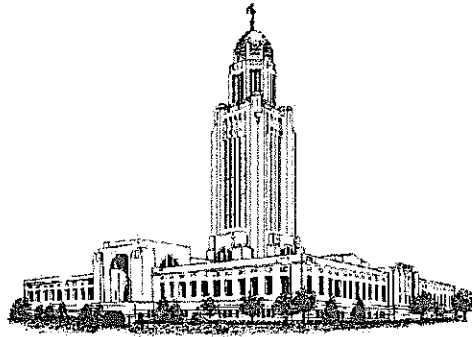


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November 14, 2016

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Public Comments-Proposed Regulatory changes

Title 72, Chapter 4

Of the

Nebraska Administrative Code

“MENTAL HEALTH SCREENING, RISK ASSESSMENT, AND DISCHARGE REVIEW TEAM PROCEDURES”

The Nebraska Ombudsman’s Office is submitting this document for consideration as our official comments relating to the proposed regulatory provisions drafted by the Department of Correctional Services on the subject of “Mental Health Screening, Risk Assessment, and Discharge Review Team Procedures.”

Comments

The Ombudsman’s Office is pleased to see the implementation of protocols and standards for the delivery of care. We would emphasize the importance of assuring that improvement in this area remain consistent with best practices and lessons learned. Currently, language pertaining to quality assurance is not indicated for all procedures referenced above. We recommend further thought go into how to assure a meaningful measurement of the quality of performance in the risk assessment and mental health screening areas. Also, it is our understanding that evidence based risk-needs assessment tools will be utilized to determine an inmate’s programming, classification, and placement needs. We do not see in this document any language concerning the type of risk assessment tools to be used, or discussing how soon after intake the tools will be implemented. It is our opinion that there needs to be additional language pertaining to the risk-needs assessment tools incorporated in this section and, considering that the tool is so important to making treatment recommendations, it would be desirable to indicate how soon inmates will receive this testing after admission.

We would recommend that the Department of Correctional Services consider reviewing the risk-needs assessment areas, and we would urge the Department to consider amending the proposed regulations as summarized below:

Section 002- Screening at Intake

The suggested language in this section indicates that all inmates will receive a full mental health screening within the first two weeks of intake to determine if they are mentally ill, as defined in Nebraska statute. As a part of this provision, we would encourage the Department to define in detail what constitutes a full mental health screening.

1. Section 003 - Treatment Recommendations

In terms of the proposed language concerning identifying, screening, and evaluation tools we would suggest a need to tighten the proposed language in the regulatory changes to state the following: Licensed behavioral health professional will make recommendations for treatment based on professional judgement. NDCS policy will identify the screening and evaluation tools used in completing a diagnosis and treatment recommendation prior to the inmate’s parole eligibility date.

2. **Section 005.05** states that the Discharge Review Team will use evidence-based and empirically valid psychological and /or violence risk/threat assessment, and will also employ social work procedures to identify risk factors relative to the inmate’s discharge, including: mental health issues, criminogenic thinking, substance abuse, lack of appropriate supports, etc. We believe that there needs to be further clarification of the standard that the Discharge Review Team should use in these cases. We believe that the standard should simply ask whether a reasonable person reviewing the inmate’s records of mental illness and dangerousness could believe or conclude that the inmate was mentally ill and presents a recognizable danger to himself/herself and/or to the community. The discharge review team’s members own views on whether the inmate in question is mentally ill do not matter. What matters is whether, given the inmate’s history, a reasonable county attorney might conclude that all of the legal criteria for filing for a mental health commitment had been met.

Respectfully Submitted,

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