

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)

	FY 2025-26		FY 2026-27	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See below		See below	

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

This bill modifies statutes pertaining to reports required by the Department of Health and Human Services. There is no cost to DHHS to implement the changes. Rescinding required reports may yield savings. Other changes have impacts to fiscal policy are in bold.

Section 1 modifies the Pain-Capable Unborn Child Protection act, removing reference to 20 weeks postfertilization and instead referencing postfertilization age limits as established in the Preborn Child Protection Act.

Section 2 and 3 remove subsections pertaining to medical support as defined in Neb. Rev. Stat. § 68-922 due to those statutes being outright repealed by the bill.

Section 4 removes a subsection pertaining to ABLE accounts (Achieving a Better Life Experience accounts are tax-advantaged accounts for qualified disability expenses), removing the allowance that such funds can be established in a pooled special needs trust fund without an age limit or transfer penalty.

Section 5 removes required reports for licensed dental hygienists to DHHS. This section also 1) removes a required report by DHHS to the Board of Dentistry and State Board of Health, 2) removes a required report by DHHS to the Clerk of the Legislature and 3) removes a requirement of the Legislature's Health and Human Services (HHS) Committee to hold a hearing on such information at least once every three years.

Section 6 modifies the paramedic practice of emergency care to include all acts an advanced emergency medical technician is authorized to perform as well as visualized intubation.

Section 7 removes a requirement of the Board of Emergency Medical Services to review the Emergency Medical Services Practice Act at least once every five years and submit a report the Legislature with any recommendations.

Section 8 removes a timing requirement from a DHHS report to the Legislature on the Aid to Dependent Children program. The annual report would still be required however it would no longer be required on or before February 1 of each year.

Section 9 removes the \$10,000 maximum limitation for child care start-up grants. This section also permits grants in excess of appropriations if the funds are available in the Child Care Development Fund.

Section 10 updates reference to the Licenses Suspension Act due to outright repeal of the section requiring an annual report to the Legislature.

Section 11 removes the requirement that the DHHS customer service unit maintain staff levels of at least 0.25% of the labor force in the county or counties the unit is located. This section removes a required annual report to the Governor and Legislature on information about the State Disbursement Unit.

Section 12 modernizes the annual report by DHHS to the HHS Committee on child welfare services, specifically the information in the report of the Children's Behavioral Health Task Force. The provisions remove reference to children receiving behavioral health services at Hastings Regional Center and updating the date of reporting for state wards receiving behavioral health services to align with fiscal year end date of June 30. Note the facility in Hastings no longer serves as a regional center but rather a Youth Rehabilitation and Treatment Center.

Section 13 clarifies participation in the Bridge to Independence (B2i) program for tribal affiliated youth.

Section 14 removes the specific dates referenced in required normalcy reports by child-care institutions providing foster care though such reports would still be required annually. This section also removes the specific date of September 1 from the annual report by DHHS to the Nebraska Strengthening Families Act Committee, Nebraska Children's Commission, the Governor, and the HHS committee on normalcy plans for state wards whose services are provided by child-caring institutions and youth at YRTPs. The annual report would still be required just not by the specific date of September 1.

Section 15 sunsets the requirement that counties maintain DHHS office space at no charge to the state as of June 30, 2028. [Similar legislation](#) introduced in 2023 estimated the cost of such policy at over \$4 million. Current legislation, [LB 516](#), estimates the cost at \$2.5 million. The added cost would not be realized until FY29.

Section 16 and Section 18 remove references to statutes that define "subrogation" due to those statutes being outright repealed by the bill.

Section 17 removes out of date references and removes an annual reporting requirement pertaining to a program to provide amino acid-based elemental formulas for diagnosis and treatment of food allergies.

Section 19 removes subsection 2 of Neb. Rev. Stat. § 68-909 which requires a report to the Governor and Legislature prior to the adoption and promulgation of rules and regulations related to implementation of Medicaid state plan amendments (SPAs) or waivers.

Section 20 removes reference to reporting requirement (which is removed in Section 19) in § 68-912.

Section 21 and 22 remove references to Neb. Rev. Stat. § 68-921 through § 68-925 (which define entitlement of a spouse and subrogation) due to those statutes being outright repealed by the bill.

Section 23 removes required annual report by DHHS to the Legislature on the status of contracts in Medicaid.

Section 24 removes required quarterly report by DHHS to the Clerk of the Legislature on status of administrative caps on Medicaid contracts for at-risk managed care service delivery.

Section 25 sunsets a report by DHHS to the Legislature pertaining to the Nebraska Prenatal Plus program on December 15, 2029.

Section 26 removes a requirement that assistance payments under the aged, blind, and disabled program be paid directly to the qualifying recipient.

Section 27 removes an outdated reference to income disregard for the aged, blind, and disabled program.

Section 28 removes reference to Neb. Rev. Stat. § 68-922 due to that statute being outright repealed by the bill.

Section 29 sunsets a report by DHHS to the Legislature pertaining to the Family Support Waiver as administered by the Division of Developmental Disabilities on December 31, 2027.

Section 30 removes reference to Neb. Rev. Stat. § 68-1735.02, which requires DHHS submit a report to the Legislature on October 1 annually on individuals on self-sufficiency contracts as a contingency to receiving state aid via assistance programs, due to that statute being outright repealed by the bill.

Section 31 removes a required annual report by DHHS to the HHS Committee and the Revenue Committee on the amounts collected from each payer of the Intermediate Care Facility tax and disbursements from the ICF/DD Reimbursement Protection Fund.

Section 32 removes a required annual report by DHHS and the Nebraska State Patrol on statistics of individuals who were declined firearm purchased due to background check failure.

Section 33 adds reference to Neb. Rev. Stat. § 71-510, which specifies in what situations consent for certain tests be established in EMS, as qualifying for notification of results by attending physician.

Section 34 modifies the makeup of the Alzheimer's Disease and Other Dementia Advisory Council, consolidating the responsible roles of DHHS representatives.

Section 35 changes which affidavits for establishment of paternity require notarization.

Section 36 removes reference to women, infants, and children (leaving only the elderly) as eligible recipients of a state Commodity Supplemental Food Program as long as federal funds are available and granted to DHHS.

Section 37 changes the dates of reports by regional behavioral health authorities and local health departments pertaining to Opioid Prevention and Treatment funds up to November 1 from November 30 and the date DHHS must report to the legislature back from December 15 to December 31.

Section 38 removes a required annual report by DHHS to the Legislature on findings of the lead poisoning prevention program.

Section 39 amends how fees collected under the Wholesale Drug Distributor Licensing Act are directed, specifically amending subsection 5 to allow funds collected under the act to be used for the prescription drug donation program in addition to the licensing of such wholesale drug distributors.

Section 40 allows a designee to serve as an ex officio member of the Primary Care Investment Council instead of the Director of MLTC.

Section 41 removes reference to Neb. Rev. Stat. § 76-3507, which requires DHHS submit a report to the Clerk of the Legislature on or before January 1 annually on data collected under the Radon Resistant New Construction Act, due to that statute being outright repealed by the bill.

Section 42 strikes a portion of the Radon Resistant New Construction Act specifying that radon resistant new construction is not required if construction is located in a county with an average level of radon under 2.7 picocuries per liter of air as determined by DHHS per § 76-3507 which the bill outright repeals.

Section 43 and 52 remove references to Neb. Rev. Stat. § 81-3133 which requires the Division of Children and Family Services to submit a report to the Governor and the Legislature on the number of families in all transitional child care assistance programs and families in such program no longer eligible on or before December 1 annually, due to that statute being outright repealed by the bill.

Sections 44 through 51 remove references to Neb. Rev. Stat. § 81-650, which requires DHHS to submit a report to the HHS Committee with documentation on the operation and performance of the cancer registry annually, due to that statute being outright repealed by the bill. Section 44 additionally strikes a requirement of detailed accounting by contracted cancer research institutions.

Section 53 strikes provision that, within the responsibilities of the Division of Children and Family Services, the western, central, and northern service areas share the same boundaries with the district court judicial districts.

Section 54 strikes subsection 3 of Neb. Rev. Stat. § 83-102 which requires each YRTC report to the Clerk of the Legislature on or before July 15 annually on admissions, daily average census, average length of stay, race, ethnicity, an overview of programming and an overview of facility tissues and facility improvements.

Section 55 amends the dates of the DHHS report on YRTCs to the Inspector General of Nebraska Child Welfare from the first day of January, April, July and October to the fifteenth day of February, May, August, and November.

Section 56 modifies the quarterly reporting of juvenile facilities to the Legislature on room confinement to be due within four weeks after the end of each quarter rather than the current two weeks.

Section 57 removes a required annual report by DHHS to the Legislature and online pertaining to implementation of the quality management and improvement plan for Developmental Disabilities.

Section 58 outright repeals various sections of statute. Other than those outright repeals mentioned above that are elsewhere referenced in statute, this section also repeals:

§ 43-3326: Requires DHHS and the DMV to each submit a report on the number of licenses which were suspended and the number which were erroneously suspended and restored.

§ 48-2307: Requires a report by DHHS on the number of employees for purposes of the New Hire Reporting Act.

§ 68-962 through § 68-966: Repeals the Autism Treatment Act which is obsolete at this time.

§ 68-1008: Requires DHHS to investigate as it deems necessary upon the filing of an application for assistance to the aged, blind, or disabled and requires each applicant and recipient shall be notified in writing as to the outcome of such investigation.

§ 68-1118: Requires DHHS to report annually to the Legislature on regarding the aging and disability resource centers.

§ 68-1518: Requires DHHS to report annually to the Legislature on the Disabled Persons and Family Support program.

§ 68-2004: Requires DHHS to report to the Legislature quarterly on behavioral health services for children under nineteen years of age.

§ 71-17,115: Requires DHHS to report annually to the Governor and the Clerk of the Legislature on the status of the Nursing Faculty Student Loan program, excluding confidential or identifying information.

§ 71-2201 through § 71-2208: Repeals the Maternal and Child Health and Public Health Work Act which is obsolete at this time.

§ 71-3005: Requires the behavioral health regions to submit an aggregated annual report electronically to the Legislature on trainee demographics and outcomes of the efficacy of mental health first aid training programs.

§ 71-4501 through § 71-4504: Repeals the Palliative Care and Quality of Life Act which requires DHHS to make specific information regarding the program available on its website.

§ 71-4741: Requires DHHS to report to the Legislature annually on hearing screening tests to newborns and infants.

§ 71-8313: Requires DHHS to report to the Legislature annually recommendations for credentialing of categories of facilities.

§ 81-6,111 through § 6,119: Repeals the Outpatient Surgical Procedures Data Act which requires DHHS to publish an annual report. The Act also requires DHHS to designate service regions for the purpose of aggregating this data.

§ 68-1010: Repeals the pilot program for patients with complex health needs as established in LB 227 in 2023.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB:	376	AM:	AGENCY/POLT. SUB: Nebraska Department of Health & Human Services
REVIEWED BY:	Ann Linneman	DATE:	2-13-2025 PHONE: (402) 471-4180
COMMENTS: Concur with the Nebraska Department of Health and Human Services' assessment of no fiscal impact.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB:	376	AM:	AGENCY/POLT. SUB: Nebraska Association of County Officials (NACO)
REVIEWED BY:	Ann Linneman	DATE:	2-18-2025 PHONE: (402) 471-4180
COMMENTS: The Nebraska Association of County Officials' (NACO) assessment of fiscal impact seems reasonable given the assumptions used.			

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

Prepared by: (3) John Meals Date Prepared 2-13-25 Phone: (5) 471-6719

	FY 2025-2026		FY 2026-2027	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$0	\$0	\$0	\$0

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

There is no impact to the Department of Health and Human Services.

MAJOR OBJECTS OF EXPENDITURE

PERSONAL SERVICES:				
POSITION TITLE	NUMBER OF POSITIONS		2025-2026	2026-2027
	26-26	26-27	EXPENDITURES	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital Outlay.....				
Aid.....				
Capital Improvements.....				
TOTAL.....			\$0	\$0

2025

FISCAL NOTE

Prepared by: (3) Elaine Menzel Date Prepared: (4) 2/14/2025 Phone: (5) 402.434.5660

	FY 2025-26		FY 2026-27	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

LB561 would eliminate the requirement of the county to maintain office space for Health and Human Services 6/30/2028.

Adams, Box Butte, Boyd, Brown, Buffalo, Burt, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Dixon, Dodge, Douglas, Dundy, Fillmore, Frontier, Gosper, Hall, Hamilton, Holt, Hooker, Jefferson, Johnson, Kearney, Lancaster, Lincoln, Madison, McPherson, Merrick, Nance, Nuckolls, Otoe, Pawnee, Pierce, Richardson, Rock, Saline, Sarpy, Scotts Bluff, Seward, Sherman, Sioux, Stanton, Thayer, Thomas, Valley, Washington, Wayne, Webster, Wheeler, and York

The total reported cost for HHS Space was \$1.21 million. Since the information was unreported by some counties, the savings from eliminating the county requirement to provide office space would be higher.

Also, approximately 80% of the total cost was born by Douglas, Lancaster, Sarpy, Hall, Buffalo, Dodge, and Scotts Bluff. The data reported are from FY2021-22.

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2025-26	2026-27
	<u>25-26</u>	<u>26-27</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				