

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 882

Introduced by Johnson, 37.

Read first time January 11, 2008

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to mental health; to amend section
2 83-380.01, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to prescription medication for
4 indigent persons; and to repeal the original section.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-380.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 83-380.01 Upon the discharge from a treatment facility,
4 an indigent person who has received mental-health-board-ordered
5 inpatient or outpatient treatment may file an affidavit with the
6 Department of Health and Human Services ~~or the mental health board~~
7 requesting that prescription medicine which the regional center
8 treating psychiatrist or the patient's treating physician has
9 prescribed as necessary for the patient's mental health treatment
10 be provided to him or her. Such affidavit shall include the
11 following: (1) That the patient qualifies as an indigent person who
12 is unable to pay under the same standards of ability to pay as set
13 forth in sections 83-363 to 83-380; and (2) that such prescription
14 medicine has been prescribed by the regional center's treatment
15 psychiatrist or the patient's treating physician as necessary for
16 the patient's mental health treatment. ~~The mental health board~~
17 ~~shall refer such requests it receives to the Department of Health~~
18 ~~and Human Services and~~ department shall review the affidavit to
19 determine if the patient qualifies as an indigent person and that
20 the prescription medicine is appropriate for treatment of mental
21 illness. The patient shall supply sufficient financial information
22 to enable the department to make a determination as to whether
23 the patient is indigent and the patient's ability to pay. If the
24 affidavit meets the requirements for approval as set forth by the
25 department, the department shall provide such prescription medicine

1 as may be necessary for such former patient's mental health
2 treatment so long as he or she remains an outpatient and his or
3 her treating physician continues to prescribe and certify that such
4 prescription medicine is necessary for the patient's mental health
5 treatment and he or she continues to be an indigent person as
6 determined under the same standards of ability to pay as set forth
7 in sections 83-363 to 83-380. The department may, when necessary to
8 insure the patient's access to the prescribed medication, contract
9 with a licensed pharmacy to provide such prescription medicine.

10 The Department of Health and Human Services department
11 may adopt and promulgate rules and regulations to carry out the
12 provisions of this section in accordance with the Administrative
13 Procedure Act, including, but not limited to, hearings necessary
14 to determine whether such person is qualified to receive such
15 medications, the definition of indigent person, standards of
16 ability to pay, the types of medications to be dispensed, and
17 whether such medication is necessary for the patient's mental
18 health treatment.

19 Sec. 2. Original section 83-380.01, Reissue Revised
20 Statutes of Nebraska, is repealed.