

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 275**

Introduced by McGill, 26; Ashford, 20; Pankonin, 2; Stuthman, 22;  
Wallman, 30.

Read first time January 14, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to behavioral health; to amend sections  
2 71-806, 71-809, and 71-810, Revised Statutes Cumulative  
3 Supplement, 2008; to provide for crisis, information, and  
4 referral services as prescribed; to harmonize provisions;  
5 to repeal the original sections; and to declare an  
6 emergency.

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

1           Section 1. Section 71-806, Revised Statutes Cumulative  
2 Supplement, 2008, is amended to read:

3           71-806 (1) The division shall act as the chief behavioral  
4 health authority for the State of Nebraska and shall direct  
5 the administration and coordination of the public behavioral  
6 health system, including, but not limited to: (a) Administration  
7 and management of the division, regional centers, and any  
8 other facilities and programs operated by the division; (b)  
9 integration and coordination of the public behavioral health  
10 system; (c) comprehensive statewide planning for the provision of  
11 an appropriate array of community-based behavioral health services  
12 and continuum of care; (d) coordination and oversight of regional  
13 behavioral health authorities, including approval of regional  
14 budgets; and audits of regional behavioral health authorities;  
15 and requirements for the operation of a crisis, information, and  
16 referral service staffed twenty-four hours each day by trained  
17 behavioral health personnel for each behavioral health region; (e)  
18 development and management of data and information systems; (f)  
19 prioritization and approval of all expenditures of funds received  
20 and administered by the division, including the establishment of  
21 rates to be paid and reimbursement methodologies for behavioral  
22 health services and fees to be paid by consumers of such services;  
23 (g) cooperation with the department in the licensure and regulation  
24 of behavioral health professionals, programs, and facilities; (h)  
25 cooperation with the department in the provision of behavioral

1 health services under the medical assistance program; (i) audits  
2 of behavioral health programs and services; and (j) promotion of  
3 activities in research and education to improve the quality of  
4 behavioral health services, recruitment and retention of behavioral  
5 health professionals, and access to behavioral health programs and  
6 services.

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

10 Sec. 2. Section 71-809, Revised Statutes Cumulative  
11 Supplement, 2008, is amended to read:

12 71-809 (1) Each regional behavioral health authority  
13 shall be responsible for the development and coordination of  
14 publicly funded behavioral health services within the behavioral  
15 health region pursuant to rules and regulations adopted and  
16 promulgated by the department, including, but not limited to,  
17 (a) administration and management of the regional behavioral  
18 health authority, (b) integration and coordination of the public  
19 behavioral health system within the behavioral health region, (c)  
20 comprehensive planning for the provision of an appropriate array  
21 of community-based behavioral health services and continuum of  
22 care for the region, (d) operation of a crisis, information, and  
23 referral service staffed twenty-four hours each day by trained  
24 behavioral health personnel, (e) submission for approval by the  
25 division of an annual budget and a proposed plan for the funding

1 and administration of publicly funded behavioral health services  
2 within the region, ~~(e)~~ (f) submission of annual reports and  
3 other reports as required by the division, ~~(f)~~ (g) initiation  
4 and oversight of contracts for the provision of publicly funded  
5 behavioral health services, and ~~(g)~~ (h) coordination with the  
6 division in conducting audits of publicly funded behavioral health  
7 programs and services.

8 (2) Except for services being provided by a regional  
9 behavioral health authority on July 1, 2004, under applicable state  
10 law in effect prior to such date, no regional behavioral health  
11 authority shall provide behavioral health services funded in whole  
12 or in part with revenue received and administered by the division  
13 under the Nebraska Behavioral Health Services Act unless:

14 (a) There has been a public competitive bidding process  
15 for such services;

16 (b) There are no qualified and willing providers to  
17 provide such services; and

18 (c) The regional behavioral health authority receives  
19 written authorization from the director and enters into a contract  
20 with the division to provide such services.

21 (3) Each regional behavioral health authority shall  
22 comply with all applicable rules and regulations of the department  
23 relating to the provision of behavioral health services by such  
24 authority, including, but not limited to, rules and regulations  
25 which (a) establish definitions of conflicts of interest for

1 regional behavioral health authorities and procedures in the event  
2 such conflicts arise, (b) establish uniform and equitable public  
3 bidding procedures for such services, and (c) require each regional  
4 behavioral health authority to establish and maintain a separate  
5 budget and separately account for all revenue and expenditures for  
6 the provision of such services.

7           Sec. 3. Section 71-810, Revised Statutes Cumulative  
8 Supplement, 2008, is amended to read:

9           71-810 (1) The division shall encourage and facilitate  
10 the statewide development and provision of an appropriate array of  
11 community-based behavioral health services and continuum of care  
12 for the purposes of (a) providing greater access to such services  
13 and improved outcomes for consumers of such services and (b)  
14 reducing the necessity and demand for regional center behavioral  
15 health services.

16           (2) The division may reduce or discontinue regional  
17 center behavioral health services only if (a) appropriate  
18 community-based services or other regional center behavioral health  
19 services are available for every person receiving the regional  
20 center services that would be reduced or discontinued, (b) such  
21 services possess sufficient capacity and capability to effectively  
22 replace the service needs which otherwise would have been  
23 provided at such regional center, and (c) no further commitments,  
24 admissions, or readmissions for such services are required due  
25 to the availability of community-based services or other regional

1 center services to replace such services.

2 (3) The division shall notify the Governor and the  
3 Legislature of any intended reduction or discontinuation of  
4 regional center services under this section. Such notice shall  
5 include detailed documentation of the community-based services  
6 or other regional center services that are being utilized to  
7 replace such services. The Behavioral Health Oversight Commission  
8 shall review such documentation and shall report to the Governor  
9 and the Health and Human Services Committee of the Legislature  
10 whether, in its opinion, the requirements of subsection (2) of this  
11 section have been met with respect to such intended reduction or  
12 discontinuation of regional center services and shall enumerate the  
13 criteria used by the commission in making such determination.

14 (4) As regional center services are reduced or  
15 discontinued under this section, the division shall make  
16 appropriate corresponding reductions in regional center personnel  
17 and other expenditures related to the provision of such services.  
18 All funding related to the provision of regional center services  
19 that are reduced or discontinued under this section shall be  
20 reallocated and expended by the division for purposes related  
21 to the statewide development and provision of community-based  
22 services.

23 (5) The division may establish state-operated  
24 community-based services to replace regional center services  
25 that are reduced or discontinued under this section. The division

1 shall provide regional center employees with appropriate training  
2 and support to transition such employees into positions as may be  
3 necessary for the provision of such state-operated services.

4 (6) When the occupancy of the licensed psychiatric  
5 hospital beds of any regional center reaches twenty percent or  
6 less of its licensed psychiatric hospital bed capacity on March 15,  
7 2004, the division shall notify the Governor and the Legislature of  
8 such fact. Upon such notification, the division, with the approval  
9 of a majority of members of the Executive Board of the Legislative  
10 Council, may provide for the transfer of all remaining patients  
11 at such center to appropriate community-based services or other  
12 regional center services pursuant to this section and cease the  
13 operation of such regional center.

14 (7) The division, in consultation with each regional  
15 behavioral health authority, shall establish and maintain a data  
16 and information system for all persons receiving state-funded  
17 behavioral health services under the Nebraska Behavioral Health  
18 Services Act. Information maintained by the division shall include,  
19 but not be limited to, (a) the number of persons receiving  
20 regional center services, (b) the number of persons ordered  
21 by a mental health board to receive inpatient or outpatient  
22 treatment and receiving regional center services, (c) the number  
23 of persons ordered by a mental health board to receive inpatient  
24 or outpatient treatment and receiving community-based services,  
25 (d) the number of persons voluntarily admitted to a regional

1 center and receiving regional center services, (e) the number  
2 of persons waiting to receive regional center services, (f) the  
3 number of persons waiting to be transferred from a regional center  
4 to community-based services or other regional center services,  
5 (g) the number of persons discharged from a regional center who  
6 are receiving community-based services or other regional center  
7 services, and (h) the number of persons admitted to behavioral  
8 health crisis centers, and (i) the number of persons utilizing  
9 crisis, information, and referral services in each behavioral  
10 health region and the type and efficacy of such services. Each  
11 regional behavioral health authority shall provide such information  
12 as requested by the division and necessary to carry out this  
13 subsection. The division shall submit reports of such information  
14 to the Governor and the Legislature on a quarterly basis beginning  
15 July 1, 2005, in a format which does not identify any person  
16 by name, address, county of residence, social security number, or  
17 other personally identifying characteristic.

18 (8) The provisions of this section are self-executing and  
19 require no further authorization or other enabling legislation.

20 Sec. 4. Original sections 71-806, 71-809, and 71-810,  
21 Revised Statutes Cumulative Supplement, 2008, are repealed.

22 Sec. 5. Since an emergency exists, this act takes effect  
23 when passed and approved according to law.