

AMENDMENTS TO LB454

Introduced by Health and Human Services.

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

3           **Section 1.** Section 71-809, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           71-809 (1) Each regional behavioral health authority shall be  
6 responsible for the development and coordination of publicly funded  
7 behavioral health services within the behavioral health region pursuant  
8 to rules and regulations adopted and promulgated by the department,  
9 including, but not limited to, (a) administration and management of the  
10 regional behavioral health authority, (b) integration and coordination of  
11 the public behavioral health system within the behavioral health region,  
12 (c) comprehensive planning for the provision of an appropriate array of  
13 community-based behavioral health services and continuum of care for the  
14 region, (d) submission for approval by the division of an annual budget  
15 and a proposed plan for the funding and administration of publicly funded  
16 behavioral health services within the region, (e) submission of annual  
17 reports and other reports as required by the division, (f) initiation and  
18 oversight of contracts for the provision of publicly funded behavioral  
19 health services, and (g) coordination with the division in conducting  
20 audits of publicly funded behavioral health programs and services.

21           (2) Each regional behavioral health authority shall adopt a policy  
22 for use in determining the financial eligibility of all consumers and  
23 shall adopt a uniform schedule of fees and copays, based on the policy  
24 and schedule developed by the division, to be assessed against consumers  
25 utilizing community-based behavioral health services in the region. The  
26 methods used to determine the financial eligibility of all consumers  
27 shall take into account taxable income, the number of family members

1 dependent on the consumer's income, liabilities, and other factors as  
2 determined by the division. The policy and the schedule of fees and  
3 copays shall be approved by the regional governing board and included  
4 with the budget plan submitted to the division annually. Providers shall  
5 charge fees consistent with the schedule of fees and copays in accordance  
6 with the financial eligibility of all consumers but not in excess of the  
7 actual cost of the service. Each regional behavioral health authority  
8 shall assure that its policy and schedule of fees and copays are applied  
9 uniformly by the providers in the region.

10 (3) Except for services being provided by a regional behavioral  
11 health authority on July 1, 2004, under applicable state law in effect  
12 prior to such date, no regional behavioral health authority shall provide  
13 behavioral health services funded in whole or in part with revenue  
14 received and administered by the division under the Nebraska Behavioral  
15 Health Services Act unless:

16 (a) There has been a public competitive bidding process for such  
17 services or the process is authorized pursuant to subsection (5) of this  
18 section;

19 (b) There are no qualified and willing providers to provide such  
20 services; and

21 (c) The regional behavioral health authority receives written  
22 authorization from the director and enters into a contract with the  
23 division to provide such services.

24 (4) Each regional behavioral health authority shall comply with all  
25 applicable rules and regulations of the department relating to the  
26 provision of behavioral health services by such authority, including, but  
27 not limited to, rules and regulations which (a) establish definitions of  
28 conflicts of interest for regional behavioral health authorities and  
29 procedures in the event such conflicts arise, (b) establish uniform and  
30 equitable ~~public bidding~~ procedures for such services, and (c) require  
31 each regional behavioral health authority to establish and maintain a

1 separate budget and separately account for all revenue and expenditures  
2 for the provision of such services.

3 (5) A provider engaged in providing services may provide new and  
4 existing services approved by the department and may contract with a  
5 regional behavioral health authority if the enrolled network provider  
6 meets the required standards. This consideration shall be made on a per-  
7 service basis.

8 **Sec. 2.** Section 71-812, Revised Statutes Cumulative Supplement,  
9 2024, is amended to read:

10 71-812 (1) The Behavioral Health Services Fund is created. The fund  
11 shall be administered by the division and shall contain cash funds  
12 appropriated by the Legislature or otherwise received by the department  
13 for the provision of behavioral health services from any other public or  
14 private source and directed by the Legislature for credit to the fund.  
15 Transfers may be made from the fund to the General Fund at the direction  
16 of the Legislature.

17 (2) The Behavioral Health Services Fund shall be used to encourage  
18 and facilitate the statewide development and provision of community-based  
19 behavioral health services, including, but not limited to, (a) the  
20 provision of grants, loans, and other assistance for such purpose and (b)  
21 reimbursement to providers of such services.

22 (3)(a) Money transferred to the fund under section 76-903 shall be  
23 used for housing-related assistance for very low-income adults with  
24 serious mental illness or substance abuse disorder, except that if the  
25 division determines that all housing-related assistance obligations under  
26 this subsection have been fully satisfied, the division may distribute  
27 any excess, up to twenty percent of such money, to regional behavioral  
28 health authorities for acquisition or rehabilitation of housing to assist  
29 such persons. The division shall manage and distribute such funds based  
30 upon a formula established by the division, in consultation with regional  
31 behavioral health authorities and the department, in a manner consistent

1 with and reasonably calculated to promote the purposes of the public  
2 behavioral health system enumerated in section 71-803. The division shall  
3 contract with each regional behavioral health authority for the provision  
4 of such assistance. Each regional behavioral health authority may  
5 contract with qualifying public, private, or nonprofit entities for the  
6 provision of such assistance.

7 (b) For purposes of this subsection:

8 (i) Adult with serious mental illness means a person eighteen years  
9 of age or older who has, or at any time during the immediately preceding  
10 twelve months has had, a diagnosable mental, behavioral, or emotional  
11 disorder of sufficient duration to meet diagnostic criteria identified in  
12 the most recent edition of the Diagnostic and Statistical Manual of  
13 Mental Disorders and which has resulted in functional impairment that  
14 substantially interferes with or limits one or more major life functions.  
15 Serious mental illness does not include DSM V codes, substance abuse  
16 disorders, or developmental disabilities unless such conditions exist  
17 concurrently with a diagnosable serious mental illness;

18 (ii) Housing-related assistance includes rental payments, utility  
19 payments, security and utility deposits, landlord risk mitigation  
20 payments, and other related costs and payments;

21 (iii) Landlord risk mitigation payment means a payment provided to a  
22 landlord who leases or rents property to a very low-income adult with  
23 serious mental illness which may be used to pay for excessive damage to  
24 the rental property, any lost rent, any legal fees incurred by the  
25 landlord in excess of the security deposit, or any other expenses  
26 incurred by the landlord as a result of leasing or renting the property  
27 to such individual; and

28 (iv) Very low-income means a household income of fifty percent or  
29 less of the applicable median family income estimate as established by  
30 the United States Department of Housing and Urban Development.

31 (4) Any money in the fund available for investment shall be invested

1 by the state investment officer pursuant to the Nebraska Capital  
2 Expansion Act and the Nebraska State Funds Investment Act.

3 **Sec. 3.** Original section 71-809, Reissue Revised Statutes of  
4 Nebraska, and section 71-812, Revised Statutes Cumulative Supplement,  
5 2024, are repealed.