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LEGISLATIVE BILL 603

Introduced by Health and Human Services Committee Gay, 14, Chairperson; Campbell, 25; Gloor, 35; Howard, 9; Pankonin, 2; Stuthman, 22; Wallman, 30.

Read first time January 21, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health; to amend section 71-7611, Revised Statutes Cumulative Supplement, 2008; to adopt the Behavioral Health Workforce Act; to change provisions relating to the Nebraska Health Care Cash Fund; to provide an operative date; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,
Section 1. Sections 1 to 4 of this act shall be known and
may be cited as the Behavioral Health Workforce Act.

Sec. 2. The Legislature finds that there are insufficient
behavioral health professionals in the Nebraska behavioral health
workforce, and further that there are insufficient behavioral
health professionals trained in evidence-based practice. This
workforce shortage leads to inadequate accessibility and response
to the behavioral health needs of Nebraskans of all ages:
Children; adolescents; and adults. These shortages have led to
well-documented problems of consumers waiting for long periods of
time in inappropriate settings because appropriate placement and
care is not available. As a result, mentally ill patients end up
in hospital emergency rooms which are the most expensive level of
care or are incarcerated and do not receive adequate care, if any.
As the state moves from institutional to community-based behavioral
health services, the behavioral health services workforce shortage
is increasingly felt by the inability to hire and retain behavioral
health professionals in Nebraska. In Laws 2004, LB 1083, the
Legislature pledged to "promote activities in research and
education to improve the quality of behavioral health services, the
recruitment and retention of behavioral health professionals, and
the availability of behavioral health services". The purpose of the
Behavioral Health Workforce Act is to realize the commitment made
in LB 1083 to improve community-based behavioral health services
for Nebraskans and thus focus on addressing behavioral health
issues before they become a crisis through increasing the number of behavioral health professionals and train these professionals in evidence-based practice and alternative delivery methods which will improve the quality of care, including utilizing the existing infrastructure and telehealth services which will expand outreach to more rural areas in Nebraska.

Sec. 3. The Behavioral Health Education Center is created and shall be administered by the University of Nebraska Medical Center. The center shall:

(1) Provide funds for two additional medical residents in a Nebraska-based psychiatry program each year starting in 2010 until a total of eight additional psychiatry residents are added in 2013. Beginning in 2011 and every year thereafter the center shall provide psychiatric residency training experiences that serve rural Nebraska and other underserved areas. As part of their residency training experiences, each of the center-funded residents shall participate in the rural training for a minimum of one year. Beginning in 2012, a minimum of two of the eight center-funded residents shall be active in the rural training each year;

(2) Focus on the training of behavioral health professionals in telehealth techniques, including taking advantage of a telehealth network that exists, and other innovative means of care delivery in order to increase access to behavioral health services for all Nebraskans;

(3) Analyze the geographic and demographic availability
of Nebraska behavioral health professionals, including psychiatrists, social workers, community rehabilitation workers, psychologists, substance abuse counselors, licensed mental health practitioners, behavioral analysts, peer support providers, primary care physicians, nurses, nurse practitioners, and pharmacists;

(4) Prioritize the need for additional professionals by type and location;

(5) Establish learning collaborative partnerships with other higher education institutions in the state, hospitals, law enforcement, community-based agencies, and consumers and their families in order to develop evidence-based, recovery-focused, interdisciplinary curriculum and training for behavioral health professionals delivering behavioral health services in community-based agencies, hospitals, and law enforcement.

Development and dissemination of such curriculum and training shall address the identified priority needs for behavioral health professionals; and

(6) Develop two interdisciplinary behavioral health training sites each year until a total of six sites have been developed. Four of the six sites shall be in counties with a population of fewer than fifty thousand inhabitants. Each site shall provide annual interdisciplinary training opportunities for a minimum of three behavioral health professionals during a two-month internship.

The center shall utilize funds transferred by the
Legislature from the Nebraska Health Care Cash Fund to the
Behavioral Health Workforce Cash Fund. Beginning December 1, 2011,
and every odd-numbered year thereafter, the center shall prepare a
report of its activities under the Behavioral Health Workforce Act.
The report shall be filed with the Clerk of the Legislature and
shall be provided to any member of the Legislature upon request.

Sec. 4. The Behavioral Health Workforce Cash Fund is
created. The fund shall include revenue transferred from the
Nebraska Health Care Cash Fund and revenue received from gifts,
grants, bequests, donations, or other contributions from public or
private sources. The Behavioral Health Workforce Cash Fund shall
be administered by the University of Nebraska Medical Center to
achieve the purposes of the Behavioral Health Education Center
created in section 3 of this act. Any money in the fund available
for investment shall be invested by the state investment officer
pursuant to the Nebraska Capital Expansion Act and the Nebraska
State Funds Investment Act.

Sec. 5. Section 71-7611, Revised Statutes Cumulative
Supplement, 2008, is amended to read:

71-7611 (1) The Nebraska Health Care Cash Fund is
created. The State Treasurer shall transfer (a) fifty-six million
four hundred thousand dollars no later than July 30, 2007, and
(b) fifty-five million seven hundred thousand dollars annually
thereafter no later than July 15 by July 15 of the fiscal year (a)
for fiscal year 2009-10, fifty-seven million one hundred thousand
dollars, (b) for fiscal year 2010-11, fifty-seven million three hundred thousand dollars, (c) for fiscal year 2011-12, fifty-seven million five hundred thousand dollars, and (d) for fiscal year 2012-13, fifty-seven million seven hundred thousand dollars from the Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust Fund to the Nebraska Health Care Cash Fund, except that such amount shall be reduced by the amount of the unobligated balance in the Nebraska Health Care Cash Fund at the time the transfer is made. For fiscal year 2013-14 and each fiscal year thereafter, the amount of the transfer shall be the amount of the transfer in the prior fiscal year increased by three percent of the amount transferred to the Behavioral Health Workforce Cash Fund pursuant to subsection (6) of this section. On or before May 1, 2008, the State Treasurer shall transfer from the Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust Fund an additional two hundred fifty thousand dollars to the Nebraska Health Care Cash Fund. The state investment officer upon consultation with the Nebraska Investment Council shall advise the State Treasurer on the amounts to be transferred from the Nebraska Medicaid Intergovernmental Trust Fund and from the Nebraska Tobacco Settlement Trust Fund under this section in order to sustain such transfers in perpetuity. The state investment officer shall report to the Legislature on or before October 1 of every even-numbered year on the sustainability of such transfers. Except as otherwise provided by law, no more than the amount specified in
subdivisions (1)(a) and (b) of this subsection (1) of this section may be appropriated or transferred from the Nebraska Health Care Cash Fund in any fiscal year.

(2) Any money in the Nebraska Health Care Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(3) One million dollars in the Nebraska Health Care Cash Fund is designated each year for the Autism Treatment Program Act for five fiscal years beginning in fiscal year 2007-08 and shall be distributed in each fiscal year as follows: (a) First, to the Department of Health and Human Services for costs related to application and implementation of the waiver; (b) second, to the department for other medical costs for children who would not otherwise qualify for medicaid except for the waiver; and (c) third, the balance to the Autism Treatment Program Cash Fund. The State Treasurer shall transfer the balance of the funding to the Autism Treatment Program Cash Fund based on the estimated costs of administrative and other medical costs as determined by the Legislature through the appropriation process. The transfers to the Autism Treatment Program Cash Fund in any fiscal year shall be contingent upon the receipt of private matching funds under the Autism Treatment Program Act, with no less than one dollar of private funds received for every two dollars transferred from the Nebraska Health Care Cash Fund to the Autism Treatment Program Cash
Fund.

(4) The University of Nebraska and postsecondary educational institutions having colleges of medicine in Nebraska and their affiliated research hospitals in Nebraska, as a condition of receiving any funds appropriated or transferred from the Nebraska Health Care Cash Fund, shall not discriminate against any person on the basis of sexual orientation.

(5) The State Treasurer shall transfer two hundred thousand dollars from the Nebraska Health Care Cash Fund to the University of Nebraska Medical Center Cash Fund for the Nebraska Regional Poison Center within fifteen days after each July 1.

(6) The State Treasurer shall transfer the following amounts from the Nebraska Health Care Cash Fund to the Behavioral Health Workforce Cash Fund: (a) One million four hundred thousand dollars in fiscal year 2009-10; (b) one million six hundred thousand dollars in fiscal year 2010-11; (c) one million eight hundred thousand dollars in fiscal year 2011-12; and (d) two million dollars in fiscal year 2012-13. For fiscal year 2013-14 and each fiscal year thereafter, the transfer amount shall be the transfer amount in the prior fiscal year increased by three percent.

Sec. 6. This act becomes operative on July 1, 2009.

Sec. 7. Original section 71-7611, Revised Statutes Cumulative Supplement, 2008, is repealed.

Sec. 8. Since an emergency exists, this act takes effect
when passed and approved according to law.