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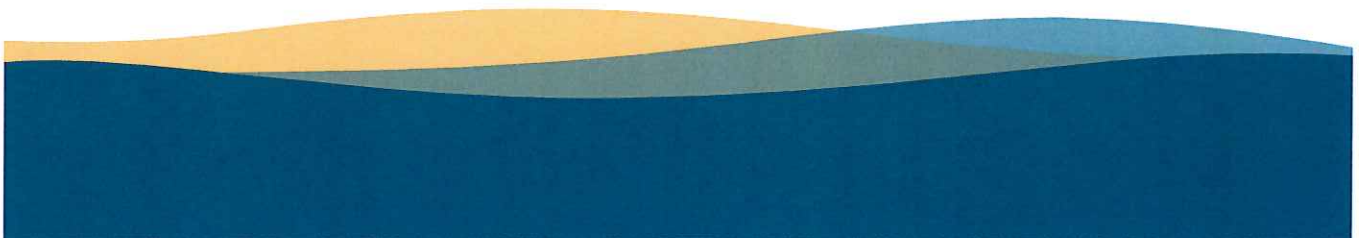
DEPT. OF HEALTH AND HUMAN SERVICES

Department of Health and Human Services

Rules and Regulations Report

7/2/18

Nebraska State Statute 84-910



2018 Regulations Report

1. Agency: HHS

2. Were any bills passed **in 2018** that will require your agency to promulgate regulations?
 Yes
 No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

Year Passed	Bill Number	Subject of Regulation
2018		
2018		
2018		
2018		

3. Were any bills passed **in 2017** that required your agency to promulgate regulations?
 Yes
 No (If no, go to question 5.)

If yes, what is the bill number, effective date of the bill, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Effective Date of Bill	Date of Public Hearing	Status of Regulation
2017	LB 18	Licensure and Scope of practice for dental assistants and dental hygienists	1-1-2018		Currently being drafted. This has been implemented.
2017	LB 225	Require training of foster parents on Sex Trafficking	4-28-2017	Background check provision	Drafted. This has been implemented. The contracts with the Agency Foster Care providers require training on sex trafficking. This allows for DHHS to ensure this is happening pending regulation promulgation.

2017	LB 417	For Division of Behavioral Health - authority for peer services and standards; For Division of Medicaid and Long-Term Care - State Unit on Aging	effective 9-3-2017	8-24-2017	Regulations are being drafted MLTC: Implemented the statutory changes BH: Peer support has been implemented.
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4. Did any of the bills passed **in 2017** have an appropriation?

- Yes
 No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2017	LB 18A	Funds go towards total expenditures for permanent and temporary salaries and per diems from funds appropriated; shall not exceed \$24,500 for FY2017-18 or \$32,666 for FY2018-19.
2017	LB 225A	DHHS will have the ability to charge a fee when Central Registry searches are conducted. DHHS was allocated \$300K cash spending authority (no actual money) in each of FY18 and FY19 so DHHS could spend the money when we received it. Regulations were approved in May 2018, so fees will be charged effective June 19, 2018.
2017		
2017		

5. Does your agency have any regulations required by bills passed **prior to 2016** that have not yet gone into effect?

- Yes
 No (If no, go to question 8.)

If yes, what is the bill number, year passed, effective date of the bill, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Effective Date of Bill	Date of Public Hearing	Status of Regulation
2016	LB 698	Fingerprint based background checks for providers	3-31-2016.	No date scheduled at this time	The statutory changes have been implemented. Regulations are being drafted.
2016	LB 746	Strengthening Families Act	7-1-2016	No date scheduled at this time	Drafted. Need to repeal inconsistent regulations as indicated under the bill. All other regulation requirements under the bill have been completed.
2012	LB 1062	Adoption Assistance	7-19-2012		This has been implemented. No regulations needed. The Agency will seek 2019 statute change.
2013	LB 265	Change licensure requirements of child caring/placing agencies and kinship home provisions	5-25-2013		This has been fully implemented based on the language of the statute. Regulations are being drafted.
2014	LB 276	Early Intervention Act, school/Medicaid reimbursement	7-18-2014	No date scheduled at this time	This has been implemented. The regulations will include uniform expiration dates for child caring/placing agencies and standards for levels of care per the bill. Kinship homes provisions have been promulgated in 395 NAC 3.
2014	LB 853	Extended Guardianship & Central Registry	7-18-2014		The statutory changes have been implemented. Legislation required a new SPA to CMS, this was just approved by CMS on 1-25-18. Regulations are being drafted. Extended Guardianship regulations are not needed. The Agency will seek 2019 statutory change. Central Registry (Alternative Response) regulations promulgated. The Alternative Response portion of the bill is implemented. The

					Alternative Response regulations are promulgated at 395 NAC 9.
2014	LB 908	Extended Guardianship	7-18-2014		The extended guardianship program has been implemented. Regulations are not needed. The Agency will seek 2019 statutory change.
2015	LB 37	Adopt the Prescription Drug Safety Act and change and transfer pharmacy, prescription, and drug provisions	8-30-2015	1 st Public Hearing December 14, 2016	The extended guardianship program has been implemented. Regulations drafted. Comments from public hearing resulted in substantive changes. Second hearing to be scheduled. This has been implemented.
2015	LB 80	Prove, change and eliminate anesthesia and sedation permit provisions under the Dentistry Practice Act	7-1-2016	1 st Public Hearing October 14, 2016	Comments from public hearing resulted in substantive changes. Second hearing was to be scheduled. The promulgation process was terminated. A new promulgation process will be initiated that will include changes from LB 80 (2015) and LB 18 (2017). Those changes are currently being drafted. This has been implemented.

6. For any bill your agency listed in question 5, please explain why the regulation has not been promulgated. If an explanation was provided in the question five table simply write "see above explanation".

Year Passed	Bill Number	Explanation for Timeframe of Promulgation
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2016	LB 698	MLTC has drafted regulations and provided draft versions to stakeholders for review. The division is working through the process the administrative procedure act requires for regulation promulgation.
2016	LB 746	See explanation above.
2015	LB 80	See explanation above.
2015	LB 37	See explanation above.
2014	LB 276	See explanation above.
2014	LB 853	See explanation above.
2014	LB 908	See explanation above.
2013	LB 265	See explanation above.
2012	LB 1062	See explanation above.

7. Did any of the bills passed **prior to 2016** have an appropriation?
 Yes
 No

If yes, how has the agency used the funds while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2016	LB 698	The funds are being used in accordance with the appropriation. The funds are used to implement the new fingerprinting and background check requirements as directed by the legislation. Funds are also used towards administration costs for the program staff as well as aid for the claims payment.
2015	LB 243	The funds are being used in accordance with the appropriation. The funds are used to implement a new category of eligibility for Medicaid as directed by the legislation. The Subsidized Adoption and Guardianship Assistance (SAGA) program for youth between the ages of 19-21 who entered an adoption or guardianship after the age of 16. Funds are used towards administration costs for the program staff as well as aid for the claims payment.
2015	LB 566A	The funds are being used in accordance with the appropriation. The funds were used for the hiring of an ICWA Program Specialist to develop methods and processes for monitoring the Department's compliance with ICWA. This position has been filled and the Program Specialist is performing these duties.
2014	LB 276	The funds are being used in accordance with the appropriation. The funds are used to implement the Medicaid In Public Schools, services, and Administrative Claiming as directed

		by the legislation. Funds are also used towards administration costs for the program staff as well as aid for the claims payment.
2014	LB 853	Funds are being used in accordance with the appropriation. The funds are used for Alternative Response services and for Alternative Response staff.

8. Who should our office contact with questions about this report?

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