

AMENDMENTS TO LB 692

(Amendments to Standing Committee amendments, AM0781)

1 1. Strike section 11 and insert the following new
2 sections:

3 "Section 1. Section 71-1626, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-1626. For purposes of sections 71-1626 to 71-1636 and
6 sections 3 to 10 of this act:

7 (1) Core public health functions means assessment, policy
8 development, and assurance designed to protect and improve the
9 health of persons within a geographically defined community by (a)
10 emphasizing services to prevent illness, disease, and disability,
11 (b) promoting effective coordination and use of community
12 resources, and (c) extending health services into the community,
13 including public health nursing, disease prevention and control,
14 public health education, and environmental health services;

15 (2) A ~~county~~ County, district, or city-county health
16 department ~~shall mean~~ means a state-approved local full-time public
17 health service ~~(1)~~ (a) utilizing local, state, federal, and other
18 funds or any combination thereof, ~~(2)~~ (b) employing qualified
19 public health medical, nursing, environmental health, health
20 education, and other essential personnel who work under the
21 direction and supervision of a full-time qualified medical director
22 or of a full-time qualified lay administrator, are well-trained in
23 public health work, and are assisted at least part time by at least

AM1331
LB 692
LSN-04-03

AM1331
LB 692
LSN-04-03

1 one medical consultant who shall be a licensed physician, and ~~(3)~~
2 (c) conducted in conformity with the rules, regulations, and
3 policies of the Department of Health and Human Services, the
4 Department of Health and Human Services Regulation and Licensure,
5 and the Department of Health and Human Services Finance and
6 Support. The medical director or lay administrator shall be called
7 the health director; and

8 (3) Local public health department means a county,
9 district, or city-county health department.

10 Sec. 2. Section 71-1627, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 71-1627. ~~Any county or group of counties may establish a~~
13 ~~county or district~~ A local public health department with shall have
14 a health director at its head, who ~~shall be~~ is required to give his
15 or her entire time to the duties of the office, and such other
16 necessary qualified full or part-time health officers,
17 environmental health specialists, public health nurses, health
18 educators, and clerical assistants as may be necessary to carry on
19 the activities pertinent to a ~~county or district~~ the health
20 department.

21 Sec. 3. It is the intent of the Legislature that all
22 persons residing in the State of Nebraska have access to public
23 health services. It is the intent of the Legislature that local
24 public health departments be established statewide and work
25 collaboratively with local providers and community organizations in
26 order to assure the full range of public health services as
27 prescribed by the Centers for Disease Control and Prevention of the

1 United States Department of Health and Human Services. The
2 Legislature declares that each local public health department
3 should be able to carry out core public health functions. Core
4 public health functions include assessment and policy development,
5 prevention of illness and disease, and assurance of services
6 including public health nursing, health education, and
7 environmental health services.

8 Sec. 4. (1) Beginning July 1, 2001, and ending June 30,
9 2002:

10 (a) The county board of a county which does not have or
11 is not a part of a local public health department may apply to the
12 Department of Health and Human Services for five thousand dollars
13 to be used solely for the development of (i) a plan for the
14 establishment of a local public health department if the county has
15 more than fifty thousand residents or (ii) an interlocal agreement
16 between counties for the establishment of a local public health
17 department if at least three contiguous counties are involved and
18 the counties involved have a total of at least thirty thousand
19 residents; and

20 (b) The county board of a county which has or is part of
21 a local public health department may apply to the Department of
22 Health and Human Services for five thousand dollars to be used
23 solely for the development of an interlocal agreement for the
24 establishment of a local public health department with at least two
25 other counties if the counties involved have a total of at least
26 thirty thousand residents.

27 (2) An application under subsection (1) of this section

1 may be made jointly by two or more counties for the development of
2 an interlocal agreement, and each county which is a party to the
3 application shall receive five thousand dollars under such
4 subsection.

5 (3) An application shall include, but not be limited to,
6 (a) the name of the county or counties making the application, (b)
7 the number of residents of the county or group of counties, and (c)
8 the projected date of implementation of the plan or agreement.

9 Sec. 5. Beginning July 1, 2002, the county board of a
10 county with less than fifty thousand residents may begin the
11 process of developing an interlocal agreement pursuant to
12 subdivisions (4)(a)(ii) of section 4 of this act or may petition to
13 become a part of an existing interlocal agreement for a local
14 public health department with any adjoining group of counties. As
15 part of the petition, the county board may agree to abide by the
16 existing interlocal agreement or may ask for negotiation of a new
17 interlocal agreement. If the governing authority of the local
18 public health department denies the petition, the county board may
19 appeal to the Director of Regulation and Licensure or his or her
20 designee. The director may review the application, including the
21 terms of the existing or new agreement, and make a determination as
22 to whether the petition should be granted and fair and reasonable
23 terms in regards to the agreement. If the director determines that
24 the petition should be granted but the governing authority refuses
25 to accept the petition or refuses to accept the terms determined to
26 be fair and reasonable, the director shall prohibit any future
27 payment of funds to the local public health department under

1 section 21 of this act.

2 Sec. 6. (1) Each local public health department shall
3 carry out the core public health functions within its
4 geographically defined community.

5 (2) Each local public health department shall include
6 the essential elements in carrying out the core public health
7 functions to the extent applicable within its geographically
8 defined community and to the extent funds are available. The
9 essential elements include, but are not limited to, (a) monitoring
10 health status to identify community health problems, (b) diagnosing
11 and investigating health problems and health hazards in the
12 community, (c) informing, educating, and empowering people about
13 health issues, (d) mobilizing community partnerships to identify
14 and solve health problems, (e) developing policies and rules that
15 support individual and community health efforts, (f) enforcing
16 laws, rules, and regulations that protect public health and the
17 environment and ensure safety, (g) linking people to needed medical
18 and mental health services and assuring the provision of health
19 care when not otherwise available, (h) assuring a competent
20 workforce within the health care industry and the public health
21 departments, (i) evaluating effectiveness, accessibility, and
22 quality of services within the health care industry and the public
23 health departments, and (j) researching to gain new insights and
24 innovative solutions to health problems.

25 Sec. 7. Each local public health department shall
26 prepare an annual report regarding the core public health functions
27 carried out by the department in the prior fiscal year. The report

1 shall be submitted to the State Board of Health and the Department
2 of Health and Human Services by October 1. The department shall
3 compile the reports and submit the results to the Health and Human
4 Services Committee of the Legislature by December 1.

5 Sec. 8. The Department of Health and Human Services
6 shall employ two full-time persons with expertise in the public
7 health field to provide technical expertise in carrying out core
8 public health functions and essential elements and coordinate the
9 dissemination of materials to the local public health departments.

10 Sec. 9. The Department of Health and Human Services
11 shall establish a satellite office of minority health in each
12 congressional district to coordinate and administer state policy
13 relating to minority health. Each office shall implement a
14 minority health initiative which may target infant mortality,
15 adolescent and preadolescent abstinence-only pregnancy prevention,
16 cardiovascular disease, obesity, diabetes, and asthma. Each office
17 shall assist each county, within the respective district, which has
18 a minority population equal to or exceeding five percent of the
19 total population of the county as determined by the most recent
20 federal decennial census. Any congressional district which has a
21 minority population over one hundred thousand inhabitants shall
22 dedicate its prorated allocation in the following manner: Seventy
23 percent to federally qualified health clinics or federally
24 qualified health clinic look-alikes and thirty percent to be
25 determined by the office of minority health in that district. Each
26 office shall prepare an annual report regarding the implementation
27 of the minority health initiative in the prior fiscal year. The

AM1331
LB 692
LSN-04-03

AM1331
LB 692
LSN-04-03

1 report shall be submitted to the State Board of Health and the
2 department by October 1. The department shall submit the report to
3 the Health and Human Services Committee of the Legislature by
4 December 1.

5 Sec. 10. (1) The Nebraska Public Health Fund is created.
6 The Department of Health and Human Services shall use one hundred
7 thousand dollars in fiscal year 2001-02 and one hundred thousand
8 dollars in fiscal year 2002-03 to employ two full-time experts in
9 the public health field. The department shall distribute the
10 remainder of the fund to counties for the establishment of local
11 public health departments pursuant to section 4 of this act and to
12 local public health departments pursuant to subsections (2) and (3)
13 of this section.

14 (2) The department shall reserve two million dollars of
15 the fund in each fiscal year for purposes of this subsection. One
16 hundred thousand dollars of the fund shall be distributed each
17 fiscal year to each local public health department established
18 under sections 71-1626 to 71-1636 and sections 3 to 10 of this act
19 which is composed of at least three contiguous counties and has at
20 least thirty thousand and not more than fifty thousand residents
21 within its geographically defined community. One hundred
22 twenty-five thousand dollars of the fund shall be distributed each
23 fiscal year to each local public health department established
24 under sections 71-1626 to 71-1636 and sections 3 to 10 of this act
25 which has more than fifty thousand and not more than one hundred
26 thousand residents within its geographically defined community.
27 One hundred fifty thousand dollars of the fund shall be distributed

AM1331
LB 692
LSN-04-03

AM1331
LB 692
LSN-04-03

1 each fiscal year to each local public health department established
2 under sections 71-1626 to 71-1636 and sections 3 to 10 of this act
3 which has more than one hundred thousand residents within its
4 geographically defined community. Each local public health
5 department shall use such funds for establishment, management, and
6 operation of such department and its core public health functions.
7 The Health and Human Services Committee of the Legislature shall
8 annually review the number of local public health departments
9 accessing funds pursuant to this subsection.

10 (3) The department shall allocate a percentage of the
11 remainder of the fund after distributions under subsection (1) of
12 this section to each county on a per capita basis as determined by
13 the most recent federal decennial census. The funds for each
14 county shall be distributed to the local public health department
15 of the county if the county has more than fifty thousand residents
16 or the local public health department of which the county is a part
17 if the department is composed of at least three counties and has at
18 least thirty thousand residents within its geographically defined
19 community. If a county does not have or is not a part of such a
20 local public health department, the county's share of funds under
21 this subsection shall be held in the fund for the remainder of the
22 fiscal year and may be distributed to the county at any time during
23 such year if the county establishes a local public health
24 department pursuant to section 4 of this act or enters an
25 interlocal agreement to establish or become a part of a local
26 public health department pursuant to section 4 or 5 of this act.
27 At the end of each fiscal year, any money remaining in the fund

AM1331
LB 692
LSN-04-03

AM1331
LB 692
LSN-04-03

1 shall not lapse but shall be included in the allocation under this
2 subsection for the next fiscal year.

3 (4) Any money in the fund available for investment shall
4 be invested by the state investment officer pursuant to the
5 Nebraska Capital Expansion Act and the Nebraska State Funds
6 Investment Act.

7 Sec. 21. (1) It is the intent of the Legislature to
8 appropriate from the Nebraska Health Care Cash Fund as follows:

9 (a) Six million dollars in fiscal year 2001-02 and six
10 million dollars in fiscal year 2002-03 to the Nebraska Public
11 Health Fund;

12 (b) Two million two hundred eighty thousand dollars in
13 fiscal year 2001-02 and two million two hundred eighty thousand
14 dollars in fiscal year 2002-03 to the Department of Health and
15 Human Services for minority public health services in counties
16 having a minority population equal to or exceeding five percent of
17 the total population of the county as determined by the most recent
18 federal decennial census. The department shall distribute the
19 funds on a per capita basis for the purpose of implementing a
20 statewide minority health initiative which may target infant
21 mortality, adolescent and preadolescent abstinence-only pregnancy
22 prevention, cardiovascular disease, obesity, diabetes, and asthma;
23 and

24 (c) Two hundred twenty thousand dollars in fiscal year
25 2001-02 and two hundred twenty thousand dollars in fiscal year
26 2002-03 to the Department of Health and Human Services to establish
27 and operate a satellite office of minority health in the second and

AM1331
LB 692
LSN-04-03

AM1331
LB 692
LSN-04-03

1 third congressional districts to coordinate and administer state
2 policy relating to minority health.

3 (2) No county shall reduce its expenditures for public
4 health services due to receipt of funding under this section. If
5 the department determines that a county has violated this
6 subsection, the department shall reduce the county's share of funds
7 under this section by the amount the county reduced its
8 expenditures."

9 2. Renumber the remaining sections and correct internal
10 references and the repealer accordingly.