

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 467

Introduced by Jensen, 20

Read first time January 16, 2003

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health and human services; to amend sections
2 81-3001, 81-3004, 81-3006, 81-3007.01, 81-3008, 81-3101,
3 81-3102, 81-3107, 81-3202, 81-3207, 81-3301, 81-3302,
4 81-3307, and 84-1409, Reissue Revised Statutes of
5 Nebraska, and sections 71-3406, 71-6065, 71-8250, and
6 81-3201, Revised Statutes Supplement, 2002; to rename an
7 act; to change and eliminate provisions relating to the
8 Nebraska Health and Human Services System; to eliminate
9 obsolete provisions; to harmonize provisions; to repeal
10 the original sections; and to outright repeal sections
11 81-3002, 81-3002.01, 81-3003, 81-3005, 81-3007, 81-3009
12 to 81-3014, 81-3104 to 81-3106, 81-3204 to 81-3206, and
13 81-3304 to 81-3306, Reissue Revised Statutes of Nebraska.
14 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-3406, Revised Statutes Supplement,
2 2002, is amended to read:

3 71-3406. The Director of Health and Human Services shall
4 appoint a minimum of eight and a maximum of twelve members to the
5 State Child Death Review Team. The core members shall be (1) a
6 physician employed by the ~~departments, as departments is defined in~~
7 ~~section 81-3003~~ Nebraska Health and Human Services System, as
8 referred to in section 81-3006, who shall be a permanent member and
9 shall serve as the chairperson of the team, (2) a senior staff
10 member with child protective services of the Department of Health
11 and Human Services, (3) a forensic pathologist, (4) a law
12 enforcement representative, and (5) an attorney. The remaining
13 members appointed may be, but shall not be limited to, the
14 following: A county attorney; a Federal Bureau of Investigation
15 agent responsible for investigations on Native American
16 reservations; a social worker; and members of organizations which
17 represent hospitals or physicians. Members shall serve four-year
18 terms with the exception of the chairperson. In the absence of the
19 chairperson, the Director of Health and Human Services may appoint
20 another member of the core team to serve as chairperson. The team
21 shall not be considered a public body for purposes of sections
22 84-1408 to 84-1414. The team shall meet a minimum of four times a
23 year. Members of the team shall be reimbursed for their actual and
24 necessary expenses as provided in sections 81-1174 to 81-1177.

25 Sec. 2. Section 71-6065, Revised Statutes Supplement,
26 2002, is amended to read:

27 71-6065. (1) The Board of Examiners in Nursing Home
28 Administration is created. The board shall be under the

1 supervision of the department and shall consist of a designated
2 representative of the Policy Cabinet described in section ~~§1-3009~~
3 Secretary and the following members appointed by the State Board of
4 Health: (a) Two members who hold active licenses and are currently
5 employed in the management, operation, or ownership of proprietary
6 homes for the aged or infirm or nursing homes that serve the aged
7 or infirm in Nebraska; (b) two members who hold active licenses and
8 are currently employed in the management or operation of a
9 nonprofit home for the aged or infirm or nursing home or hospital
10 caring for chronically ill or infirm, aged patients; (c) one member
11 who is a member of the faculty of a college or university located
12 in the state who is actively engaged in a teaching program relating
13 to business administration, social work, gerontology, or some other
14 aspect of the administration of health care facilities; (d) one
15 member who is a licensed physician and surgeon with a demonstrated
16 interest in long-term care; (e) one member who is a licensed
17 registered nurse; and (f) two members who are laypersons, at least
18 the age of majority, residents of this state for at least five
19 years preceding appointment, and representative of consumer
20 viewpoints. The members of the board shall serve as members of
21 such board until the expiration of their respective terms or until
22 their successors have been appointed and qualified. Each appointed
23 member who is an administrator shall be licensed pursuant to
24 sections 71-6053 to 71-6068.

25 (2) The appointed members shall be appointed for terms of
26 three years, and the terms shall be staggered so that the terms of
27 three appointed members of the board expire each year. The term of
28 each member shall commence on the first day of December following

1 the expiration of the term of the member whom such person succeeds.
2 A vacancy in any appointive position on the board shall be filled
3 for the unexpired portion of the term by appointment by the State
4 Board of Health in the same manner as original appointments are
5 made. Appointed members shall serve until their successors are
6 appointed and qualified.

7 (3) The State Board of Health shall have power to remove
8 from office at any time any member of the board after a public
9 hearing pursuant to the Administrative Procedure Act for physical
10 or mental incapacity to carry out the duties of a board member, for
11 continued neglect of duty, for incompetency, for acting beyond the
12 individual member's scope of authority, for malfeasance in office,
13 for any cause for which a license may be suspended or revoked, or
14 for a lack of licensure.

15 (4) The department shall adopt and promulgate rules and
16 regulations which establish definitions of conflicts of interest
17 for members of the board and which establish procedures in the case
18 such a conflict arises.

19 Sec. 3. Section 71-8250, Revised Statutes Supplement,
20 2002, is amended to read:

21 71-8250. ~~By December 1998, the~~ The department shall
22 designate trauma care regions so that all parts of the state are
23 within such a region. ~~The regional designations shall be made on~~
24 ~~the basis of efficiency of delivery of needed trauma care and shall~~
25 ~~be consistent with the regions established pursuant to the Nebraska~~
26 ~~Partnership for Health and Human Services Act.~~

27 Sec. 4. Section 81-3001, Reissue Revised Statutes of
28 Nebraska, is amended to read:

1 81-3001. Sections 81-3001 to ~~81-3014~~ 81-3307 and section
2 5 of this act shall be known and may be cited as the Nebraska
3 ~~Partnership for~~ Health and Human Services System Act.

4 Sec. 5. The purpose of the Nebraska Health and Human
5 Services System Act is to provide for the administration of
6 publicly funded health and human services programs and services in
7 the State of Nebraska through the Department of Health and Human
8 Services, the Department of Health and Human Services Regulation
9 and Licensure, and the Department of Health and Human Services
10 Finance and Support.

11 Sec. 6. Section 81-3004, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 81-3004. The Department of Health and Human Services
14 Finance and Support shall establish a position with responsibility
15 to respond to questions, concerns, and complaints from consumers,
16 service providers, elected officials, and interested citizens in
17 order to ensure high levels of accountability under the Nebraska
18 ~~Partnership for~~ Health and Human Services System Act. A toll-free
19 telephone number shall also be made available and be made public
20 for these purposes. The person in the position shall submit a
21 quarterly report to the Governor, ~~Policy Cabinet,~~ and Legislature.

22 Sec. 7. Section 81-3006, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 81-3006. Effective January 1, 1997, all programs and
25 functions of the Department on Aging, the Department of Health, the
26 Department of Public Institutions, the Department of Social
27 Services, and the Office of Juvenile Services of the Department of
28 Correctional Services shall be transferred to three departments to

1 be known as the Department of Health and Human Services, the
2 Department of Health and Human Services Regulation and Licensure,
3 and the Department of Health and Human Services Finance and
4 Support. Such new departments shall be known and may be referred
5 to collectively as the Nebraska Health and Human Services System.
6 Any reference to departments in the Nebraska Health and Human
7 Services System Act shall be to such new departments.

8 Sec. 8. Section 81-3007.01, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 81-3007.01. (1) The departments are authorized to adopt
11 and promulgate rules and regulations which prescribe standards and
12 procedures for access to and security of confidential information
13 among the departments, within each department, and with the Policy
14 Secretary. ~~These include standards for collection, maintenance,~~
15 ~~and use of information in electronic or other storage media.~~
16 ~~Procedures for disclosure of confidential information among the~~
17 ~~departments and with the Policy Secretary shall include a~~
18 ~~determination by the Policy Cabinet or its designees on whether~~
19 ~~confidential information should be shared among the departments and~~
20 ~~with the Policy Secretary. Such determinations may take the form~~
21 ~~of interagency agreements. In making the determination, In~~
22 adopting and promulgating rules and regulations, the following
23 factors shall be considered:

24 (a) The law governing the confidentiality of the
25 information and the original purpose for which the information was
26 collected;

27 (b) The potential for harm to an individual if the
28 disclosure is made;

1 (c) Whether the disclosure will enhance the coordination
2 of policy development, service provision, eligibility
3 determination, program management, quality assurance, or financial
4 and support services;

5 (d) Whether the information is a trade secret, academic
6 or scientific research work which is in progress and unpublished,
7 or other proprietary or commercial information;

8 (e) Any limitations placed on the use of the information
9 by the original source of the information;

10 (f) Whether the proposed use is for a bona fide research
11 project or study, the procedures and methodology of which meet the
12 standards for research in the particular body of knowledge;

13 (g) The security of the information, including the scope
14 of access, ongoing security, publication, and disposal of the
15 information at the end of its use;

16 (h) The degree to which aggregate or summary data may
17 identify an individual whose privacy would otherwise be protected;
18 and

19 (i) Whether such information constitutes criminal
20 intelligence information maintained by correctional or law
21 enforcement authorities.

22 (2) Otherwise confidential information may be disclosed
23 among the departments and with the Policy Secretary pursuant to
24 subsection (1) of this section if not expressly prohibited by law.
25 Such disclosure shall not be considered a public disclosure or make
26 the record a public record. Any further disclosure may be made
27 only if permitted by law or department policy governing the
28 originating department.

1 The departments and the Policy Secretary shall observe
 2 confidentiality of human resources information and employment
 3 records, except that the departments shall act and be considered to
 4 be one department for purposes of human resources issues,
 5 employment records, and related matters.

6 (3) All officials and employees shall be informed
 7 regarding laws, rules and regulations, and policies governing
 8 confidential information and acknowledge receipt of that
 9 information.

10 Sec. 9. Section 81-3008, Reissue Revised Statutes of
 11 Nebraska, is amended to read:

12 81-3008. (1) The Governor shall appoint a ~~health and~~
 13 ~~human services system~~ Policy Secretary for the Nebraska Health and
 14 Human Services System to report to the Governor and to serve full
 15 time at the pleasure of the Governor. The Policy Secretary ~~is~~
 16 shall be subject to confirmation by a majority vote of the members
 17 of the Legislature. The Policy Secretary shall:

18 ~~(1)~~ (a) Encourage and direct initiatives and
 19 collaboration in the ~~health and human services~~ system;

20 ~~(2)~~ (b) Facilitate joint planning initiatives in the
 21 ~~health and human services~~ system;

22 ~~(3)~~ (c) Coordinate budget, research, and data collection
 23 efforts to insure effectiveness of the ~~health and human services~~
 24 system;

25 ~~(4)~~ (d) Ensure that the Appropriations Committee of the
 26 Legislature is provided any information the committee requires to
 27 make funding determinations and budget recommendations to the
 28 Legislature, including, but not limited to, specific program

1 budgets, internal budget requests, fiscal reports, and appearances
2 by department, division, program, and subprogram directors before
3 the committee to present department, division, program, and
4 subprogram budget requests; and

5 ~~(5)~~ (e) Recommend to the Legislature and the Governor
6 legislation he or she deems necessary or appropriate.

7 (2) On and after January 1, 2006, the Governor may also
8 direct the Policy Secretary to serve as the chief administrative
9 officer for the Nebraska Health and Human Services System.

10 Sec. 10. Section 81-3101, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 81-3101. The Governor shall appoint a Director of Health
13 and Human Services ~~appointed by the Governor~~ for the Department of
14 Health and Human Services who shall have a recognized and
15 demonstrated expertise in and knowledge of the issues of health and
16 human services delivery and administrative experience in an
17 executive capacity. The director shall report to the Governor and
18 serve full time at the pleasure of the Governor. The director
19 shall be subject to confirmation by a majority vote of the members
20 of the Legislature as provided in section 81-102.

21 Sec. 11. Section 81-3102, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 81-3102. The powers and duties of the Department of
24 Health and Human Services shall include, but are not limited to,
25 the following:

26 (1) To operate ~~as a member of the health and human~~
27 ~~services system~~ in coordination with the Department of Health and
28 Human Services Regulation and Licensure and the Department of

1 Health and Human Services Finance and Support;

2 (2) To consult and cooperate with other state agencies so
3 as to coordinate its activities in an effective manner with related
4 activities in other agencies;

5 (3) To adopt and promulgate necessary rules and
6 regulations to implement its programs and activities as required by
7 state law or under federal law or regulation governing grants or
8 contracts administered by the Department of Health and Human
9 Services;

10 (4) Under the direction and guidance of the Adjutant
11 General and the Nebraska Emergency Management Agency, to coordinate
12 assistance programs established by the Adjutant General under
13 section 81-829.72 with the programs of the department;

14 (5) To enter into such agreements as may be necessary or
15 appropriate with the Department of Health and Human Services
16 Finance and Support to provide services and manage funds as
17 provided under the Nebraska ~~Partnership for~~ Health and Human
18 Services System Act, ~~and sections 81-3101 to 81-3107~~, including the
19 administration of federal funds granted to the state in the
20 furtherance of the activities of the Department of Health and Human
21 Services;

22 (6) To enter into such agreements with and among the
23 Department of Health and Human Services Regulation and Licensure
24 and the Department of Health and Human Services Finance and Support
25 as may be necessary or appropriate to carry out the intent and
26 purposes of the act, ~~and sections~~, which may include, but are not
27 limited to, agreements for the transfer of personnel, for the
28 authority of such department or departments to act as its agent in

1 carrying out certain services or functions, or a portion of them,
2 or for the joint implementation of public or private grants or
3 performance of contracts;

4 (7) To seek grants and other funds from federal and other
5 public and private sources to carry out the purposes of the act ~~and~~
6 ~~sections~~ and the missions and purposes of the Department of Health
7 and Human Services and to accept and administer programs or
8 resources delegated, designated, assigned, or awarded by the
9 Governor or by other public and private sources;

10 (8) To act as the agent of the federal government in
11 matters of mutual concern in conformity with the act ~~and sections~~
12 and the scope of authority of the department as provided by law;

13 (9) To provide comprehensive information to the
14 Legislature and the Appropriations Committee of the Legislature
15 relating to funding requests for programs and subprograms;

16 (10) ~~To carry out the functions described in subdivision~~
17 ~~(1) of section 81-3007~~ To manage all services and programs of the
18 Nebraska Health and Human Services System, whether contracted or
19 delivered directly by the state, including, but not limited to:
20 (a) Providing services in accordance with established policies,
21 desired outcomes, priorities, and goals; (b) identifying strategies
22 jointly with communities for accomplishing identified goals and
23 outcomes; and (c) assuring service coordination and access through
24 public education and information, community resource development,
25 technical assistance, and coordinated service management;

26 (11) To adopt and promulgate confidentiality rules and
27 regulations as provided in section 81-3007.01; and

28 (12) To perform such other duties as are provided by law.

1 Sec. 12. Section 81-3107, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-3107. All rules, regulations, and orders of the
4 Department on Aging, the Department of Health, the Department of
5 Public Institutions, the Department of Social Services, or the
6 Office of Juvenile Services of the Department of Correctional
7 Services adopted prior to January 1, 1997, in connection with the
8 powers, duties, and functions transferred to the Department of
9 Health and Human Services under the Nebraska ~~Partnership for~~ Health
10 and Human Services System Act ~~and sections 81-3101 to 81-3107~~ shall
11 continue to be effective until revised, amended, repealed, or
12 nullified pursuant to law.

13 No suit, action, or other proceeding, judicial or
14 administrative, lawfully commenced prior to January 1, 1997, or
15 which could have been commenced prior to that date, by or against
16 any of such agencies, or any director or employee thereof in such
17 director's or employee's official capacity or in relation to the
18 discharge of his or her official duties, shall abate by reason of
19 the transfer of duties and functions from such agency to the
20 Department of Health and Human Services.

21 On and after January 1, 1997, unless otherwise specified,
22 whenever any provision of law refers to such agency or agencies in
23 connection with duties and functions transferred to the Department
24 of Health and Human Services, the law shall be construed as
25 referring to such department.

26 Sec. 13. Section 81-3201, Revised Statutes Supplement,
27 2002, is amended to read:

28 81-3201. (1) The Governor shall appoint a Director of

1 Regulation and Licensure ~~appointed by the Governor~~ for the
 2 Department of Health and Human Services Regulation and Licensure
 3 shall (a) have administrative experience in an executive capacity
 4 and some special training in public health work and (b) be either a
 5 graduate of a recognized school of medicine and licensed to
 6 practice medicine and surgery in the State of Nebraska or a person
 7 with a recognized and demonstrated expertise in and knowledge of
 8 health and human services delivery. The director shall report to
 9 the Governor and serve full time at the pleasure of the Governor.
 10 The director shall be subject to confirmation by a majority vote of
 11 the members of the Legislature as provided in section 81-102.

12 (2) If the director appointed under subsection (1) of
 13 this section is not a licensed physician, the Governor shall
 14 appoint a chief medical officer to be responsible for oversight of
 15 health issues ~~in the health and human services system,~~ as defined
 16 ~~in section 81-3003,~~ and decisions in contested cases under the
 17 ~~Uniform Licensing Law as specified in section 71-155.01 and of~~
 18 ~~health care facilities and occupations as specified in this~~
 19 ~~section.~~

20 ~~(2)~~ for the Nebraska Health and Human Services System.
 21 The chief medical officer ~~is~~ shall report to the Governor and serve
 22 full time at the pleasure of the Governor and shall be subject to
 23 confirmation by a majority of the members of the Legislature. The
 24 chief medical officer shall be a graduate of a recognized school of
 25 medicine and licensed to practice medicine and surgery in the State
 26 of Nebraska and have some special training in public health work.
 27 If a chief medical officer is appointed, he or she shall perform
 28 the duties under the Uniform Licensing Law specified in section

1 71-155.01 and shall be the final decisionmaker in contested cases
2 of (a) the health care facilities defined in the Health Care
3 Facility Licensure Act arising under the act and sections 71-6042
4 and 81-604.03 and (b) occupations referenced in sections 71-6038
5 and 71-6039.

6 Sec. 14. Section 81-3202, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 81-3202. The powers and duties of the Department of
9 Health and Human Services Regulation and Licensure shall include,
10 but are not limited to, the following:

11 (1) To operate as a member of the health and human
12 ~~services system~~ in coordination with the Department of Health and
13 Human Services and the Department of Health and Human Services
14 Finance and Support;

15 (2) To consult and cooperate with other state agencies so
16 as to coordinate its activities in an effective manner with related
17 activities in other agencies;

18 (3) To adopt and promulgate necessary rules and
19 regulations to implement its programs and activities as required by
20 state law or under federal law or regulation governing grants or
21 contracts administered by the Department of Health and Human
22 Services Regulation and Licensure;

23 (4) Under the direction and guidance of the Adjutant
24 General and the Nebraska Emergency Management Agency, to coordinate
25 assistance programs established by the Adjutant General under
26 section 81-829.72 with the programs of the department;

27 (5) To enter into such agreements as may be necessary or
28 appropriate with the Department of Health and Human Services

1 Finance and Support to provide services and manage funds as
2 provided under the Nebraska ~~Partnership for~~ Health and Human
3 Services System Act, ~~and sections 81-3201 to 81-3207~~, including the
4 administration of federal funds granted to the state in the
5 furtherance of the activities of the Department of Health and Human
6 Services Regulation and Licensure;

7 (6) To enter into such agreements with and among the
8 Department of Health and Human Services and the Department of
9 Health and Human Services Finance and Support as may be necessary
10 or appropriate to carry out the intent and purposes of the act, ~~and~~
11 ~~sections~~, which may include, but are not limited to, agreements for
12 the transfer of personnel, for the authority of such department or
13 departments to act as its agent in carrying out services or
14 functions, or a portion of them, or for the joint implementation of
15 public or private grants or performance of contracts;

16 (7) To seek grants and other funds from federal and other
17 public and private sources to carry out the purposes of the act ~~and~~
18 ~~sections~~ and the missions and purposes of the Department of Health
19 and Human Services Regulation and Licensure and to accept and
20 administer programs or resources delegated, designated, assigned,
21 or awarded by the Governor or by other public and private sources;

22 (8) To contract with and act as the agent of the federal
23 government in matters of mutual concern in conformity with the act
24 ~~and sections~~ and the scope of authority of the department as
25 provided by law;

26 (9) To provide comprehensive information to the
27 Legislature and the Appropriations Committee of the Legislature
28 relating to funding requests for programs and subprograms;

1 (10) ~~To carry out the responsibilities described in~~
 2 ~~subdivision (2) of section 81-3007~~ To ensure the quality of
 3 statewide health and human services based on outcomes and
 4 performance measures, including, but not limited to: (a)
 5 Developing evaluation measurements and analyzing results; (b)
 6 certifying and licensing facilities and professionals; (c)
 7 evaluating services or programs to determine compliance with state,
 8 federal, or other contractual requirements; (d) developing,
 9 reviewing, and revising rules and regulations in accordance with
 10 established systemwide policies and objectives; (e) coordinating
 11 with the Department of Health and Human Services to develop
 12 appropriate technical assistance, education, training, and joint
 13 problem-solving; and (f) providing a common-sense approach to
 14 regulation and licensure that focuses on the outcomes and assures
 15 compliance consistent with those outcomes;

16 (11) To adopt and promulgate confidentiality rules and
 17 regulations as provided in section 81-3007.01; and

18 (12) To perform such other duties as are provided by law.
 19 Sec. 15. Section 81-3207, Reissue Revised Statutes of
 20 Nebraska, is amended to read:

21 81-3207. All rules, regulations, and orders of the
 22 Department on Aging, the Department of Health, the Department of
 23 Public Institutions, the Department of Social Services, or the
 24 Office of Juvenile Services of the Department of Correctional
 25 Services adopted prior to January 1, 1997, in connection with the
 26 powers, duties, and functions transferred to the Department of
 27 Health and Human Services Regulation and Licensure under the
 28 Nebraska ~~Partnership for~~ Health and Human Services System Act ~~and~~

1 ~~sections 81-3201 to 81-3207~~, shall continue to be effective until
2 revised, amended, repealed, or nullified pursuant to law.

3 No suit, action, or other proceeding, judicial or
4 administrative, lawfully commenced prior to January 1, 1997, or
5 which could have been commenced prior to that date, by or against
6 any of such agencies, or any director or employee thereof in such
7 director's or employee's official capacity or in relation to the
8 discharge of his or her official duties, shall abate by reason of
9 the transfer of duties and functions from such agency to the
10 Department of Health and Human Services Regulation and Licensure.

11 On and after January 1, 1997, unless otherwise specified,
12 whenever any provision of law refers to such agency or agencies in
13 connection with duties and functions transferred to the Department
14 of Health and Human Services Regulation and Licensure, such law
15 shall be construed as referring to such department.

16 Sec. 16. Section 81-3301, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 81-3301. The Governor shall appoint a Director of
19 Finance and Support appointed by the Governor for the Department of
20 Health and Human Services Finance and Support who shall have
21 administrative experience in financial management in an executive
22 capacity. The director shall report to the Governor and serve full
23 time at the pleasure of the Governor. The director shall be
24 subject to confirmation by a majority vote of the members of the
25 Legislature as provided in section 81-102.

26 Sec. 17. Section 81-3302, Reissue Revised Statutes of
27 Nebraska, is amended to read:

28 81-3302. The powers and duties of the Department of

1 Health and Human Services Finance and Support shall include, but
2 are not limited to, the following:

3 (1) To operate ~~as a member of the health and human~~
4 ~~services system~~ in coordination with the Department of Health and
5 Human Services and the Department of Health and Human Services
6 Regulation and Licensure;

7 (2) To consult and cooperate with other state agencies so
8 as to coordinate its activities in an effective manner with related
9 activities in other agencies;

10 (3) To adopt and promulgate necessary rules and
11 regulations to implement its programs and activities as required by
12 state law or under federal law or regulation governing grants or
13 contracts administered by the Department of Health and Human
14 Services Finance and Support;

15 (4) Under the direction and guidance of the Adjutant
16 General and the Nebraska Emergency Management Agency, to coordinate
17 assistance programs established by the Adjutant General under
18 section 81-829.72 with the programs of the department;

19 (5) To enter into such agreements as may be necessary or
20 appropriate for it to provide services and manage funds of the
21 Department of Health and Human Services and the Department of
22 Health and Human Services Regulation and Licensure as provided
23 under the Nebraska ~~Partnership for~~ Health and Human Services
24 System, Act and ~~sections 81-3301 to 81-3307~~, including the
25 administration of federal funds granted to the state in the
26 furtherance of the activities of the Department of Health and Human
27 Services Finance and Support;

28 (6) To enter into such agreements with and among the

1 Department of Health and Human Services and the Department of
2 Health and Human Services Regulation and Licensure as may be
3 necessary or appropriate to carry out the intent and purposes of
4 the act, ~~and sections~~, which may include, but are not limited to,
5 agreements for the transfer of personnel, for the authority of such
6 department or departments to act as its agent in carrying out
7 services or functions, or a portion of them, or for the joint
8 implementation of public or private grants or performance of
9 contracts;

10 (7) To seek grants and other funds from federal and other
11 public and private sources to carry out the purposes of the act ~~and~~
12 ~~sections~~ and the missions and purposes of the Department of Health
13 and Human Services Finance and Support and to accept and administer
14 programs or resources delegated, designated, assigned, or awarded
15 by the Governor or by other public and private sources;

16 (8) To contract with and act as the agent of the federal
17 government in matters of mutual concern in conformity with the act
18 ~~and sections~~ and the scope of authority of the department as
19 provided by law;

20 (9) To provide comprehensive information to the
21 Legislature and the Appropriations Committee of the Legislature
22 relating to funding requests for programs and subprograms;

23 (10) ~~To carry out the responsibilities described in~~
24 ~~subdivision (3) of section 81-3007~~ To perform administrative
25 activities and finance and information management functions for the
26 Nebraska Health and Human Services System, including, but not
27 limited to: (a) Integrating and managing information systems
28 across programs and functions to determine whether desired outcomes

1 are achieved and to support policy development; (b) consolidating
2 program funds of the departments whenever appropriate to accomplish
3 desired results; (c) analyzing financial status and impacts for the
4 system; (d) developing and managing a consistent accounting,
5 contracting, disbursement, and fiscal compliance system; and (e)
6 consolidating operational support services such as budget,
7 information management, purchasing and procurement, personnel,
8 audit, and contract management;

9 (11) To adopt and promulgate confidentiality rules and
10 regulations as provided in section 81-3007.01; and

11 (12) To perform such other duties as are provided by law.

12 Sec. 18. Section 81-3307, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 81-3307. All rules, regulations, and orders of the
15 Department on Aging, the Department of Health, the Department of
16 Public Institutions, the Department of Social Services, or the
17 Office of Juvenile Services of the Department of Correctional
18 Services adopted prior to January 1, 1997, in connection with the
19 powers, duties, and functions transferred to the Department of
20 Health and Human Services Finance and Support under the Nebraska
21 ~~Partnership for~~ Health and Human Services System Act, ~~and sections~~
22 ~~81-3301 to 81-3307~~, shall continue to be effective until revised,
23 amended, repealed, or nullified pursuant to law.

24 No suit, action, or other proceeding, judicial or
25 administrative, lawfully commenced prior to January 1, 1997, or
26 which could have been commenced prior to that date, by or against
27 any of such agencies, or any director or employee thereof in such
28 director's or employee's official capacity or in relation to the

1 discharge of his or her official duties, shall abate by reason of
2 the transfer of duties and functions from such agency to the
3 Department of Health and Human Services Finance and Support.

4 On and after January 1, 1997, unless otherwise specified,
5 whenever any provision of law refers to such agency or agencies in
6 connection with duties and functions transferred to the Department
7 of Health and Human Services Finance and Support, the law shall be
8 construed as referring to such department.

9 Sec. 19. Section 84-1409, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 84-1409. For purposes of sections 84-1408 to 84-1414,
12 unless the context otherwise requires:

13 (1) Public body shall mean (a) governing bodies of all
14 political subdivisions of the State of Nebraska, (b) governing
15 bodies of all agencies, now or hereafter created by the
16 Constitution of Nebraska, statute, or otherwise pursuant to law, of
17 the executive department of the State of Nebraska, (c) all
18 independent boards, commissions, bureaus, committees, councils,
19 subunits, or any other bodies, now or hereafter created by the
20 Constitution of Nebraska, statute, or otherwise pursuant to law,
21 (d) all study or advisory committees of the executive department of
22 the State of Nebraska whether having continuing existence or
23 appointed as special committees with limited existence, (e)
24 advisory committees of the bodies referred to in subdivisions (a),
25 (b), and (c) of this subdivision, and (f) instrumentalities
26 exercising essentially public functions. Sections 84-1408 to
27 84-1414 shall not apply to (i) subcommittees of such bodies unless
28 a quorum of the public body attends a subcommittee meeting or

1 unless such subcommittees are holding hearings, making policy, or
 2 taking formal action on behalf of their parent body, and (ii)
 3 judicial proceedings unless a court or other judicial body is
 4 exercising rulemaking authority, deliberating, or deciding upon the
 5 issuance of administrative orders; and (iii) ~~meetings of the~~
 6 ~~Policy Cabinet created in section 81-3009,~~

7 (2) Meeting shall mean all regular, special, or called
 8 meetings, formal or informal, of any public body for the purposes
 9 of briefing, discussion of public business, formation of tentative
 10 policy, or the taking of any action of the public body; and

11 (3) Videoconferencing shall mean conducting a meeting
 12 involving participants at two or more locations through the use of
 13 audio-video equipment which allows participants at each location to
 14 hear and see each meeting participant at each other location,
 15 including public input. Interaction between meeting participants
 16 shall be possible at all meeting locations.

17 Sec. 20. Original sections 81-3001, 81-3004, 81-3006,
 18 81-3007.01, 81-3008, 81-3101, 81-3102, 81-3107, 81-3202, 81-3207,
 19 81-3301, 81-3302, 81-3307, and 84-1409, Reissue Revised Statutes of
 20 Nebraska, and sections 71-3406, 71-6065, 71-8250, and 81-3201,
 21 Revised Statutes Supplement, 2002, are repealed.

22 Sec. 21. The following sections are outright repealed:
 23 Sections 81-3002, 81-3002.01, 81-3003, 81-3005, 81-3007, 81-3009 to
 24 81-3014, 81-3104 to 81-3106, 81-3204 to 81-3206, and 81-3304 to
 25 81-3306, Reissue Revised Statutes of Nebraska.