

July 1, 2014

Senator John Harms, Chair  
Legislative Performance Audit Committee  
Legislative Audit Office  
Room 2011, State Capitol  
Lincoln NE 68509

RE: Annual LB617 Report

Dear Senator Harms and Members of the Legislative Performance Audit Committee:

Enclosed herein is the 2014 annual regulations report of the Nebraska Department of Health and Human Services, as required by LB617 (Laws, 2011). Information that was included on last year's report is in black text, while new information is in **red text**.

If you have questions regarding this report, please direct them to Sarah Sujith, DHHS Legal Services, by email ([sarah.sujith@nebraska.gov](mailto:sarah.sujith@nebraska.gov)) or telephone (402-471-7240).

Sincerely,



Kerry T. Winterer  
Chief Executive Officer  
Department of Health and Human Services

*Enclosure: DHHS 2014 Annual LB617 Report (6 pages)*

DHHS DIVISION OF BEHAVIORAL HEALTH REGULATIONS IN PROCESS  
2014 ANNUAL LB617 REPORT

SHORT DESCRIPTION	NAC TITLE/ CHAPTER	LEGISLATION & STATUTES	OTHER REASON FOR REGS	GPRO APPROVAL FOR HEARING	PUB HRG DATE	DATE TO AG	DATE TO GPRO	GOV'S APPVL	ON SOS FILE
Behavioral Health Services	206 (new) 201, 203 & 204 (repeal)	LB 1083 (2004), LB 189 (2009), LB 871 (2012) (effective 7/19/12), LB 6 (2013) (effective 5/25/13)	Update and consolidation of existing regulations	6/21/13	8/1/13	12/23/13	4/28/14	6/9/14	6/9/14
Regulations of the Former Dept. of Public Institutions	202/2-6 (repeal)	NA	Repeal of obsolete regulations	8/8/13	9/19/13	10/16/13	1/27/14	2/5/14	2/5/14

DHHS DIVISION OF CHILDREN FAMILY SERVICES REGULATIONS IN PROCESS  
2014 ANNUAL LB617 REPORT

SUBJECT	NAC TITLE/ CHAPTER	LEGISLATION & STATUTES	OTHER REASON FOR REGS	GPRO APPROVAL FOR HEARING	PUB HRG DATE	DATE TO AG	DATE TO GPRO	GOV'S APPVL	ON SOS FILE
AABD: Eliminate provisions relating to eligibility of non-United-States citizens for public assistance	469/1-2	LB465 (2011) (effective 7/1/11)	NA	5/23/12	6/28/12	4/30/12	6/28/13	7/12/13	7/12/13
SNAP - Broad-Based Categorical Eligibility, Employment & Training, ABAWD, Eliminate provisions relating to eligibility of non-United-States citizens for public assistance	475/1-3	LB465 (2011) (effective 7/1/11), LB543 (2011) (effective 4/15/11)	Federal requirement to reinstate ABAWD work requirements	5/23/12	6/28/12	4/30/13	6/28/13	7/12/13	7/12/13
Adult Protective Services rewrite	463/1 (new) & 473/7 (repeal)	LB1051 (2012) (effective 7/19/12)	Update regulations to reflect changes in policy and practice	2/18/13	4/4/13	6/27/13	9/12/13	9/23/13	9/23/13
Adoption assistance	390/6-003 & 479/8-001	LB1062 (2012) (effective 7/19/12)	NA						
Young Adult Voluntary Services and Support Act	NEW, 390/7-8, & 479/3, 4, 6	LB216 (2013) (effective 6/4/13)	YAVSS Committee recommendations	10/28/13	12/5/13	12/17/13	1/16/14	5/12/14	5/12/14
Child welfare / juvenile justice rewrite	395/1-3&6 (new), 390/1-7&9-12 (repeal), 390/8 (amend), 474/6-003 & 6-004 (repeal)	LB768 (2012) (effective 7/19/12), LB265 (2013) (effective 6/25/13), LB269 (2013) (effective 6/4/13), LB530 (2013) (effective 6/4/13), & LB561 (2013) (effective 5/29/13)	Policy updates & removal non-regulatory provisions	1/3/14	2/13/14	2/25/14			
ADC rewrite	468/1-6	LB507 (2012) (effective 7/19/12), LB240 (2013) (effective 9/4/13), & LB368 (2013) (effective 9/4/13); Biennial standard of need adjustment under Neb. Rev. Stat. §43-513	Policy updates; Remove obsolete Medicaid provisions; Federal requirements on indigent immigrants	1/3/14	2/13/14	4/7/14	6/12/14		
AABD rewrite	469/1-11	NA	Policy updates; Remove obsolete Medicaid provisions	1/3/14	2/13/14	5/23/14	6/12/14		
Refugee Resettlement Program	470/1-4	Biennial standard of need adjustment under Neb. Rev. Stat. §43-513	Federal requirements regarding Cuban/Haitian entrants; Policy updates	4/30/14	6/5/14				
Child care subsidy eligibility redeterminations	392/3	LB 359 (2014) (effective date 7/18/2014)	NA						
Alternative Response to reports of child abuse/neglect	NEW	LB 853 (2014) (effective date 7/18/2014)	NA						

DHHS DIVISION OF DEVELOPMENTAL DISABILITIES REGULATIONS IN PROCESS  
2014 ANNUAL LB617 REPORT

SHORT DESCRIPTON	NAC TITLE/ CHAPTER	LEGISLATION & STATUTES	OTHER REASON FOR REGS	GPRO APPROVAL FOR HEARING	PUB HRG DATE	DATE TO AG	DATE TO GPRO	GOV'S APPVL	ON SOS FILE
Regulations of the Former Dept. of Public Institutions	202/2-6 (repeal)	NA	Repeal of obsolete regulations	8/8/13	9/19/13	10/16/13	1/27/14	2/5/14	2/5/14

DHHS DIVISION OF MEDICAID LONG-TERM CARE REGULATIONS IN PROCESS  
2014 ANNUAL LB617 REPORT

SUBJECT	NAC TITLE/ CHAPTER	LEGISLATION & STATUTES	OTHER REASON FOR REGS	GPRO APPROVAL FOR HEARING	PUB HRG DATE	DATE TO AG	DATE TO GPRO	GOV'S APPVL	ON SOS FILE
Child Care for Children with Disabilities, AD Waiver	480/5	NA	Federal Medicaid requirement	9/26/13	11/7/13	3/13/14	5/29/14	6/11/14	6/11/14
Eligibility for certain lawfully present persons; Eliminate provisions relating to eligibility of non-United-States citizens for public assistance	468/2 & 4, 469/2, 477/2 - 4	LB1106 (2010), LB465 (2011) (effective 7/1/11)	NA	5/10/12	6/21/12	5/14/13	8/12/13	8/23/13	8/23/13
Eligibility for Certain Emancipated Minors	471/28, 477/1 & 2	LB690 Sec. 6 (2011) (effective 8/27/11)	NA	12/7/12	2/7/13	6/10/13	9/13/13	9/24/13	9/24/13
Children's Mental Health & Substance Abuse Treatment Services - Outpatient Services	471/32-002	NA	Federal Medicaid requirement	6/27/13	8/15/13	9/5/13	12/18/13	12/31/13	12/31/13
Transfer on Death Deed Revocation	469/2	LB536 (2012) (operative 1/1/13)	NA	5/9/13	6/20/13	7/26/13	10/15/13	10/22/13	10/22/13
Behavioral Health Managed Care	482/1, 2 & 5	NA	Policy change	5/9/13	6/20/13	7/26/13	8/16/13	8/23/13	8/23/13
NF-IHS-ICF/DD rate updates & allocation of ICF/DD reimbursement	471/12 & 31	LB23 (2013) (effective 9/4/13)	Legislative appropriation for rate increase; Provide quarterly payments to IHS-NFs; Policy updates	5/20/14	7/3/14				
Telehealth for children's behavioral health	471/1-006	LB556 (2013) (effective 9/4/13)	NA	11/21/13	1/2/14	4/30/14			
Home Health Services Billing	471/9 & 13	NA	Policy updates	7/12/13	8/22/13	9/27/13	1/22/14	Terminated 3/31/14	
Medicaid Eligibility Consolidation and ACA	477/1-25 (new) and 477/1-6 (Repeal)	LB599 (2012) (effective 7/19/12)	Federal Medicaid requirements (Patient Protection and Affordable Care Act)	7/25/13	8/29/13	10/18/13	11/1/13	12/27/13	12/27/13
Copayments - Remove Managed Care Exclusion	471/3	NA	Federal Medicaid requirement	8/8/13	9/19/13	10/23/13	2/4/14	4/23/14	4/23/14
Children's Mental Health - Redefine PRTF Per Diem	471/32-008	NA	Federal Medicaid requirement; Policy updates	8/8/13	9/19/13	10/23/13	2/4/14	4/24/14	4/24/14
Durable Medical Equipment in NFs and ICF/DDs	471/7, 12, & 31	NA	Federal Medicaid requirement; Policy updates	11/1/13	12/19/13	2/25/14	5/1/14	6/2/14	6/2/14
Hospital Payment Revisions	471/10	NA	Policy updates	11/18/13	12/26/13	3/7/14	6/11/14	6/25/14	6/25/14
Non-Emergency Transportation	471/1 & 27	NA	Policy updates	11/18/13	12/26/13	1/6/14	4/29/14	6/2/14	6/2/14
Mental Health/Substance Use - Eliminate Pre-treatment Assessments	471/20, 32 & 35	NA	Policy change	12/13/13	1/30/14	4/10/14	6/11/14		
Remove Duplicate NET Escort Services	471/27	NA	Remove duplicative and obsolete provisions	4/29/14	6/5/14	6/17/14	6/26/14		
Managed Care Updates	482/2 & 4	NA	Policy updates	4/29/14	6/5/14	6/26/14			
A&D Waiver Audit Responses	480/5	NA	State audit recommendations	5/16/14	6/26/14				
Early Intervention Service Coordination	480/3	NA	Federal requirements (Individuals with Disabilities Act - IDEA) Part C	5/19/14	7/3/14, 7/14/14				

DHHS DIVISION OF PUBLIC HEALTH REGULATIONS IN PROCESS  
2014 ANNUAL LB617 REPORT

SUBJECT	NAC TITLE/ CHAPTER	LEGISLATION & STATUTES	OTHER REASON FOR REGS	GPRO APPROVAL FOR HEARING	PUB HRG DATE	DATE TO AG	DATE TO GPRO	GOV'S APPVL	ON SOS FILE
Uniform Credentialing Act	172/all UCA chapters	LB463 (2007)	LB463 affects numerous chapters of regulations. This general entry applies to all UCA regulations. Separate entries for individual chapters will only be added as regulation-making is initiated for each.						
Mental Health Practice Licensure	172/94	LB463 (2007), LB403 (2009), LB225 (2011) (effective 3/11/11)	Board recommended changes	5/23/08	7/3/08, 6/11/09, 5/6/10				
Psychologist Licensure	172/155 & repeal 172/156-158	LB463 (2007), LB403 (2009), LB225 (2011) (effective 3/11/11)	Board recommended changes	12/19/08	6/11/09				
Clean Indoor Air Act	178/7	LB355 (2009)	LB355 is the subject of active litigation. Regulations will not be adopted while the litigation is still pending.						
Physician (Medicine, Osteopathic Medicine, & Surgery) Licensure	172/88	LB463 (2007), LB394 (2009), LB403 (2009), LB1103 (2010), LB225 (2011) (effective 3/11/11), LB406 (2011) (effective 8/27/11)	Board recommended changes	2/13/13	4/4/13	6/28/13	11/20/13	12/16/13	12/16/13
Require verification of lawful presence in the United States to receive public benefits as prescribed	172/all UCA chapters	LB403 (2009)	LB403 affects numerous chapters of regulations. This general entry applies to all UCA regulations. Separate entries for individual chapters will only be added as regulation-making is initiated for each.						
Change provisions relating to issuance of credentials under the UCA	172/all UCA chapters	LB225 (2011) (effective 3/11/11)	LB225 affects numerous chapters of regulations. This general entry applies to all UCA regulations. Separate entries for individual chapters will only be added as regulation-making is initiated for each.						
Provide for a syndromic surveillance program	173/9 (new)	LB591 (2011) (effective 8/27/11)	NA	12/18/12	2/7/13	12/17/13	2/18/14	4/23/14	4/23/14
Change immunization information exchange provisions	173/8 (new)	LB591 (2011) (effective 8/27/11)	NA	12/18/12	2/7/13	8/23/13	6/5/14	6/16/14	6/16/14
Change Uniform Credentialing Act Fee provisions	172/2 & 172/various UCA chapters	LB773 (2012) (effective 7/19/12)	NA	LB773 affects numerous chapters of regulations. This general entry applies to various UCA regulations. Separate entries for individual chapters will only be added as regulation-making is initiated for each.					
Change Respiratory Care Practice Requirements	172/162	LB788 (2012) (effective 7/19/12)	NA						
Genetic Counseling Practice Act	172/92 (new)	LB831 (2012) (effective 7/19/12)	NA	6/10/14	7/17/14				
Nebraska Regulation of Health Professions Act (407 process)	172/4 (new)	LB834 (2012) (effective 7/19/12)	NA	2/18/13	4/4/13	sent 5/14/13; Returned to agency disapproved on 11/26/13; Reply to AG on 1/10/14			
Certification of Marriage and Family Therapists	172/94	LB1148 (2012) (effective 7/19/12)	NA						

DHHS DIVISION OF PUBLIC HEALTH REGULATIONS IN PROCESS  
2014 ANNUAL LB617 REPORT

SUBJECT	NAC TITLE/ CHAPTER	LEGISLATION & STATUTES	OTHER REASON FOR REGS	GPRO APPROVAL FOR HEARING	PUB HRG DATE	DATE TO AG	DATE TO GPRO	GOV'S APPVL	ON SOS FILE
Physician Assistant Licensure and Supervision	172/90	LB463 (2007), LB403 (2009), LB225 (2011) (effective 3/11/11)	Board recommended changes	1/30/13	3/21/13	6/28/13	8/21/13	8/29/13	8/29/13
Newborn Critical Congenital Heart Disease Screening and Severe Combined Immune Deficiency Screening	181/10 (new) and 181/2	LB225 (2013) (effective 9/4/13)	Policy updates / External workgroup recommendations	2/3/14	3/20/14	6/27/14			
Licensure of child-placing and residential child-caring agencies	391/6-7 (new) & 474/6	LB265 (2013) (effective 5/25/2013)	NA						
Water Well Construction, Pump Installation and Water Well Decommissioning Standards	178/12	NA	Nebraska Grout Task Force study findings	2/3/14	3/20/14				
Animal Therapist Licensure	172/182 (new)	LB463 (2007), LB403 (2009), LB225 (2011) (effective 3/11/11)	Board recommended additions	10/29/13	12/12/13	sent 4/10/14; Returned to agency 5/20/14 for non-substantial changes			
Optometry Licensure	172/120	LB463 (2007), LB403 (2009), LB225 (2011) (effective 3/11/11)	Board recommended changes	10/29/13	12/12/13	2/18/14	4/17/14	4/29/14	4/29/14
Perfusionist Licensure	172/91 (new)	LB463 (2007), LB403 (2009), LB225 (2011) (effective 3/11/11)	Board recommended changes	10/29/13	12/12/13	2/18/14	3/4/14	4/24/14	4/24/14
Licensure of Crematories	172/69	LB463 (2007), LB403 (2009), LB225 (2011) (effective 3/11/11)	Board recommended changes	10/29/13	12/12/13	2/19/14	3/21/14	4/29/14	4/29/14
Blood-Breath Alcohol Testing	177/1	NA	Policy updates; External workgroup recommendations	10/18/13	12/19/13	2/18/14	4/17/14	4/29/14	4/29/14