

AMENDMENTS TO LB830

Introduced by Government, Military and Veterans Affairs.

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

3           **Section 1.** Section 71-1131, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           71-1131 If the subject cannot afford to pay, the county shall pay  
6 court costs, costs of emergency custody, and related expenses for a  
7 petition filed pursuant to the Developmental Disabilities Court-Ordered  
8 Custody Act, including the costs of legal counsel appointed to represent  
9 the subject and any expert hired to evaluate and testify on behalf of the  
10 subject. In counties having a public defender, the court may appoint the  
11 public defender as legal counsel for the subject. The county shall be  
12 responsible for the cost of transporting the subject to and from court  
13 hearings under the act and to any emergency custody or other custody  
14 ordered under the act. The department shall pay the costs of the  
15 department's evaluations of the subject, the costs of the plans completed  
16 by the department and the independent mental health professional, and the  
17 costs of the court-ordered custody and treatment of the subject following  
18 an order of disposition, except as provided by sections 83-363 to 83-379  
19 ~~83-380~~.

20           **Sec. 2.** Section 81-183, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22           81-183 (1) Any federal facility which is under the control of the  
23 Military Department and for which state financial support is required  
24 shall be eligible for funds for renewal and maintenance under the  
25 Deferred Building Renewal Act to be paid from the Building Renewal  
26 Allocation Fund.

27           (2) No building held in trust, property of the Board of Educational

1 Lands and Funds, nor highways or roads and revenue bond structures shall  
2 receive funds for renewal and maintenance under the Deferred Building  
3 Renewal Act sections 81-173 to 81-190.

4 **Sec. 3.** Section 81-186, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 81-186 The Committee on Building Maintenance shall meet as  
7 necessary, but not less than four times annually, to monitor the  
8 activities required of the task force, ~~and~~ the agencies, boards, and  
9 commissions who are responsible for the state buildings, and federal  
10 facilities under the control of the Military Department and to review the  
11 proposed rental charges as provided in sections 81-1108.17 and  
12 81-1108.22. The committee shall study progress and propose any necessary  
13 legislation to assure that state-owned buildings and federal facilities  
14 under the control of the Military Department are protected through proper  
15 maintenance.

16 **Sec. 4.** Section 83-227.01, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 83-227.01 The Department of Health and Human Services is authorized  
19 to utilize space which is temporarily surplus to the needs of the Lincoln  
20 Regional Center and the Norfolk Regional Center facilities under their  
21 jurisdiction for patients committed to or lawfully confined in the  
22 Beatrice State Developmental Center. Patients so transferred to the  
23 Lincoln Regional Center or the Norfolk Regional Center shall be housed in  
24 facilities separate and apart from facilities used to house patients  
25 committed to such hospital, and after their transfer such patients shall  
26 receive the same type of care, custody, and treatment as they would have  
27 received had they remained at the Beatrice State Developmental Center,  
28 and the charges for their care and maintenance shall be the same as  
29 though they were housed at the Beatrice State Developmental Center, and  
30 the charges shall be collected in the manner provided in this section and  
31 sections 83-227.02, 83-350, and 83-363 to 83-379 ~~83-380~~.

1           **Sec. 5.** Section 83-227.02, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           83-227.02 (1) The Department of Health and Human Services is  
4 authorized to use space which is temporarily surplus to the needs of any  
5 institution under its control, except as provided in subsection (2) of  
6 this section, for the care, custody, and treatment of the inmates of any  
7 other such institution when space at such latter institution is  
8 inadequate and the facilities of the institution to which transfer is  
9 made are suitable to the needs of the inmate. Inmates so transferred  
10 shall receive the same care, custody, and treatment as they would have  
11 received had they not been transferred. If the cost of the care, custody,  
12 and treatment of such inmate is recoverable by the institution from which  
13 the transfer was made, it shall be recovered in the manner provided in  
14 sections 83-363 to 83-379 ~~83-380~~.

15           (2) Subsection (1) of this section shall not be construed to permit  
16 the transfer of inmates to or from any Department of Correctional  
17 Services facility unless expressly authorized by law.

18           **Sec. 6.** Section 83-363, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20           83-363 As used in sections 83-227.01, 83-227.02, 83-350, and 83-363  
21 to 83-379 ~~83-380~~, unless the context otherwise requires:

22           (1) Department means the Department of Health and Human Services;

23           (2) State institution means the state hospitals at Lincoln and  
24 Norfolk, the Beatrice State Developmental Center, and such other  
25 institutions as may hereafter be established by the Legislature for the  
26 care and treatment of persons with a mental disorder or persons with an  
27 intellectual disability;

28           (3) Relative means the spouse of a patient or, if the patient has no  
29 spouse and is under the age of majority at the time he or she is  
30 admitted, the parents of a patient in a state institution; and

31           (4) Parents means either or both of a patient's natural parents

1 unless such patient has been legally adopted by other parents, in which  
2 case parents means either or both of the adoptive parents.

3 **Sec. 7.** Section 83-364, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 83-364 When any person is admitted to a state institution or other  
6 inpatient treatment facility pursuant to an order of a mental health  
7 board under the Nebraska Mental Health Commitment Act or the Sex Offender  
8 Commitment Act or receives treatment prescribed by such institution or  
9 facility following release or without being admitted as a resident  
10 patient, the patient and the patient's relatives shall be liable for the  
11 cost of the care, support, maintenance, and treatment of such person to  
12 the extent and in the manner provided by sections 83-227.01, 83-227.02,  
13 83-350, and 83-363 to 83-379 ~~83-380~~. Such sections also shall apply to  
14 persons admitted to a state institution as transferees from any state  
15 penal institution or youth rehabilitation and treatment center but only  
16 after the expiration of the time for which the transferees were  
17 originally sentenced or committed.

18 **Sec. 8.** Section 83-367, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 83-367 The liability of each relative, except a spouse, shall cease  
21 when relatives shall have completed payments assessed pursuant to  
22 sections 83-227.01, 83-227.02, 83-350, and 83-363 to 83-379 ~~83-380~~ for  
23 one hundred eighty months, or when the patient attains the age of  
24 majority, whichever shall occur first.

25 **Sec. 9.** Section 83-370, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 83-370 When any relative willfully fails to furnish to the  
28 department, upon request, the information required by sections 83-227.01,  
29 83-227.02, 83-350, and 83-363 to 83-379 ~~83-380~~ as to his or her taxable  
30 income, such relative shall be deemed to have ability to pay the entire  
31 cost determined under sections 83-227.01, 83-227.02, 83-350, and 83-363

1 to 83-379 ~~83-380~~.

2 **Sec. 10.** Section 83-371, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 83-371 Pursuant to the provisions of the Administrative Procedure  
5 Act, the department shall adopt and promulgate appropriate rules and  
6 regulations for making the determinations required by sections 83-227.01,  
7 83-227.02, 83-350, and 83-363 to 83-379 ~~83-380~~.

8 **Sec. 11.** Section 83-375, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 83-375 When any patient or relative fails to pay the amounts  
11 determined to be due under sections 83-227.01, 83-227.02, 83-350, and  
12 83-363 to 83-379 ~~83-380~~, the State ~~state~~ of Nebraska may proceed against  
13 such person in the manner authorized by law for the recovery of money  
14 owed to a creditor. The Attorney General shall represent the state in  
15 such actions, but may authorize the county attorney for the county in  
16 which such person resides or owns property to investigate and prosecute  
17 the action on behalf of the state.

18 **Sec. 12.** Section 83-377, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 83-377 In all cases in which a guardian has been named for any  
21 person liable for payments under sections 83-227.01, 83-227.02, 83-350,  
22 and 83-363 to 83-379 ~~83-380~~, the guardian shall represent such person in  
23 all matters arising under sections 83-227.01, 83-227.02, 83-350, and  
24 83-363 to 83-379 ~~83-380~~ and shall be liable in the same manner as he or  
25 she would be on any other matters arising from the guardianship.

26 **Sec. 13.** Section 83-378, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 83-378 No person shall be liable for the cost of the care, support,  
29 maintenance, and treatment of any patient except as provided in sections  
30 83-363 to 83-379 ~~83-380~~, but the amounts determined to be due and unpaid  
31 at the time of the death of a patient or relative shall constitute a

1 claim against the estate of such patient or relative. The department may  
2 accept voluntary payments on behalf of any patient from any person who is  
3 not liable for payments.

4 **Sec. 14.** Section 83-379, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 83-379 In the absence of fraud, a patient and the patient's his  
7 relatives shall be liable only to the extent of assessments actually made  
8 against them respectively, in accordance with sections 83-227.01,  
9 83-227.02, 83-350, and 83-363 to 83-379 ~~83-380~~. For the purposes of  
10 sections 83-227.01, 83-227.02, 83-350, and 83-363 to 83-379 ~~83-380~~, it  
11 shall be deemed fraudulent for any patient or the patient's his relatives  
12 to transfer any assets or property to another person for the purpose of  
13 affecting the determination of ability to pay. When it is determined that  
14 such a fraudulent transfer has been made, the department shall consider  
15 the value of such assets or property transferred in determining the  
16 ability to pay under section 83-368 or 83-369.

17 **Sec. 15.** Section 83-380.01, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 83-380.01 Upon the discharge from a treatment facility, an indigent  
20 person who has received mental-health-board-ordered treatment may file an  
21 affidavit with the Department of Health and Human Services or the mental  
22 health board requesting that prescription medicine which the regional  
23 center treating psychiatrist or the patient's treating physician has  
24 prescribed as necessary for the patient's mental health treatment be  
25 provided to him or her. Such affidavit shall include the following: (1)  
26 That the patient qualifies as an indigent person who is unable to pay  
27 under the same standards of ability to pay as set forth in sections  
28 83-363 to 83-379 ~~83-380~~; and (2) that such prescription medicine has been  
29 prescribed by the regional center's treatment psychiatrist or the  
30 patient's treating physician as necessary for the patient's mental health  
31 treatment. The mental health board shall refer such requests it receives

1 to the Department of Health and Human Services and the department shall  
2 provide such prescription medicine as may be necessary for such former  
3 patient's mental health treatment so long as he or she remains an  
4 outpatient and his or her treating physician continues to prescribe and  
5 certify that such prescription medicine is necessary for the patient's  
6 mental health treatment and he or she continues to be an indigent person  
7 as determined under the same standards of ability to pay as set forth in  
8 sections 83-363 to 83-379 ~~83-380~~. The Department of Health and Human  
9 Services may adopt and promulgate rules and regulations to carry out the  
10 provisions of this section in accordance with the Administrative  
11 Procedure Act, including, but not limited to, hearings necessary to  
12 determine whether such person is qualified to receive such medications  
13 and whether such medication is necessary for the patient's mental health  
14 treatment.

15 **Sec. 16.** Original sections 71-1131, 81-183, 81-186, 83-227.01,  
16 83-227.02, 83-363, 83-364, 83-367, 83-370, 83-371, 83-375, 83-377,  
17 83-378, 83-379, and 83-380.01, Reissue Revised Statutes of Nebraska, are  
18 repealed.

19 **Sec. 17.** The following section is outright repealed: Section  
20 83-380, Reissue Revised Statutes of Nebraska.