

AMENDMENTS TO LB 542

Introduced by Appropriations

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

3           Section 1. It is the intent of the Legislature that  
4 children receiving inpatient and subacute regional center services  
5 at the Hastings Regional Center will begin receiving appropriate  
6 community-based services pursuant to subdivision (4) of section  
7 43-406 and section 71-810.

8           Sec. 2. It is the intent of the Legislature that,  
9 beginning in FY2008-09, reductions in appropriations under  
10 Program 365 shall be considered as a mechanism to assist in the  
11 transitioning of children's behavioral health treatment services.

12           Sec. 3. The Enhanced Services and Capacity Expansion  
13 Fund for Juveniles is created. The fund shall be administered by  
14 the Department of Health and Human Services. The fund shall be  
15 used by the department to enhance capacity for community-based  
16 services and establish an integrated system of care for children  
17 and their families. State funding related to the provision of  
18 children's behavioral health care that is reduced or discontinued  
19 under Program 365 shall be allocated to the fund. The fund shall  
20 be expended for purposes related to the statewide development  
21 and provision of community-based services. Any money in the fund  
22 available for investment shall be invested by the state investment  
23 officer pursuant to the Nebraska Capital Expansion Act and the

1 Nebraska State Funds Investment Act.

2           Sec. 4. (1) The Children's Behavioral Health Task Force  
3 is created. The task force shall consist of the following members:

4           (a) The chairperson of the Health and Human Services  
5 Committee of the Legislature or his or her designee;

6           (b) The chairperson of the Appropriations Committee of  
7 the Legislature or his or her designee;

8           (c) The chairperson of the Behavioral Health Oversight  
9 Commission of the Legislature;

10           (d) Two providers of community-based behavioral health  
11 services to children, appointed by the chairperson of the Health  
12 and Human Services Committee of the Legislature;

13           (e) One regional administrator appointed under section  
14 71-808, appointed by the chairperson of the Health and Human  
15 Services Committee of the Legislature;

16           (f) Two representatives of organizations advocating on  
17 behalf of consumers of children's behavioral health services and  
18 their families appointed by the chairperson of the Health and Human  
19 Services Committee of the Legislature;

20           (g) One juvenile court judge appointed by the Chief  
21 Justice of the Supreme Court;

22           (h) One representative of the Division of Behavioral  
23 Health Services of the Department of Health and Human Services  
24 appointed by the Governor; and

25           (i) The Administrator of the Office of Juvenile Services.

26           (2) All members shall be appointed within thirty days  
27 after the effective date of this act.

1           (3) Members of the task force shall serve without  
2 compensation but shall be reimbursed from the Nebraska Health  
3 Care Cash Fund for their actual and necessary expenses as provided  
4 in sections 81-1174 to 81-1177.

5           (4) The head of the Behavioral Health Oversight  
6 Commission of the Legislature shall serve as chairperson of the  
7 task force. Administrative and staff support for the task force  
8 shall be provided by the Health and Human Services Committee of the  
9 Legislature and the Appropriations Committee of the Legislature.

10           Sec. 5. The Children's Behavioral Health Task Force,  
11 under the direction of and in consultation with the Health and  
12 Human Services Committee of the Legislature and the Division of  
13 Behavioral Health Services of the Department of Health and Human  
14 Services, shall prepare a children's behavioral health plan and  
15 shall submit such plan to the Governor, the division, and the  
16 committee on or before December 4, 2007.

17           (1) The plan shall include, but not be limited to:

18           (a) Plans for the transition of children receiving  
19 inpatient and subacute behavioral health services at the Hastings  
20 Regional Center to appropriate community-based services pursuant  
21 to subdivision (4) of section 43-406 and section 71-810 and the  
22 allocation of funding for such services to the community pursuant  
23 to such subdivision and section;

24           (b) Strategies for the reallocation of regional center  
25 funding to the provision of the community-based behavioral health  
26 services for children;

27           (c) Plans for the development of needed capacity for

1 the provision of community-based behavioral health services for  
2 children;

3 (d) Strategies and mechanisms for the integration of  
4 federal, state, local, and other funding sources for the provision  
5 of community-based behavioral health services for children pursuant  
6 to section 71-812;

7 (e) Measurable benchmarks and timelines for the  
8 development of a more comprehensive and integrated system of  
9 behavioral health care for children;

10 (f) Identification of necessary and appropriate statutory  
11 changes for consideration by the Legislature; and

12 (g) Development of a plan for a data and information  
13 system for all children receiving behavioral health services.

14 (2) The division shall consider the plan submitted under  
15 this section and shall provide a written response within thirty  
16 days after receipt of the plan, including, but not limited to,  
17 any recommendations related to or suggested changes to the plan.  
18 On or before January 9, 2008, the division shall submit a revised  
19 children's behavioral health plan to the Governor, the task force,  
20 and the committee. The revised plan shall be consistent with  
21 the Nebraska Behavioral Health Services Act and shall give due  
22 consideration to the plan as submitted by the task force. The  
23 division shall consult with the task force during implementation of  
24 the plan.

25 Sec. 6. Section 43-407, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 43-407 The Office of Juvenile Services shall design and

1 make available programs and treatment services ~~through the for~~  
2 juvenile offenders committed to youth rehabilitation and treatment  
3 centers for juvenile offenders. the Youth Rehabilitation and  
4 Treatment Center-Kearney or Youth Rehabilitation and Treatment  
5 Center-Geneva. Programs and treatment services shall be available  
6 at the Youth Rehabilitation and Treatment Center-Kearney or Youth  
7 Rehabilitation and Treatment Center-Geneva or through contracts  
8 with community-based nonprofit service providers. The programs and  
9 treatment services shall be based upon the individual or family  
10 evaluation process and treatment plan. The treatment plan shall  
11 be developed within fourteen days after admission. If the Youth  
12 Rehabilitation and Treatment Center-Kearney or Youth Rehabilitation  
13 and Treatment Center-Geneva is unable to provide the appropriate  
14 type or intensity of treatment services required by a juvenile in  
15 accordance with his or her treatment plan, the juvenile may be  
16 transferred to a program or facility where such treatment needs  
17 may be met. Community-based nonprofit service providers shall be  
18 utilized whenever possible and appropriate. Juveniles committed  
19 to the Youth Rehabilitation and Treatment Center-Kearney or Youth  
20 Rehabilitation and Treatment Center-Geneva who are transferred  
21 to alternative settings for treatment remain committed until  
22 paroled or discharged from the custody of the office. Programs  
23 and treatment services shall address:

24 (1) Behavioral impairments, severe emotional  
25 disturbances, sex offender behaviors, and other mental health or  
26 psychiatric disorders;

27 (2) Drug and alcohol addiction;

1 (3) Health and medical needs;

2 (4) Education, special education, and related services;

3 (5) Individual, group, and family counseling services as  
4 appropriate with any treatment plan related to subdivisions (1)  
5 through (4) of this section. Services shall also be made available  
6 for juveniles who have been physically or sexually abused;

7 (6) A case management and coordination process, designed  
8 to assure appropriate reintegration of the juvenile to his or  
9 her family, school, and community. This process shall follow  
10 individualized planning which shall begin at intake and evaluation.  
11 Structured programming shall be scheduled for all juveniles.  
12 This programming shall include a strong academic program as  
13 well as classes in health education, living skills, vocational  
14 training, behavior management and modification, money management,  
15 family and parent responsibilities, substance abuse awareness,  
16 physical education, job skills training, and job placement  
17 assistance. Participation shall be required of all juveniles if  
18 such programming is determined to be age and developmentally  
19 appropriate. The goal of such structured programming shall be to  
20 provide the academic and life skills necessary for a juvenile to  
21 successfully return to his or her home and community upon release;  
22 and

23 (7) The design and delivery of treatment programs ~~within~~  
24 through the youth rehabilitation and treatment centers as well  
25 as any licensing or certification requirements, and the office  
26 shall follow the requirements as stated within Title XIX and Title  
27 IV-E of the federal Social Security Act, as ~~amended~~, such act

1 existed on the effective date of this act, the Special Education  
2 Act, or other funding guidelines as appropriate. It is the intent  
3 of the Legislature that these funding sources shall be utilized  
4 to support service needs of eligible juveniles in residence at  
5 the youth rehabilitation and treatment centers- committed to  
6 the Youth Rehabilitation and Treatment Center-Kearney and Youth  
7 Rehabilitation and Treatment Center-Geneva.

8           Sec. 7. Sections 4 and 5 of this act terminate on June  
9 30, 2008.

10           Sec. 8. Original section 43-407, Reissue Revised Statutes  
11 of Nebraska, is repealed.

12           Sec. 9. Since an emergency exists, this act takes effect  
13 when passed and approved according to law.