

E AND R AMENDMENTS TO LB 276

Introduced by Ballard, 21, Chairman Enrollment and Review

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 71-801, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 71-801 Sections 71-801 to 71-830 and the Certified Community
6 Behavioral Health Clinic Act shall be known and may be cited as the
7 Nebraska Behavioral Health Services Act.

8 Sec. 2. Sections 2 to 7 of this act shall be known and may be cited
9 as the Certified Community Behavioral Health Clinic Act.

10 Sec. 3. The intent of the Legislature is to increase access to
11 mental health and substance use treatment and expand capacity for
12 comprehensive, holistic services, respond to local needs, incorporate
13 evidence-based practices, and establish care coordination as a linchpin
14 for service delivery including effective community partnerships with law
15 enforcement, schools, hospitals, primary care providers, and public and
16 private service organizations to improve care, reduce recidivism, and
17 address health disparities.

18 Sec. 4. For purposes of the Certified Community Behavioral Health
19 Clinic Act:

20 (1) Certified community behavioral health clinic means a nonprofit
21 organization, a unit of the local behavioral health authority, an entity
22 operated under authority of the Indian Health Service, an Indian tribe,
23 or tribal organization pursuant to a contract, grant, cooperative
24 agreement, or compact with the Indian Health Service pursuant to the
25 Indian Self-Determination and Education Assistance Act of 1975, or an
26 entity that is an urban Indian organization pursuant to a grant or
27 contract with the Indian Health Service under Title V of the Indian

1 Health Care Improvement Act, Public Law 94-437, providing community-based
2 mental health and substance use health services that are nationally
3 accredited that:

4 (a) Meet the federal certification criteria of the federal
5 Protecting Access to Medicare Act of 2014 or a state certification system
6 for certified community behavioral health clinics to be established by
7 the department and which shall be substantially equivalent to the federal
8 Protecting Access to Medicare Act of 2014; and

9 (b) Provide, at a minimum, the following community-based services
10 either directly or indirectly through formal referral relationships with
11 other providers:

12 (i) Outpatient mental health and substance use services;

13 (ii) Crisis mental health services;

14 (iii) Screening, assessment, and diagnosis, including risk
15 assessments;

16 (iv) Person-centered treatment planning;

17 (v) Outpatient clinic primary care screening and monitoring of key
18 health indicators and health risks;

19 (vi) Targeted case management;

20 (vii) Psychiatric rehabilitation services;

21 (viii) Peer support and counselor services and family supports; and

22 (ix) Community-based mental health care for members of the armed
23 forces and veterans consistent with minimum clinical mental health
24 guidelines promulgated by the Veterans Health Administration; and

25 (2) Prospective payment system means a daily or monthly medicaid
26 payment methodology that allows providers to be reimbursed based on
27 anticipated costs of providing required services to persons enrolled in
28 medicaid.

29 Sec. 5. (1) The department shall develop a prospective payment
30 system under the medical assistance program for funding certified
31 community behavioral health clinics. Such system shall permit either

1 daily or monthly payment rates.

2 (2) The department shall submit to the federal Centers for Medicare
3 and Medicaid Services any approval request necessary for a medicaid state
4 plan amendment to implement this section.

5 (3) Subject to such approval, such prospective payment system shall
6 be implemented before January 1, 2026.

7 (4) The department shall solicit input from current certified
8 community behavioral health clinics during the development of the
9 medicaid state plan amendment.

10 Sec. 6. The department shall adopt and promulgate rules and
11 regulations to implement sections 3 to 6 of this act.

12 Sec. 7. It is the intent of the Legislature to appropriate no more
13 than four million five hundred thousand dollars annually beginning in
14 fiscal year 2025-26 from the General Fund for the purpose of the
15 Certified Community Behavioral Health Clinic Act.

16 Sec. 8. Original section 71-801, Revised Statutes Cumulative
17 Supplement, 2022, is repealed.

18 Sec. 9. Since an emergency exists, this act takes effect when
19 passed and approved according to law.