

AMENDMENTS TO LB 296

Introduced by Health and Human Services

1           1. Strike original sections 1 to 7 and insert the  
2 following sections:

3           Section 1. Sections 1 to 16 of this act shall be known  
4 and may be cited as the Health and Human Services System Act.

5           Sec. 2. The purposes of the Health and Human Services  
6 System Act are to (1) provide for the administration of publicly  
7 funded health and human services programs and services in the  
8 State of Nebraska through the Health and Human Services System;  
9 (2) transfer programs, services, and duties of the Department of  
10 Health and Human Services, the Department of Health and Human  
11 Services Regulation and Licensure, and the Department of Health  
12 and Human Services Finance and Support to a single state agency  
13 to be known as the Health and Human Services System; (3) create  
14 six departments within the Health and Human Services System; (4)  
15 require the appointment by the Governor of a single chief executive  
16 officer for the system, a director for each of the six departments  
17 of the system, and a chief medical officer; and (5) clarify the  
18 system's core missions, scope, functions, and responsibilities;  
19 ensure and improve accountability, collaboration, and coordination;  
20 and enhance services provided to Nebraskans by the system.

21           Sec. 3. Effective July 1, 2007, all programs, services,  
22 and duties of the Department of Health and Human Services, the  
23 Department of Health and Human Services Regulation and Licensure,

1 and the Department of Health and Human Services Finance and Support  
2 shall be transferred to the Health and Human Services System.

3           Sec. 4. The Health and Human Services System is created.  
4 The system shall have six departments to be known as (1) the  
5 Department of Behavioral Health, (2) the Department of Children and  
6 Family Services, (3) the Department of Developmental Disabilities,  
7 (4) the Department of Medicaid and Long-Term Care, (5) the  
8 Department of Public Health, and (6) the Department of Veterans'  
9 Homes.

10           Sec. 5. The Governor shall appoint the chief executive  
11 officer of the Health and Human Services System who shall have  
12 recognized and demonstrated knowledge and expertise in the delivery  
13 of publicly funded health and human services programs and services  
14 and administrative experience in an executive capacity. The chief  
15 executive officer shall report to the Governor and serve at the  
16 pleasure of the Governor. The chief executive officer shall be  
17 subject to confirmation by a majority vote of the members of the  
18 Legislature.

19           Sec. 6. (1) The Governor shall appoint a director for  
20 each department created in section 4 of this act who shall serve  
21 at the pleasure of the Governor and shall report to the chief  
22 executive officer. Each department director shall be subject to  
23 confirmation by a majority of the members of the Legislature.

24           (2) If the Director of Public Health is licensed to  
25 practice medicine and surgery in the State of Nebraska, he or  
26 she shall also be the chief medical officer. If the Director of  
27 Public Health is not licensed to practice medicine and surgery in

1 the State of Nebraska, the Governor shall appoint a chief medical  
2 officer in addition to the Director of Public Health. The chief  
3 medical officer shall be licensed to practice medicine and surgery  
4 in the State of Nebraska, shall serve at the pleasure of the  
5 Governor, and shall be subject to confirmation by a majority of the  
6 members of the Legislature.

7 (3) The chief medical officer shall perform duties under  
8 the Uniform Licensing Law enumerated in section 71-155.01 and  
9 shall be the final decisionmaker in contested cases of (a) health  
10 care facilities defined in the Health Care Facility Licensure Act  
11 arising under the act and sections 71-6042 and 81-604.03, (b)  
12 occupations defined in subdivisions (2) and (4) of section 71-6038,  
13 and (c) the Medication Aide Act.

14 Sec. 7. The responsibilities of the departments created  
15 in section 4 of this act include, but are not limited to, the  
16 following:

17 (1) The Department of Behavioral Health shall administer  
18 (a) the state hospitals for the mentally ill designated in section  
19 83-305 and (b) publicly funded community-based behavioral health  
20 services;

21 (2) The Department of Children and Family Services  
22 shall administer (a) protection and safety programs and services,  
23 including child welfare programs and services and the Office of  
24 Juvenile Services, (b) economic and family support programs and  
25 services, and (c) service areas as may be designated by the  
26 chief executive officer or by the Director of Children and Family  
27 Services under authority of the chief executive officer;

1           (3) The Department of Developmental Disabilities shall  
2 administer (a) the Beatrice State Developmental Center and  
3 (b) publicly funded community-based developmental disabilities  
4 services;

5           (4) The Department of Medicaid and Long-Term Care shall  
6 administer (a) the medical assistance program also known as  
7 medicaid, (b) aging services, and (c) other related programs  
8 and services;

9           (5) The Department of Public Health shall administer  
10 (a) preventive and community health programs and services, (b)  
11 the regulation and licensure of health-related professions and  
12 occupations, and (c) the regulation and licensure of health care  
13 facilities and health care services; and

14           (6) The Department of Veterans' Homes shall administer  
15 (a) the Eastern Nebraska Veterans' Home, (b) the Grand Island  
16 Veterans' Home, (c) the Norfolk Veterans' Home, and (d) the Western  
17 Nebraska Veterans' Home.

18           Sec. 18. Section 80-314, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           80-314 ~~The Division of Veterans Homes is created within~~  
21 ~~the Department of Health and Human Services. The Director of Health~~  
22 ~~and Human Services shall appoint a director of the division who~~  
23 ~~is responsible to the Director of Health and Human Services. The~~  
24 ~~department~~ Department of Veterans' Homes shall be responsible for  
25 the management and administration of the homes and the treatment of  
26 the members thereof, define the duties of the officers, fix their  
27 compensation, and adopt and promulgate rules and regulations. The

1 ~~division director~~ Director of Veterans' Homes and the Director of  
2 Veterans' Affairs ~~are jointly responsible for~~ shall jointly develop  
3 member grievance procedures, family support programs, volunteer  
4 support, policy, and internal standards. The Director of Veterans'  
5 Affairs shall have access to all confidential information relating  
6 to members' care.

7           2. On page 14, reinstate beginning with "The" in line  
8 2 through the first "the" in line 3 and after the reinstated  
9 "the" insert "chief executive officer of the system or his or her  
10 designee"; and reinstate beginning with "and" in line 4 through the  
11 period in line 5.

12           3. On page 15, line 16, strike "elected" and insert  
13 "selected".

14           4. On page 21, line 23, strike the new matter; after line  
15 23 insert

16           "(t) (i) The Director of Behavioral Health of the  
17 Department of Behavioral Health; (ii) the Director of Children and  
18 Family Services of the Department of Children and Family Services;  
19 (iii) the Director of Developmental Disabilities of the Department  
20 of Developmental Disabilities; (iv) the Director of Medicaid and  
21 Long-Term Care of the Department of Medicaid and Long-Term Care;  
22 (v) the Director of Public Health of the Department of Public  
23 Health; and (vi) the Director of Veterans' Homes of the Department  
24 of Veterans' Homes;"; in line 24 strike "(t)", show as stricken  
25 and insert "(u)"; and in line 26 after "act" insert ", the  
26 Administrator of the Office of Juvenile Services,".

27           5. On page 22, line 7, strike "(u)", show as stricken and

- 1 insert "(v)"; and in line 13 strike "(v)", show as stricken, and
- 2 insert "(w)".
- 3           6. On page 23, line 25, strike "and 81-3303" and insert
- 4 "81-3303, and 83-125".
- 5           7. Renumber the remaining sections and correct the
- 6 repealer accordingly.