

AMENDMENTS TO LB 928

(Amendments to Standing Committee amendments, AM2435)

Introduced by Flood, 19.

1 1. Insert the following new sections:

2 Sec. 12. Section 71-810, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 71-810 (1) The division shall encourage and facilitate
5 the statewide development and provision of an appropriate array of
6 community-based behavioral health services and continuum of care
7 for the purposes of (a) providing greater access to such services
8 and improved outcomes for consumers of such services and (b)
9 reducing the necessity and demand for regional center behavioral
10 health services.

11 (2) The division may reduce or discontinue regional
12 center behavioral health services only if (a) appropriate
13 community-based services or other regional center behavioral health
14 services are available for every person receiving the regional
15 center services that would be reduced or discontinued, (b) such
16 services possess sufficient capacity and capability to effectively
17 replace the service needs which otherwise would have been
18 provided at such regional center, and (c) no further commitments,
19 admissions, or readmissions for such services are required due
20 to the availability of community-based services or other regional
21 center services to replace such services.

22 (3) The division shall notify the Governor and the

1 Legislature of any intended reduction or discontinuation of
2 regional center services under this section. Such notice shall
3 include detailed documentation of the community-based services or
4 other regional center services that are being utilized to replace
5 such services. The Behavioral Health Oversight Commission ~~of the~~
6 ~~Legislature~~ shall review such documentation and shall report to
7 the Governor and the Health and Human Services Committee of the
8 Legislature whether, in its opinion, the requirements of subsection
9 (2) of this section have been met with respect to such intended
10 reduction or discontinuation of regional center services and shall
11 enumerate the criteria used by the commission in making such
12 determination.

13 (4) As regional center services are reduced or
14 discontinued under this section, the division shall make
15 appropriate corresponding reductions in regional center personnel
16 and other expenditures related to the provision of such services.
17 All funding related to the provision of regional center services
18 that are reduced or discontinued under this section shall be
19 reallocated and expended by the division for purposes related
20 to the statewide development and provision of community-based
21 services.

22 (5) The division may establish state-operated
23 community-based services to replace regional center services
24 that are reduced or discontinued under this section. The division
25 shall provide regional center employees with appropriate training
26 and support to transition such employees into positions as may be
27 necessary for the provision of such state-operated services.

1 (6) When the occupancy of the licensed psychiatric
2 hospital beds of any regional center reaches twenty percent or
3 less of its licensed psychiatric hospital bed capacity on March 15,
4 2004, the division shall notify the Governor and the Legislature of
5 such fact. Upon such notification, the division, with the approval
6 of a majority of members of the Executive Board of the Legislative
7 Council, may provide for the transfer of all remaining patients
8 at such center to appropriate community-based services or other
9 regional center services pursuant to this section and cease the
10 operation of such regional center.

11 (7) The division, in consultation with each regional
12 behavioral health authority, shall establish and maintain a data
13 and information system for all persons receiving state-funded
14 behavioral health services under the Nebraska Behavioral Health
15 Services Act. Information maintained by the division shall include,
16 but not be limited to, (a) the number of persons receiving regional
17 center services, (b) the number of persons ordered by a mental
18 health board to receive inpatient or outpatient treatment and
19 receiving regional center services, (c) the number of persons
20 ordered by a mental health board to receive inpatient or outpatient
21 treatment and receiving community-based services, (d) the number of
22 persons voluntarily admitted to a regional center and receiving
23 regional center services, (e) the number of persons waiting
24 to receive regional center services, (f) the number of persons
25 waiting to be transferred from a regional center to community-based
26 services or other regional center services, (g) the number of
27 persons discharged from a regional center who are receiving

1 community-based services or other regional center services, and
2 (h) the number of persons admitted to behavioral health crisis
3 centers. Each regional behavioral health authority shall provide
4 such information as requested by the division and necessary to
5 carry out this subsection. The division shall submit reports of
6 such information to the Governor and the Legislature on a quarterly
7 basis beginning July 1, 2005, in a format which does not identify
8 any person by name, address, county of residence, social security
9 number, or other personally identifying characteristic.

10 (8) The provisions of this section are self-executing and
11 require no further authorization or other enabling legislation.

12 Sec. 13. Section 71-818, Revised Statutes Cumulative
13 Supplement, 2006, is amended to read:

14 71-818 ~~(1)~~ (1)(a) The Behavioral Health Oversight
15 Commission ~~of the Legislature~~ is created. ~~The~~

16 (b) Until June 30, 2008, the commission shall consist
17 of not more than twenty-five members appointed by the chairperson
18 of the Health and Human Services Committee of the Legislature
19 and confirmed by a majority of members of the committee, and
20 members ~~Members~~ of the commission shall ~~(a)~~ (i) include, but
21 not be limited to, representatives of the Legislature, consumers
22 and consumer advocacy organizations, behavioral health providers,
23 the communities of Norfolk and Hastings, state employees,
24 regional behavioral health authorities, mental health boards, and
25 law enforcement, ~~(b)~~ (ii) possess a demonstrated interest and
26 commitment and specialized knowledge, experience, or expertise
27 relating to the provision of behavioral health services in the

1 State of Nebraska, and ~~(e)~~ (iii) be broadly representative of all
2 the behavioral health regions.

3 (c) Beginning on July 1, 2008, the members of the
4 commission shall possess a demonstrated interest and commitment and
5 specialized knowledge, experience, or expertise relating to the
6 provision of behavioral health services in the State of Nebraska,
7 and the commission shall consist of twelve members appointed
8 by the Governor as follows: (i) One consumer of behavioral
9 health services, (ii) one consumer advocate of behavioral
10 health services, (iii) three providers of community-based
11 behavioral health services, including one representative from each
12 congressional district, (iv) three regional behavioral health
13 authority administrators, including one from each congressional
14 district, (v) one representative of the Norfolk Regional Center,
15 (vi) one representative of the Lincoln Regional Center, (vii)
16 one representative of the city of Norfolk, and (viii) one
17 representative of the city of Hastings.

18 (d) Members of the commission shall serve without
19 compensation but shall be reimbursed from the Nebraska Health Care
20 Cash Fund for their actual and necessary expenses as provided in
21 sections 81-1174 to 81-1177.

22 ~~(2)~~ The (2) (a) Until June 30, 2008, the commission, under
23 the direction of and in consultation with the Health and Human
24 Services Committee of the Legislature, shall oversee and support
25 implementation of the Nebraska Behavioral Health Services Act and
26 shall administer such funds as appropriated by the Legislature from
27 the Nebraska Health Care Cash Fund for such purpose, and the ~~—~~

1 ~~The~~ commission may employ staff, enter into contracts, establish
2 and utilize task forces and subcommittees, and perform such other
3 activities as necessary and appropriate to carry out its duties
4 under this section.

5 (b) Beginning on July 1, 2008, the commission shall
6 be responsible to the division and shall oversee and support
7 implementation of the Nebraska Behavioral Health Services Act. To
8 carry out this duty, the commission shall (i) conduct regular
9 meetings, (ii) provide advice and assistance to the division
10 relating to the implementation of the act, (iii) promote the
11 interests of consumers and their families, (iv) provide reports as
12 requested by the division, and (v) engage in such other activities
13 as directed or authorized by the division.

14 (3) To assist the commission in its role of oversight,
15 the division shall provide the commission with a quarterly report
16 regarding the implementation of the Nebraska Behavioral Health
17 Services Act.

18 ~~(3)~~ (4) The commission and this section terminate on June
19 30, 2008-2009.

20 2. Renumber the remaining sections and correct internal
21 references accordingly.

22 3. Correct the operative date and repealer sections so
23 that the sections added by this amendment become operative on their
24 effective date with the emergency clause.