

AMENDMENTS TO LB21

Introduced by Health and Human Services.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 71-801, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 71-801 Sections 71-801 to 71-831 and section 2 of this act shall be
6 known and may be cited as the Nebraska Behavioral Health Services Act.

7 Sec. 2. (1) All rate increases for providers of behavioral health
8 services under the medical assistance program shall be passed on in their
9 entirety to such providers by any contractor governing at-risk managed
10 care service delivery for behavioral health services.

11 (2) All rate increases described in subsection (1) of this section
12 shall go into effect on the first day of the next fiscal year following
13 enactment of such rate increases.

14 (3) In an annual report submitted electronically to the Clerk of the
15 Legislature and the Legislative Fiscal Analyst, the department shall
16 provide assurances that all provider rate increases have been distributed
17 to providers of behavioral health services for the direct provision of
18 services under the Nebraska Behavioral Health Services Act.

19 Sec. 3. Section 71-806, Revised Statutes Cumulative Supplement,
20 2014, is amended to read:

21 71-806 (1) The division shall act as the chief behavioral health
22 authority for the State of Nebraska and shall direct the administration
23 and coordination of the public behavioral health system, including, but
24 not limited to: (a) Administration and management of the division,
25 regional centers, and any other facilities and programs operated by the
26 division; (b) integration and coordination of the public behavioral
27 health system; (c) comprehensive statewide planning for the provision of

1 an appropriate array of community-based behavioral health services and
2 continuum of care; (d) coordination and oversight of regional behavioral
3 health authorities, including approval of regional budgets and audits of
4 regional behavioral health authorities; (e) development and management of
5 data and information systems; (f) subject to section 2 of this act,
6 prioritization and approval of all expenditures of funds received and
7 administered by the division, including: The establishment of rates to be
8 paid; reimbursement methodologies for behavioral health services;
9 methodologies to be used by regional behavioral health authorities in
10 determining a consumer's financial eligibility as provided in subsection
11 (2) of section 71-809; and fees and copays to be paid by consumers of
12 such services; (g) cooperation with the department in the licensure and
13 regulation of behavioral health professionals, programs, and facilities;
14 (h) cooperation with the department in the provision of behavioral health
15 services under the medical assistance program; (i) audits of behavioral
16 health programs and services; and (j) promotion of activities in research
17 and education to improve the quality of behavioral health services,
18 recruitment and retention of behavioral health professionals, and access
19 to behavioral health programs and services.

20 (2) The department shall adopt and promulgate rules and regulations
21 to carry out the Nebraska Behavioral Health Services Act.

22 Sec. 4. Section 71-831, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 71-831 All contracts and agreements relating to the medical
25 assistance program governing at-risk managed care service delivery for
26 behavioral health services entered into by the department on or after
27 July 1, 2012, shall:

28 (1) Provide a definition and cap on administrative spending that (a)
29 shall not exceed seven percent unless the implementing department
30 includes detailed requirements for tracking administrative spending to
31 ensure (i) that administrative expenditures do not include additional

1 profit and (ii) that any administrative spending is necessary to improve
2 the health status of the population to be served and (b) shall not under
3 any circumstances exceed ten percent;

4 (2) Provide a definition of annual contractor profits and losses and
5 restrict such profits and losses under the contract so that (a) profit
6 shall not exceed three percent per year and (b) losses shall not exceed
7 three percent per year, as a percentage of the aggregate of all income
8 and revenue earned by the contractor and related parties, including
9 parent and subsidy companies and risk-bearing partners, under the
10 contract;

11 (3) Provide for reinvestment of (a) any profits in excess of the
12 contracted amount, (b) performance contingencies imposed by the
13 department, and (c) any unearned incentive funds, to fund additional
14 behavioral health services for children, families, and adults according
15 to a plan developed with input from stakeholders, including consumers and
16 their family members, the office of consumer affairs within the division,
17 and the regional behavioral health authority and approved by the
18 department. Such plan shall address the behavioral health needs of adults
19 and children, including filling service gaps and providing system
20 improvements;

21 (4) Provide for a minimum medical loss ratio of eighty-five percent
22 of the aggregate of all income and revenue earned by the contractor and
23 related parties under the contract;

24 (5) Provide that contractor incentives, in addition to potential
25 profit, be at least one and one-half percent of the aggregate of all
26 income and revenue earned by the contractor and related parties under the
27 contract;

28 (6) Provide that a minimum of one-quarter percent of the aggregate
29 of all income and revenue earned by the contractor and related parties
30 under the contract be at risk as a penalty if the contractor fails to
31 meet the minimum performance metrics defined in the contract, and such

1 penalties, if charged, shall be accounted for in a manner that shall not
2 reduce or diminish service delivery in any way;~~and~~

3 (7) Comply with the requirements of section 2 of this act; and

4 (~~8~~ 7) Be reviewed and awarded competitively and in full compliance
5 with the procurement requirements of the State of Nebraska.

6 Sec. 5. Original sections 71-801, 71-806, and 71-831, Revised
7 Statutes Cumulative Supplement, 2014, are repealed.

8 Sec. 6. Since an emergency exists, this act takes effect when
9 passed and approved according to law.