

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 433

Introduced by Jacobson, 42; Ibach, 44.

Read first time January 13, 2023

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to behavioral health services; to amend
- 2 section 71-801, Revised Statutes Cumulative Supplement, 2022; to
- 3 provide duties regarding behavioral health funding as prescribed; to
- 4 provide for an appeal under the Administrative Procedure Act; to
- 5 repeal the original section; and to declare an emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-801, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 71-801 Sections 71-801 to 71-830 and section 2 of this act shall be
4 known and may be cited as the Nebraska Behavioral Health Services Act.

5 Sec. 2. (1)(a) Any appropriation to the department for behavioral
6 health aid and designated as funding to be allocated to a behavioral
7 health region shall be utilized to provide activities pursuant to the
8 approved annual budget of the behavioral health region or additional
9 activities identified through need demonstrated by the region throughout
10 the year.

11 (b) Whenever circumstances occur during the budget year that impact
12 the initial projected behavioral health region budget, the director shall
13 allow for reassignment of funds between service categories of no more
14 than twenty percent to accommodate emerging needs identified by the
15 behavioral health region to maximize the ability of the region to
16 implement new behavioral health services and supports or expand capacity
17 in existing services.

18 (c) If the reassignment of funds between service categories exceeds
19 twenty percent, the director shall determine whether to approve the
20 reassignment of funding within thirty calendar days after receiving a
21 request by a behavioral health region. Any request for reassignment of
22 funding under this subsection shall be deemed approved thirty calendar
23 days after receipt by the director unless approved or denied earlier than
24 thirty calendar days from the date of receipt.

25 (2)(a) The director may deny a behavioral health region request
26 under subsection (1) of this section only if the request is prohibited
27 under state or federal law.

28 (b) If a request is denied by the director, the behavioral health
29 region may request a hearing pursuant to the Administrative Procedure
30 Act.

31 Sec. 3. Original section 71-801, Revised Statutes Cumulative

1 Supplement, 2022, is repealed.

2 Sec. 4. Since an emergency exists, this act takes effect when
3 passed and approved according to law.