

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 603

Introduced by Health and Human Services Committee Gay, 14,
Chairperson; Campbell, 25; Gloor, 35; Howard, 9;
Pankonin, 2; Stuthman, 22; Wallman, 30.

Read first time January 21, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health; to amend section 71-7611, Revised
2 Statutes Cumulative Supplement, 2008; to adopt the
3 Behavioral Health Workforce Act; to change provisions
4 relating to the Nebraska Health Care Cash Fund; to
5 provide an operative date; to repeal the original
6 section; and to declare an emergency.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 4 of this act shall be known and
2 may be cited as the Behavioral Health Workforce Act.

3 Sec. 2. The Legislature finds that there are insufficient
4 behavioral health professionals in the Nebraska behavioral health
5 workforce, and further that there are insufficient behavioral
6 health professionals trained in evidence-based practice. This
7 workforce shortage leads to inadequate accessibility and response
8 to the behavioral health needs of Nebraskans of all ages:
9 Children; adolescents; and adults. These shortages have led to
10 well-documented problems of consumers waiting for long periods of
11 time in inappropriate settings because appropriate placement and
12 care is not available. As a result, mentally ill patients end up
13 in hospital emergency rooms which are the most expensive level of
14 care or are incarcerated and do not receive adequate care, if any.
15 As the state moves from institutional to community-based behavioral
16 health services, the behavioral health services workforce shortage
17 is increasingly felt by the inability to hire and retain behavioral
18 health professionals in Nebraska. In Laws 2004, LB 1083, the
19 Legislature pledged to "promote activities in research and
20 education to improve the quality of behavioral health services, the
21 recruitment and retention of behavioral health professionals, and
22 the availability of behavioral health services". The purpose of the
23 Behavioral Health Workforce Act is to realize the commitment made
24 in LB 1083 to improve community-based behavioral health services
25 for Nebraskans and thus focus on addressing behavioral health

1 issues before they become a crisis through increasing the number
2 of behavioral health professionals and train these professionals
3 in evidence-based practice and alternative delivery methods which
4 will improve the quality of care, including utilizing the existing
5 infrastructure and telehealth services which will expand outreach
6 to more rural areas in Nebraska.

7 Sec. 3. The Behavioral Health Education Center is created
8 and shall be administered by the University of Nebraska Medical
9 Center. The center shall:

10 (1) Provide funds for two additional medical residents
11 in a Nebraska-based psychiatry program each year starting in 2010
12 until a total of eight additional psychiatry residents are added in
13 2013. Beginning in 2011 and every year thereafter the center shall
14 provide psychiatric residency training experiences that serve rural
15 Nebraska and other underserved areas. As part of their residency
16 training experiences, each of the center-funded residents shall
17 participate in the rural training for a minimum of one year.
18 Beginning in 2012, a minimum of two of the eight center-funded
19 residents shall be active in the rural training each year;

20 (2) Focus on the training of behavioral health
21 professionals in telehealth techniques, including taking advantage
22 of a telehealth network that exists, and other innovative means
23 of care delivery in order to increase access to behavioral health
24 services for all Nebraskans;

25 (3) Analyze the geographic and demographic availability

1 of Nebraska behavioral health professionals, including
2 psychiatrists, social workers, community rehabilitation workers,
3 psychologists, substance abuse counselors, licensed mental health
4 practitioners, behavioral analysts, peer support providers, primary
5 care physicians, nurses, nurse practitioners, and pharmacists;

6 (4) Prioritize the need for additional professionals by
7 type and location;

8 (5) Establish learning collaborative partnerships with
9 other higher education institutions in the state, hospitals, law
10 enforcement, community-based agencies, and consumers and their
11 families in order to develop evidence-based, recovery-focused,
12 interdisciplinary curriculum and training for behavioral
13 health professionals delivering behavioral health services
14 in community-based agencies, hospitals, and law enforcement.
15 Development and dissemination of such curriculum and training
16 shall address the identified priority needs for behavioral health
17 professionals; and

18 (6) Develop two interdisciplinary behavioral health
19 training sites each year until a total of six sites have been
20 developed. Four of the six sites shall be in counties with a
21 population of fewer than fifty thousand inhabitants. Each site
22 shall provide annual interdisciplinary training opportunities for a
23 minimum of three behavioral health professionals during a two-month
24 internship.

25 The center shall utilize funds transferred by the

1 Legislature from the Nebraska Health Care Cash Fund to the
2 Behavioral Health Workforce Cash Fund. Beginning December 1, 2011,
3 and every odd-numbered year thereafter, the center shall prepare a
4 report of its activities under the Behavioral Health Workforce Act.
5 The report shall be filed with the Clerk of the Legislature and
6 shall be provided to any member of the Legislature upon request.

7 Sec. 4. The Behavioral Health Workforce Cash Fund is
8 created. The fund shall include revenue transferred from the
9 Nebraska Health Care Cash Fund and revenue received from gifts,
10 grants, bequests, donations, or other contributions from public or
11 private sources. The Behavioral Health Workforce Cash Fund shall
12 be administered by the University of Nebraska Medical Center to
13 achieve the purposes of the Behavioral Health Education Center
14 created in section 3 of this act. Any money in the fund available
15 for investment shall be invested by the state investment officer
16 pursuant to the Nebraska Capital Expansion Act and the Nebraska
17 State Funds Investment Act.

18 Sec. 5. Section 71-7611, Revised Statutes Cumulative
19 Supplement, 2008, is amended to read:

20 71-7611 (1) The Nebraska Health Care Cash Fund is
21 created. The State Treasurer shall transfer ~~(a) fifty-six million~~
22 ~~four hundred thousand dollars no later than July 30, 2008,~~ and
23 ~~(b) fifty-five million seven hundred thousand dollars annually~~
24 ~~thereafter no later than July 15 by July 15 of the fiscal year (a)~~
25 for fiscal year 2009-10, fifty-seven million one hundred thousand

1 dollars, (b) for fiscal year 2010-11, fifty-seven million three
2 hundred thousand dollars, (c) for fiscal year 2011-12, fifty-seven
3 million five hundred thousand dollars, and (d) for fiscal year
4 2012-13, fifty-seven million seven hundred thousand dollars from
5 the Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska
6 Tobacco Settlement Trust Fund to the Nebraska Health Care Cash
7 Fund, except that such amount shall be reduced by the amount of the
8 unobligated balance in the Nebraska Health Care Cash Fund at the
9 time the transfer is made. For fiscal year 2013-14 and each fiscal
10 year thereafter, the amount of the transfer shall be the amount of
11 the transfer in the prior fiscal year increased by three percent of
12 the amount transferred to the Behavioral Health Workforce Cash Fund
13 pursuant to subsection (6) of this section. On or before May 1,
14 2008, the State Treasurer shall transfer from the Nebraska Medicaid
15 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement
16 Trust Fund an additional two hundred fifty thousand dollars to the
17 Nebraska Health Care Cash Fund. The state investment officer upon
18 consultation with the Nebraska Investment Council shall advise the
19 State Treasurer on the amounts to be transferred from the Nebraska
20 Medicaid Intergovernmental Trust Fund and from the Nebraska Tobacco
21 Settlement Trust Fund under this section in order to sustain such
22 transfers in perpetuity. The state investment officer shall report
23 to the Legislature on or before October 1 of every even-numbered
24 year on the sustainability of such transfers. Except as otherwise
25 provided by law, no more than the ~~amount~~ amounts specified in

1 ~~subdivisions (1)(a) and (b) of this subsection~~ (1) of this section
2 may be appropriated or transferred from the Nebraska Health Care
3 Cash Fund in any fiscal year.

4 (2) Any money in the Nebraska Health Care Cash Fund
5 available for investment shall be invested by the state investment
6 officer pursuant to the Nebraska Capital Expansion Act and the
7 Nebraska State Funds Investment Act.

8 (3) One million dollars in the Nebraska Health Care Cash
9 Fund is designated each year for the Autism Treatment Program
10 Act for five fiscal years beginning in fiscal year 2007-08 and
11 shall be distributed in each fiscal year as follows: (a) First,
12 to the Department of Health and Human Services for costs related
13 to application and implementation of the waiver; (b) second, to
14 the department for other medical costs for children who would
15 not otherwise qualify for medicaid except for the waiver; and (c)
16 third, the balance to the Autism Treatment Program Cash Fund. The
17 State Treasurer shall transfer the balance of the funding to the
18 Autism Treatment Program Cash Fund based on the estimated costs
19 of administrative and other medical costs as determined by the
20 Legislature through the appropriation process. The transfers to
21 the Autism Treatment Program Cash Fund in any fiscal year shall
22 be contingent upon the receipt of private matching funds under
23 the Autism Treatment Program Act, with no less than one dollar of
24 private funds received for every two dollars transferred from the
25 Nebraska Health Care Cash Fund to the Autism Treatment Program Cash

1 Fund.

2 (4) The University of Nebraska and postsecondary
3 educational institutions having colleges of medicine in Nebraska
4 and their affiliated research hospitals in Nebraska, as a condition
5 of receiving any funds appropriated or transferred from the
6 Nebraska Health Care Cash Fund, shall not discriminate against any
7 person on the basis of sexual orientation.

8 (5) The State Treasurer shall transfer two hundred
9 thousand dollars from the Nebraska Health Care Cash Fund to the
10 University of Nebraska Medical Center Cash Fund for the Nebraska
11 Regional Poison Center within fifteen days after each July 1.

12 (6) The State Treasurer shall transfer the following
13 amounts from the Nebraska Health Care Cash Fund to the Behavioral
14 Health Workforce Cash Fund: (a) One million four hundred thousand
15 dollars in fiscal year 2009-10; (b) one million six hundred
16 thousand dollars in fiscal year 2010-11; (c) one million eight
17 hundred thousand dollars in fiscal year 2011-12; and (d) two
18 million dollars in fiscal year 2012-13. For fiscal year 2013-14
19 and each fiscal year thereafter, the transfer amount shall be
20 the transfer amount in the prior fiscal year increased by three
21 percent.

22 Sec. 6. This act becomes operative on July 1, 2009.

23 Sec. 7. Original section 71-7611, Revised Statutes
24 Cumulative Supplement, 2008, is repealed.

25 Sec. 8. Since an emergency exists, this act takes effect

LB 603

LB 603

1 when passed and approved according to law.