

ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021
COMMITTEE STATEMENT
LB428

Hearing Date: Wednesday February 03, 2021
Committee On: Health and Human Services
Introducer: Health and Human Services
One Liner: State that juveniles at youth rehabilitation and treatment centers are to receive an appropriate education equivalent to educational opportunities offered in public schools

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Arch, Cavanaugh, M., Day, Hansen, B., Murman, Walz, Williams
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents: John Arch Matthew Blomstedt	Representing: Introducer on behalf of Health and Human Services Committee Nebraska Department of Education
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Opponents:	Representing:
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Neutral:	Representing:
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Submitted Written Testimony:

Proponents: Julie Erickson	Representing: Nebraska Child Health and Education Alliance
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Opponents:	Representing:
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Neutral:	Representing:
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Summary of purpose and/or changes:

LB 428 clarifies certain requirements for the education programs at the youth rehabilitation and treatment centers [YRTCs].

LB 428 inserts new language in section 83-102[1] to provide that the education programs at the YRTCs must be able to award relevant and necessary credits toward high school graduation that will be accepted by any public school district in Nebraska. LB 428 strikes the language providing that the credits will be accepted by the juveniles home school district.

LB 428 inserts additional new language in section 83-102[1] to provide that juveniles committed to the YRTCs are entitled to

receive an appropriate education equivalent to educational opportunities offered within the regular settings of public school districts across the State of Nebraska.

Additionally, LB 428 inserts new language in section 83-102[2] to provide that each YRTC shall maintain accreditation by the State Board of Education as provided in section 79-703 to provide an age-appropriate and developmentally appropriate education program.

The provisions of LB 428 are included in section 3 of AM 566.

Explanation of amendments:

AM 566 incorporates LB 429, LB 570, LB 425, and LB 427 into LB 428.

LB 429 - Require notification by the Department of Health and Human Services to the Legislature prior to implementation of substantial changes to facilities and programs under the Office of Juvenile Services

The provisions of LB 429, as amended, are included in section 1 of AM 566.

Section 1 inserts a new subsection [2] in section 43-404 to require the Department of Health and Human Services [DHHS] to notify the Legislature at least 120 days prior to implementing any substantial changes to the facilities and programs under the jurisdiction of the Office of Juvenile Services [OJS]. The term 'substantial changes,' for purposes of the bill, is defined as:

- [1] The establishment of a new youth rehabilitation and treatment center;
- [2] The relocation of a youth rehabilitation and treatment program to another state-operated or private facility;
- [3] The establishment of a youth rehabilitation and treatment program at another state-operated or private facility; or
- [4] The closure or termination of a youth rehabilitation and treatment center, program, or facility.

The bill excludes emergency situations from the prior notice requirement.

Motion to include LB 429, as amended, into the committee amendment AM 566:

Vote: 7-0-0-0

Voting Aye: Arch, M. Cavanaugh, Day, B. Hansen, Murman, Walz, Williams

Public Hearing (February 3, 2021) Testifiers

Proponents:

Senator John Arch - Introducer (on behalf of the HHS Committee)

Jennifer Carter - Inspector General of Nebraska Child Welfare

Opponents:

Larry Kahl - Department of Health and Human Services

Neutral:

None

Written Testimony:

None

LB 570 - Change certain Department of Health and Human Services model pilot project evaluation periods

The provisions of LB 570 are included in section 2 of AM 566.

Section 2 would require the Legislature to complete an evaluation of the States privatization of child welfare case management services in the Eastern Service Area by December 31, 2021. The bill would authorize the Legislature to hire a consultant to assist in completing the evaluation. The emergency clause applies to section 2 to facilitate the completion of the study by the end-of-year deadline.

Motion to include LB 570 into the committee amendment AM 566:

Vote: 7-0-0-0

Voting Aye: Arch, M. Cavanaugh, Day, B. Hansen, Murman, Walz, Williams

Public Hearing [February 18, 2021] Testifiers

Proponents:

Senator John Arch - Introducer (on behalf of the HHS Committee)

Opponents:

Dr. Lynn Castrianno - Self

Neutral:

Monika Gross - Self

Lana Temple-Plotz - Children and Family Coalition of Nebraska

Written Testimony:

None

LB 425 - Require the Department of Health and Human Services to complete a needs assessment and cost analysis for an inpatient adolescent psychiatric unit

The provisions of LB 425 are included in section 4 of AM 566.

Section 4 would require the Department of Health and Human Services [DHHS] to contract for the completion of a needs assessment and cost analysis for the establishment of an inpatient adolescent psychiatric unit housed within the Lincoln Regional Center. Under section 83-106 as currently enacted, the completion of such a study is permissive.

Section 4 strikes the permissive language in subsection [1] of section 83-106 and inserts language requiring DHHS to contract with an outside consultant with expertise in needs assessment and cost analysis of health care facilities, within 60 days of the effective date, for the completion of the needs assessment and cost analysis.

The department is required to submit a report with the results of the study to the Health and Human Services Committee and the Clerk of the Legislature on or before December 15, 2021. The report shall contain:

- [1] A needs assessment, including the number of adolescents expected to use such inpatient adolescent psychiatric unit;
- [2] The cost of opening an existing facility at the Lincoln Regional Center for use as an inpatient adolescent psychiatric unit;
- [3] The cost of reopening the facility at the Lincoln Regional Center, including the costs for necessary construction, upgrades, or repairs;
- [4] Annual operating costs of such unit, including, but not limited to, any federal funds available to operate the unit in addition to General Fund appropriations; and
- [5] Cost savings realized by moving adolescents from out-of-state institutions

back to Nebraska for treatment at such unit.

The emergency clause applies to section 4 to facilitate the completion of the needs assessment and cost analysis by the December 15 deadline.

Motion to include LB 425 into the committee amendment AM 566:

Vote: 7-0-0-0

Voting Aye: Arch, M. Cavanaugh, Day, B. Hansen, Murman, Walz, Williams

Public Hearing (February 3, 2021) Testifiers

Proponents:

Senator John Arch - Introducer (on behalf of the HHS Committee)

Opponents:

None

Neutral:

None

Written Testimony:

None

LB 427 - State intent that substance abuse and behavioral health treatment for juveniles by the Department of Health and Human Services not be delayed

The provisions of LB 427 are included in section 5 of AM 566.

Section 5 inserts new language in section 83-107.01, the section of statute which lists of the official names of institutions under the supervision of the Department of Health and Human Services and states certain requirements. The new language states the Legislatures intent that that no such institution at which DHHS provides inpatient or subacute substance abuse or behavioral health residential treatment for juveniles under the jurisdiction of a juvenile court shall delay such treatment to a juvenile when such treatment has been determined necessary after placement at a youth rehabilitation and treatment center [under subsection [2] of section 43-407] or has been ordered by a juvenile court.

Motion to include LB 427 into the committee amendment AM 566:

Vote: 7-0-0-0

Voting Aye: Arch, M. Cavanaugh, Day, B. Hansen, Murman, Walz, Williams

Public Hearing (February 3, 2021) Testifiers

Proponents:

Senator Machaela Cavanaugh - Introducer (on behalf of the HHS Committee)

Opponents:

None

Neutral:

None

Written Testimony

None

John Arch, Chairperson