

ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023
COMMITTEE STATEMENT (CORRECTED)
LB276

Hearing Date: Thursday February 23, 2023
Committee On: Health and Human Services
Introducer: Wishart
One Liner: Adopt the Certified Community Behavioral Health Clinic Act

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

Vote Results:
Aye: 7 Senators Ballard, Cavanaugh, M., Day, Hansen, B., Hardin, Riepe, Walz
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator Anna Wishart
Governor Jim Pillen
Dannette R Smith
Tony Green
Kevin Bagley
Annette Dubas
Carole Boye
Chris Tonniges
Bob Shueey
Tami Lewis-Ahrendt
Tom Venzor

Representing:

Introducer
State of Nebraska
CEO, Nebraska Dept of Health and Human Services
Nebraska Dept of Health and Human Services
Nebraska Dept of Health and Human Services
Nebraska Association of Behavioral Health Organizations
Community Alliance
Lutheran Family Services
South Central Behavioral Sciences
Centerpointe
Nebraska Catholic Conference

Opponents:

Representing:

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

SUMMARY

LB276 adopts the Certified Community Behavioral Health Clinic Act, establishing qualifications for certifications and directs DHHS to create a payment system for such clinics in addition to obtaining a CMS waiver.

SECTION BY SECTION SUMMARY:

Sec 1: Sections 71-801 to 71-830 and the Certified Community Behavioral Health Clinic Act shall be known and may be cited as the Nebraska Behavioral Health Services Act

Sec 2: Sections 2 to 6 of this act shall be known and may be cited as the Certified Community Behavioral Health Clinic Act

Sec 3: It is the intent of the Legislature to increase access to mental health and substance abuse

Sec 4: Definitions:

(1) Certified community behavioral health clinic means a nonprofit organization, a unit of the local behavioral health authority, an entity operated under authority of the Indian Health Service, an Indian tribe, or tribal organization pursuant to a contract, grant, cooperative agreement, or compact with the Indian Health Service pursuant to the Indian Self-Determination and Education Assistance Act of 1975, or an entity that is an urban Indian organization pursuant to a grant or contract with the Indian Health Service under Title V of the Indian Health Care Improvement Act, Public Law 94-437, providing community-based mental health and substance use health services that are nationally accredited that

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

b. Provide, at a minimum, the following community-based services either directly or indirectly through formal referral relationships with other providers

i. Outpatient mental health and substance use services;

ii. Crisis mental health services,

iii. Screening, assessment, and diagnosis, including risk assessments;

iv. Person-centered treatment planning;

v. Outpatient clinic primary care screening and monitoring of key health indicators and health risks;

vi. Targeted case management;

vii. Psychiatric rehabilitation services;

viii. Peer support and counselor services and family supports; and

ix. Community-based mental health care for members of the armed forces and veterans consistent with minimum clinical mental health

x. guidelines promulgated by the Veterans Health Administration

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

Sec 5: (1) The Department shall create a prospective payment system under the med assistance program to fund certified behavioral health clinics

(2) The department shall submit to CMS any needed approval for a Medicaid amendment.

(3) Subject to approval, payment system to be implemented by Jan 1, 2026

(4) The department shall work with current community behavioral health clinics during development of the Medicaid amendment

Sec 6: The department shall adopt and promulgate rules and regulations to implement this act.

Sec 7: Repealer

Sec 8: Emergency Clause

Explanation of amendments:

AMENDMENT(S)

AM 674:

Beginning Fiscal Year 2025-2026 no more than \$4,500,000 of General Funds per year shall be appropriated for this Act.

Ben Hansen, Chairperson