

July 1, 2013

Senator John Harms, Chair
Legislative Performance Audit Committee
Legislative Audit Office
Room 2011, State Capitol
Lincoln NE 68509

RE: Annual LB617 Report

Dear Senator Harms and Members of the Legislative Performance Audit Committee:

Enclosed herein is the 2013 annual regulations report of the Nebraska Department of health and Human Services, as required by LB617 (Laws, 2011).

If you have questions regarding this report, please direct them to Sarah Sujith, DHHS Legal Services, by email (sarah.sujith@nebraska.gov) or telephone (402-471-7240).

Sincerely,



Kerry T. Winterer
Chief Executive Officer
Department of Health and Human Services

Enclosure: DHHS 2013 Annual LB617 Report (7 pages)

DHHS DIVISION OF BEHAVIORAL HEALTH REGULATIONS IN PROCESS
2013 ANNUAL LB617 REPORT

[illegible]

DHHS DIVISION OF CHILDREN AND FAMILY SERVICES REGULATIONS IN PROCESS
2013 ANNUAL LB617 REPORT

SUBJECT	NAC TITLE/ CHAPTER	LEGISLATION & STATUTES	OTHER REASON FOR REGS	GPRO APPROVAL FOR HEARING	PUB HRG DATE	DATE TO AG	DATE TO GPRO	GOV'S APPVL	ON SOS FILE
Energy Assistance Emergency Water Services	476/1-6	Neb. Rev. Stat. §§ 81-3116(2), 81-3117(7)	Conform with approved state plan	9/29/10	12/2/10	6/25/12	8/9/12	Returned to DHHS at agency request for additional changes	
ADC and Refugee Programs Standard of Need Increase	468/2, 470/2	Neb. Rev. Stat. §§ 45-512-513, 68-717, 81-3117(7)	Biennial Standard of Need update	6/27/11	8/14/11	3/23/12	8/9/12	8/20/12	8/20/12
ADC: Eliminate provisions relating to eligibility of non-United-States citizens for public assistance; Provide eligibility for certain emancipated minors	468/1-3	LB465 (2011) (effective 7/1/11), LB690 Sec. 6 (2011) (effective 8/27/11)	NA	5/23/12	6/28/12	4/30/13	6/7/13	6/27/13	6/27/13
AABD: Eliminate provisions relating to eligibility of non-United-States citizens for public assistance	469/1-2	LB465 (2011) (effective 7/1/11)	NA	5/23/12	6/28/12	4/30/12	6/28/13		
SNAP - Broad-Based Categorical Eligibility, Employment & Training, ABAWD, Eliminate provisions relating to eligibility of non-United-States citizens for public assistance	475/1-3	LB465 (2011) (effective 7/1/11), LB543 (2011) (effective 4/15/11)	Federal requirement to reinstate ABAWD work requirements	5/23/12	6/28/12	4/30/13	6/28/13		
Child Support 2011 Updates; Change support liens and provide for military parents and children in cases of divorce	466/1-6, 8-13	LB673 (2011) (effective 8/27/11)	Changes to Federal Regulations at 42 CFR 302 et seq. and 303 et seq.	5/18/12	6/28/12	3/22/13	5/6/13	6/7/13	6/7/13
New Eligibility for Subsidized Adoption	390/6, 479/8	LB 91 (2009)	NA	10/6/11	2/2/12	3/23/12	8/9/12	8/20/12	8/20/12
Change Welfare Reform Act requirements relating to education for recipients of assistance	468	LB507 (2012) (effective 7/19/12)	NA						
Coverage for certain children as prescribed pursuant to the Medical Assistance Act	468	LB599 (2012) (effective 7/19/12)	NA	Medicaid eligibility regulations are being removed from Titles 468 and 469. This entry will be removed from the CFS page on future reports and LB599 regulation revisions will be listed on the MLTC regulations page.					
Access to adoption case files	390 NAC 1-007	LB768 (2012) (effective 7/19/12)	NA						
Adult Protective Services rewrite	463/1 (new) & 473/7 (repeal)	LB1051 (2012) (effective 7/19/12)	Update regulations to reflect changes in policy and practice	2/18/13	4/4/13	6/27/13			
Adoption assistance	390/6-003 & 479/8-001	LB1062 (2012) (effective 7/19/12)	NA						
Electronic payments to clients	465/2	NA	Policy change	5/10/12	6/14/12	4/30/13	6/7/13	6/24/13	6/24/13
Young Adult Voluntary Services and Support Act	NEW, 390/7-8, & 479/3, 4, 6	LB216 (2013) (effective 6/4/13)	NA						
Change work activity requirements for self-sufficiency contracts	468/2	LB240 (effective 9/4/13)	NA						

DHHS DIVISION OF CHILDREN AND FAMILY SERVICES REGULATIONS IN PROCESS
2013 ANNUAL LB617 REPORT

SUBJECT	NAC TITLE/ CHAPTER	LEGISLATION & STATUTES	OTHER REASON FOR REGS	GPRO APPROVAL FOR HEARING	PUB HRG DATE	DATE TO AG	DATE TO GPRO	GOV'S APPVL	ON SOS FILE
Foster care licensure, kinship homes and relative homes; provisions on nonsafety issues; foster care reimbursement	390/7 & 474/6	LB265 (2013) (effective 6/25/2013), LB269 (2013) (effective 6/4/2013), LB530 (2013) (effective 6/4/2013)	NA						
Subsidized employment pilot program	468	LB368 (2013) (effective 9/4/13)	NA						
Juvenile justice reform	390 & 401	LB561 (2013) (effective 5/29/13)	NA						

DHHS DIVISION OF MEDICAID AND LONG-TERM CARE REGULATIONS IN PROCESS
2013 ANNUAL LB617 REPORT

SUBJECT	NAC TITLE/ CHAPTER	LEGISLATION & STATUTES	OTHER REASON FOR REGS	GPRO APPROVAL FOR HEARING	PUB HRG DATE	DATE TO AG	DATE TO GPRO	GOV'S APPVL	ON SOS FILE
Child Care for Children with Disabilities	471/9 & 13; 480/5	Neb. Rev. Stat. §§ 68-901 to 969, 81-3117(7)	Federal Medicaid requirement	3/18/09	7/16/09	8/31/09	To be terminated upon scheduling of a new public hearing.		
Eligibility for certain lawfully present persons; Eliminate provisions relating to eligibility of non-United-States citizens for public assistance	468/2 & 4, 469/2, 477/2 - 4	LB1106 (2010), LB465 (2011) (effective 7/1/11)	NA	5/10/12	6/21/12	5/14/13			
Nursing Facility Quality Assurance Assessment Act	405/1 & 2, 471/12	LB600 (2011) (effective 7/1/11)	NA	1/31/12	2/16/12	4/24/12	6/14/12	7/6/12	7/6/12
Eligibility for Certain Emancipated Minors	471/28, 477/1 & 2	LB690 Sec. 6 (2011) (effective 8/27/11)	NA	12/7/12	2/7/13	6/10/13			
Children's Mental Health & Substance Abuse Treatment Services - PRTFs	471/32-008	NA	Federal Medicaid requirement	4/24/12 6/25/12	6/7/12 8/2/12	8/31/12	10/12/12	10/24/12	10/24/12
Children's Mental Health & Substance Abuse Treatment Services - General Requirements	471/32-001	NA	Federal Medicaid requirement	10/19/12	1/13/13	3/22/13	6/3/13	6/7/13	6/7/13
Children's Mental Health & Substance Abuse Treatment Services - Outpatient Services	471/32-002	NA	Federal Medicaid requirement	6/27/13	8/15/13 (tentative)				
Program Rates for the Social Services Block Grant Program	473/1-3 & 5	2011 Budget Reduction	Revisions to payment methodologies; Revisions related to 2010 Single State Audit	12/27/11	2/2/12	7/17/12 2/1/13	2/15/13	2/21/13	2/21/13
Freestanding Birth Centers	471/42 (new)	NA	Federal Medicaid requirement	2/2/12	3/15/12	8/9/12 2/1/13	8/30/12 2/15/13	2/21/13	2/21/13
Injectable Medications	471/18	2011 Budget Reduction	Revisions to payment methodologies	5/11/12	6/21/12	6/29/12	8/2/13	8/20/12	8/20/12
Managed Care Statewide	482/1, 2, 4	2011 Budget directive	NA	5/10/12	6/21/12	8/1/12	8/30/12	9/18/12	9/18/12
Provide coverage for certain children as prescribed under the Medical Assistance Act	468, 469 & 477	LB599 (2012) (effective 7/19/12)	NA						
Timely Filing of Medicaid Claims	471/10, 18 & 26	NA	Policy change	1/30/13	3/21/13	4/29/13	6/7/13	6/27/13	6/27/13
Transfer on Death Deed Revocation	469/2	LB536 (2012) (operative date 1/1/13)	NA	5/9/13	6/20/13				
Behavioral Health Managed Care	482/1, 2 & 5	NA	Policy change	5/9/13	6/20/13				
PACE (Program of All-Inclusive Care for the Elderly)	471/37 (new)	NA	Policy change	12/20/12	1/29/13	2/14/13	3/19/13	3/29/13	3/29/13
Non-Payment of provider preventable conditions	471/10, 18 & 26	NA	Federal Medicaid requirement	8/17/12	9/27/12	2/11/13	4/1/13	5/13/13	5/13/13
Dental Prior Authorizations	471/6	NA	Policy change	12/20/12	2/7/13	3/22/13	5/6/13	6/6/13	6/6/13
Allocation of ICF/MR reimbursement	405/1 and 471/31	LB23 (2013) (effective 9/4/13)	NA						
Telehealth for children's behavioral health	4/15/01	LB556 (2013) (effective 9/4/13)	NA						

DHHS DIVISION OF PUBLIC HEALTH REGULATIONS IN PROCESS
2013 ANNUAL LB617 REPORT

SUBJECT	NAC TITLE/ CHAPTER	LEGISLATION & STATUTES	OTHER REASON FOR REGS	GPRO APPROVAL FOR HEARING	PUB HRG DATE	DATE TO AG	DATE TO GPRO	GOV'S APPVL	ON SOS FILE
Uniform Credentialing Act	172/all UCA chapters	LB463 (2007)	LB463 affects numerous chapters of regulations. This general entry applies to all UCA regulations. Separate entries for individual chapters will only be added as regulation-making is initiated for each.						
Mental Health Practice Licensure	172/94	LB463 (2007), LB403 (2009), LB225 (2011) (effective 3/11/11)	Board recommended changes	5/23/08	7/3/08, 6/11/09, 5/6/10				
Psychologist Licensure	172/155 & repeal 172/156-158	LB463 (2007), LB403 (2009), LB225 (2011) (effective 3/11/11)	Board recommended changes	12/19/08	6/11/09				
Abortion Reporting	174/1 & 8	LB 1103 (2010)	NA	8/13/10, 10/25/11	10/07/10, 12/18/11	10/22/10, 3/19/12	11/13/12	11/30/12	11/30/12
Out-of-Hospital Emergency Care Providers	172/11	LB463 (2007), LB195 §§ 13-15 & LB403 (2009)	Board recommended changes	9/8/11	10/27/11	4/26/12	8/3/12	9/4/12	9/4/12
Pharmacy Technician Registry	NEW	LB288 (2009)							
Clean Indoor Air Act	178/7	LB355 (2009)	LB355 is the subject of active litigation. Regulations will not be adopted while the litigation is still pending.						
Physician (Medicine, Osteopathic Medicine, & Surgery) Licensure	172/88	LB463 (2007), LB394 (2009), LB403 (2009), LB1103 (2010), LB225 (2011) (effective 3/11/11), LB406 (2011) (effective 8/27/11)	Board recommended changes	2/13/13	4/4/13	6/28/13			
Require verification of lawful presence in the United States to receive public benefits as prescribed	172/all UCA chapters	LB403 (2009)	LB403 affects numerous chapters of regulations. This general entry applies to all UCA regulations. Separate entries for individual chapters will only be added as regulation-making is initiated for each.						
School Health Screening	173/7 (new)	LB713 (2010)	NA	6/25/12	11/1/12	1/8/13	1/28/13	1/31/13	1/31/13
Change appropriations for water power and water well registration fees	178/11	LB27 (2011) (effective 8/27/11)	NA	5/10/12	6/14/12	3/27/13	4/29/13	5/13/13	5/13/13
Change provisions relating to issuance of credentials under the UCA	172/all UCA chapters	LB225 (2011) (effective 3/11/11)	LB225 affects numerous chapters of regulations. This general entry applies to all UCA regulations. Separate entries for individual chapters will only be added as regulation-making is initiated for each.						
Provide for a syndromic surveillance program	173/9 (new)	LB591 (2011) (effective 8/27/11)	NA	12/18/12	2/7/13				
Change immunization information exchange provisions	173/8 (new)	LB591 (2011) (effective 8/27/11)	NA	12/18/12	2/7/13				
Provide for issuance of a veterinarian locum tenens	172/180	LB687 (2011) (effective 5/19/11)	NA						
Change consent and parental notification provisions regarding abortion; eligibility for certain emancipated minors	174/1 & 8	LB690 (2011) (effective 8/27/11)	NA	10/25/11	12/8/11	3/19/12	11/13/12	11/30/12	11/30/12

DHHS DIVISION OF PUBLIC HEALTH REGULATIONS IN PROCESS
2013 ANNUAL LB617 REPORT

SUBJECT	NAC TITLE/ CHAPTER	LEGISLATION & STATUTES	OTHER REASON FOR REGS	GPRO APPROVAL FOR HEARING	PUB HRG DATE	DATE TO AG	DATE TO GPRO	GOV'S APPVL	ON SOS FILE
Child Care Licensing	391/1-5	LB1005 §§ 67-86 (2004), LB994 § 62 (2006), LB296 § 504(2007), LB395 & LB928 § 19 (2008), LB403 (2009)	NA	09/29/10, 7/13/11, 7/17/12	8/25/11, 8/12/12	12/17/12	1/7/13	2/15/13	2/15/13
Environmental Health Specialists	172/168	LB463 (2007), LB403 (2009), LB225 (2011) (effective 3/11/11)	Board recommended changes	9/26/11	11/17/11	5/1/12	8/2/12	8/20/12	8/20/12
Emergency Medical Services Licensure	172/12	LB463 (2007), LB403 (2009), LB225 (2011) (effective 3/11/11)	Board recommended changes	9/8/11	10/27/11	4/26/12, 11/13/12	8/3/12, 11/29/12	12/10/12	12/10/12
Emergency Medical Training Agencies	172/13	LB463 (2007), LB403 (2009), LB225 (2011) (effective 3/11/11)	Board recommended changes	9/8/11	10/27/11	4/26/12	8/3/12	9/4/12	9/4/12
Dental and Dental Hygiene Licensure	172/56	LB463 (2007), LB403 (2009), LB225 (2011) (effective 3/11/11)	Board recommended changes	9/30/11	11/17/11	2/29/12	6/1/12	6/18/12	6/18/12
Public Water Systems - Ground Water Rule; Monitoring and Analytical Requirements; Public Notification of Drinking Water Violations, and Consumer Confidence Reports	179/2-002, 3-5, 8 (new), 12-14, 16	LB723 (2012) (effective 7/19/12)	Federal EPA requirements	1/4/12	3/1/12	9/14/12	11/21/12	12/17/12	12/17/12
Athletic Training Licensure	172/17	LB463 (2007), LB403 (2009), LB225 (2011) (effective 3/11/11)	Board recommended changes	1/4/12	2/16/12	5/1/12	8/2/12	8/20/12	8/20/12
Control of Radiation	180/1-4, 7, 10, 13, 15, & 21	LB794 (2012) (effective 7/19/12)	Federal NRC requirements	12/23/11	3/1/12	10/23/12, 1/11/13	1/28/13	2/19/13	2/19/13
Occupational Therapy Licensure	172/114	LB463 (2007), LB403 (2009), LB225 (2011) (effective 3/11/11)	Board recommended changes	12/28/11	2/16/12	5/1/12	7/19/12	7/26/12	7/26/12
Brain Injury Registry	186/2	LB928 §§ 33-40 (2008)	NA	10/6/11	12/1/11	3/19/12	6/14/12	6/18/12	6/18/12
Change Uniform Credentialing Act Fee provisions	172/2 & 172/various UCA chapters	LB773 (2012) (effective 7/19/12)	NA	LB773 affects numerous chapters of regulations. This general entry applies to various UCA regulations. Separate entries for individual chapters will only be added as regulation-making is initiated for each.					
Change Respiratory Care Practice Requirements	172/162	LB788 (2012) (effective 7/19/12)	NA						
Genetic Counseling Practice Act	172/92 (new)	LB831 (2012) (effective 7/19/12)	NA						
Nebraska Regulation of Health Professions Act (407 process)	172/4 (new)	LB834 (2012) (effective 7/19/12)	NA	2/18/13	4/4/13	5/14/13			

DHHS DIVISION OF PUBLIC HEALTH REGULATIONS IN PROCESS

2013 ANNUAL LB617 REPORT

SUBJECT	NAC TITLE/ CHAPTER	LEGISLATION & STATUTES	OTHER REASON FOR REGS	APPROVAL FOR HEARING	PUB HRG DATE	DATE TO AG	DATE TO GPRO	GOV'S APPVL	ON SOS FILE
Certification of Marriage and Family Therapists	172/94	LB1148 (2012) (effective 7/19/12)							
Physician Assistant Licensure and Supervision	172/90	LB463 (2007), LB403 (2009), LB225 (2011) (effective 3/11/11)	Board recommended changes	1/30/13	3/21/13	6/28/13			
Public Water Systems	179/ 23, 24 & 25 (new)	NA	Federal EPA requirements	12/18/12	2/21/13	3/27/13	4/29/13	6/6/13	6/6/13
Newborn Critical Congenital Heart Disease Screening	181/10 (new)	LB225 (2013) (effective 9/4/13)	NA						
Licensure of child-placing and residential child-caring agencies	391/6-7 (new) & 474/6	LB265 (2013) (effective 5/25/2013)	NA						