

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 351**

Introduced by Cavanaugh, J., 9.

Read first time January 16, 2025

Committee: Judiciary

1 A BILL FOR AN ACT relating to state hospitals for the mentally ill; to  
2 amend section 83-338, Reissue Revised Statutes of Nebraska; to  
3 change requirements for priority of admission; and to repeal the  
4 original section.

5 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 83-338, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           83-338 (1) State hospitals for the mentally ill shall prioritize the  
4 following patients for admission ~~If at any time it becomes necessary, for~~  
5 ~~lack of capacity or other cause, to establish priorities for the~~  
6 ~~admission of patients into the state hospitals for the mentally ill,~~  
7 ~~admission shall be limited to:~~ (a) Patients whose care in the state  
8 hospital is necessary in order to protect the public health and safety;  
9 (b) defendants who are determined by a court to be incompetent to stand  
10 trial and who remain lodged in the county jail; and (c) patients  
11 committed by a mental health board under the Nebraska Mental Health  
12 Commitment Act or the Sex Offender Commitment Act, by a district court,  
13 or by a tribal court as provided in section 71-964 or 71-1226.01 ; ~~(d)~~  
14 ~~patients who are most likely to be benefited by treatment in the state~~  
15 ~~hospitals, regardless of whether such patients are committed by a mental~~  
16 ~~health board or whether such patients seek voluntary admission to one of~~  
17 ~~the state hospitals; and (e) when cases are equally meritorious, in all~~  
18 ~~other respects, patients who are indigent.~~

19           ~~(2) The Lincoln Regional Center shall provide a minimum number of~~  
20 ~~beds equal to the following percentages of total available capacity:~~

21           ~~(a) Ten percent for patients entering the facility pursuant to~~  
22 ~~subdivision (1)(a) of this section;~~

23           ~~(b) Ten percent for patients entering the facility pursuant to~~  
24 ~~subdivision (1)(b) of this section;~~

25           ~~(c) Thirty percent for patients entering the facility pursuant to~~  
26 ~~subdivision (1)(c) of this section;~~

27           ~~(d) Ten percent for patients entering the facility pursuant to~~  
28 ~~subdivision (1)(d) of this section;~~

29           ~~(e) Ten percent for patients entering the facility pursuant to~~  
30 ~~subdivision (1)(e) of this section; and~~

31           ~~(f) Thirty percent to remain unallocated for the Department of~~

1 ~~Health and Human Services to allocate according to the priorities~~  
2 ~~established in subsection (1) of this section as needed to reduce~~  
3 ~~existing waiting lists.~~

4       (2) ~~(3)~~ Beginning on or before November 1, 2022, the Department of  
5 Health and Human Services shall make available on its website a weekly  
6 report on the capacity and status of state-operated mental health  
7 facilities, including, but not limited to, the capacity and wait times  
8 associated with each priority category established in subsection (1) of  
9 this section.

10       **Sec. 2.** Original section 83-338, Reissue Revised Statutes of  
11 Nebraska, is repealed.