Pansing Brooks (D-Dist. 28, Lincoln) contesting incumbent Congressman Jeff Fortenberry for the 1st congressional district; Flood having the endorsement of Governor Ricketts and former Governor Dave Heineman.
- Senator Tony Vargas (D-Dist. 7, Omaha) running against Congressman Don Bacon for the 2nd congressional district race.
- Newly appointed Senator Mark Jacobsen (R-Dist. 42, North Platte) will also need to be voted into his district officially. He was recently appointed by the Governor when former Senator Mike Groene resigned.

Senator Steve Lathrop (D-Dist. 12, Omaha) and Senator Tim Gragert (R-Dist. 40, Creighton) have decided not to seek a second term in office.

The 12 senators we are losing to term limits include:

Senator Robert Hilkemann (R-Dist. 4, Omaha)
Senator Brett Lindstrom (R-Dist. 18, Omaha)- gubernatorial candidate*
Senator John McCollister (R-Dist. 20, Omaha)
Senator Mark Kolterman (R-Dist. 24, Seward)
Senator Matt Hansen (D-Dist. 26, Lincoln)
Senator Patty Pansing Brooks (D-Dist. 28, Omaha)
Senator Curt Friesen (R-Dist. 34, Henderson)
Senator Dan Hughes (R-Dist. 44, Venango)
Senator Adam Morfeld (D-Dist. 46, Lincoln)
Senator John Stinner (R-Dist. 48, Gering)

This is a truly collaborative and bipartisan group; we will certainly miss their comradery and their expertise.

As we look ahead to the midterm elections in November, we now know what candidates we have for each office. Please let Liz Lyons know if you have connections with any of these candidates outlined [here](#).

Save the Date- tune in Thursday, March 24 at 7pm to watch the Nebraska Gubernatorial Debate broadcast on Nebraska Public Media!

Nebraska's Primary Election is May 10, don't forget to [register to vote](#)!

Omaha City Council

On March 29, the Omaha City Council will hold a public hearing on a proposed ordinance that would remove epidemic decision-making powers from the city health director. The decision is a result of the most recent Omaha mask mandate applied by Douglas County Health Director Lindsay Huse. Councilman Vinny Palermo and Omaha Mayor Jean Stortz are seeking the opportunity, in a future epidemic, to create a new epidemic health director whose orders could be vetoed by the mayor.