

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 542

FINAL READING

Introduced by Synowiecki, 7

Read first time January 17, 2007

Committee: Appropriations

A BILL

1 FOR AN ACT relating to juvenile services; to amend section 43-407,
2 Reissue Revised Statutes of Nebraska; to create the
3 Children's Behavioral Health Task Force; to provide
4 powers and duties; to change provisions relating to
5 treatment programs and services; 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. (1) The Children's Behavioral Health Task
2 Force is created. The task force shall consist of the following
3 members:

4 (a) The chairperson of the Health and Human Services
5 Committee of the Legislature or his or her designee;

6 (b) The chairperson of the Appropriations Committee of
7 the Legislature or his or her designee;

8 (c) The chairperson of the Behavioral Health Oversight
9 Commission of the Legislature;

10 (d) Two providers of community-based behavioral health
11 services to children, appointed by the chairperson of the Health
12 and Human Services Committee of the Legislature;

13 (e) One regional administrator appointed under section
14 71-808, appointed by the chairperson of the Health and Human
15 Services Committee of the Legislature;

16 (f) Two representatives of organizations advocating on
17 behalf of consumers of children's behavioral health services and
18 their families, appointed by the chairperson of the Health and
19 Human Services Committee of the Legislature;

20 (g) One juvenile court judge, appointed by the Chief
21 Justice of the Supreme Court;

22 (h) Two representatives of the Department of Health and
23 Human Services, appointed by the Governor; and

24 (i) The Administrator of the Office of Juvenile Services.

25 (2) All members shall be appointed within thirty days

1 after the effective date of this act.

2 (3) Members of the task force shall serve without
3 compensation but shall be reimbursed from the Nebraska Health
4 Care Cash Fund for their actual and necessary expenses as provided
5 in sections 81-1174 to 81-1177.

6 (4) The chairperson of the Behavioral Health Oversight
7 Commission of the Legislature shall serve as chairperson of the
8 task force. Administrative and staff support for the task force
9 shall be provided by the Health and Human Services Committee of the
10 Legislature and the Appropriations Committee of the Legislature.

11 Sec. 2. (1) The Children's Behavioral Health Task Force,
12 under the direction of and in consultation with the Health and
13 Human Services Committee of the Legislature and the Department of
14 Health and Human Services, shall prepare a children's behavioral
15 health plan and shall submit such plan to the Governor and
16 the committee on or before December 4, 2007. The scope of the
17 plan shall include juveniles accessing public behavioral health
18 resources.

19 (2) The plan shall include, but not be limited to:

20 (a) Plans for the development of a statewide integrated
21 system of care to provide appropriate educational, behavioral
22 health, substance abuse, and support services to children and
23 their families. The integrated system of care should serve both
24 adjudicated and nonadjudicated juveniles with behavioral health or
25 substance abuse issues;

1 (b) Plans for the development of community-based
2 inpatient and subacute substance abuse and behavioral health
3 services and the allocation of funding for such services to the
4 community pursuant to subdivision (4) of section 43-406;

5 (c) Strategies for effectively serving juveniles assessed
6 in need of substance abuse or behavioral health services upon
7 release from the Youth Rehabilitation and Treatment Center-Kearney
8 or Youth Rehabilitation and Treatment Center-Geneva;

9 (d) Plans for the development of needed capacity for the
10 provision of community-based substance abuse and behavioral health
11 services for children;

12 (e) Strategies and mechanisms for the integration of
13 federal, state, local, and other funding sources for the provision
14 of community-based substance abuse and behavioral health services
15 for children;

16 (f) Measurable benchmarks and timelines for the
17 development of a more comprehensive and integrated system of
18 substance abuse and behavioral health services for children;

19 (g) Identification of necessary and appropriate statutory
20 changes for consideration by the Legislature; and

21 (h) Development of a plan for a data and information
22 system for all children receiving substance abuse and behavioral
23 health services shared among all parties involved in the provision
24 of services for children.

25 (3) The department shall provide a written implementation

1 and appropriations plan for the children's behavioral health
2 plan to the Governor and the committee by January 4, 2008.
3 The chairperson of the Health and Human Services Committee
4 of the Legislature shall prepare legislation or amendments to
5 legislation to implement this subsection for introduction in the
6 2008 legislative session.

7 Sec. 3. The Children's Behavioral Health Task Force will
8 oversee implementation of the children's behavioral health plan
9 until June 30, 2010, at which time the task force shall submit
10 to the Governor and the Legislature a recommendation regarding the
11 necessity of continuing the task force.

12 Sec. 4. Section 43-407, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 43-407 The Office of Juvenile Services shall design
15 and make available programs and treatment services through the
16 ~~youth rehabilitation and treatment centers for juvenile offenders.~~
17 Youth Rehabilitation and Treatment Center-Kearney and Youth
18 Rehabilitation and Treatment Center-Geneva. The programs and
19 treatment services shall be based upon the individual or family
20 evaluation process and treatment plan. The treatment plan shall
21 be developed within fourteen days after admission. If a juvenile
22 placed at the Youth Rehabilitation and Treatment Center-Kearney
23 or Youth Rehabilitation and Treatment Center-Geneva is assessed
24 as needing inpatient or subacute substance abuse or behavioral
25 health residential treatment, the juvenile may be transferred to

1 a program or facility if the treatment and security needs of
2 the juvenile can be met. The assessment process shall include
3 involvement of both private and public sector behavioral health
4 providers. The selection of the treatment venue for each juvenile
5 shall include individualized case planning and incorporate the
6 goals of the juvenile justice system pursuant to section 43-402.
7 Juveniles committed to the Youth Rehabilitation and Treatment
8 Center-Kearney or Youth Rehabilitation and Treatment Center-Geneva
9 who are transferred to alternative settings for treatment remain
10 committed to the Department of Health and Human Services and the
11 Office of Juvenile Services until discharged from such custody.

12 Programs and treatment services shall address:

13 (1) Behavioral impairments, severe emotional
14 disturbances, sex offender behaviors, and other mental health or
15 psychiatric disorders;

16 (2) Drug and alcohol addiction;

17 (3) Health and medical needs;

18 (4) Education, special education, and related services;

19 (5) Individual, group, and family counseling services as
20 appropriate with any treatment plan related to subdivisions (1)
21 through (4) of this section. Services shall also be made available
22 for juveniles who have been physically or sexually abused;

23 (6) A case management and coordination process, designed
24 to assure appropriate reintegration of the juvenile to his or
25 her family, school, and community. This process shall follow

1 individualized planning which shall begin at intake and evaluation.
2 Structured programming shall be scheduled for all juveniles.
3 This programming shall include a strong academic program as
4 well as classes in health education, living skills, vocational
5 training, behavior management and modification, money management,
6 family and parent responsibilities, substance abuse awareness,
7 physical education, job skills training, and job placement
8 assistance. Participation shall be required of all juveniles if
9 such programming is determined to be age and developmentally
10 appropriate. The goal of such structured programming shall be to
11 provide the academic and life skills necessary for a juvenile to
12 successfully return to his or her home and community upon release;
13 and

14 (7) The design and delivery of treatment programs ~~within~~
15 through the youth rehabilitation and treatment centers as well as
16 any licensing or certification requirements, and the office shall
17 follow the requirements as stated within Title XIX and Title IV-E
18 of the federal Social Security Act, as ~~amended,~~ such act existed
19 on the effective date of this act, the Special Education Act, or
20 other funding guidelines as appropriate. It is the intent of the
21 Legislature that these funding sources shall be utilized to support
22 service needs of eligible juveniles. ~~in residence at the youth~~
23 ~~rehabilitation and treatment centers.~~

24 Sec. 5. Original section 43-407, Reissue Revised Statutes
25 of Nebraska, is repealed.

LB 542

LB 542

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