

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 871**

Final Reading

Introduced by Gloor, 35.

Read first time January 06, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Nebraska Behavioral Health Services Act;  
2 to amend sections 71-806, 71-809, and 83-368, Reissue  
3 Revised Statutes of Nebraska; to provide for policies  
4 relating to financial eligibility of consumers and  
5 schedules of fees and copays; to harmonize provisions;  
6 and to repeal the original sections.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 71-806, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           71-806 (1) The division shall act as the chief behavioral  
4 health authority for the State of Nebraska and shall direct the  
5 administration and coordination of the public behavioral health  
6 system, including, but not limited to: (a) Administration and  
7 management of the division, regional centers, and any other  
8 facilities and programs operated by the division; (b) integration and  
9 coordination of the public behavioral health system; (c)  
10 comprehensive statewide planning for the provision of an appropriate  
11 array of community-based behavioral health services and continuum of  
12 care; (d) coordination and oversight of regional behavioral health  
13 authorities, including approval of regional budgets and audits of  
14 regional behavioral health authorities; (e) development and  
15 management of data and information systems; (f) prioritization and  
16 approval of all expenditures of funds received and administered by  
17 the division, including: The ~~the~~ establishment of rates to be paid;  
18 ~~and~~ reimbursement methodologies for behavioral health services;  
19 methodologies to be used by regional behavioral health authorities in  
20 determining a consumer's financial eligibility as provided in  
21 subsection (2) of section 71-809; and fees and copays to be paid by  
22 consumers of such services; (g) cooperation with the department in  
23 the licensure and regulation of behavioral health professionals,  
24 programs, and facilities; (h) cooperation with the department in the  
25 provision of behavioral health services under the medical assistance

1 program; (i) audits of behavioral health programs and services; and  
2 (j) promotion of activities in research and education to improve the  
3 quality of behavioral health services, recruitment and retention of  
4 behavioral health professionals, and access to behavioral health  
5 programs and services.

6 (2) The department shall adopt and promulgate rules and  
7 regulations to carry out the Nebraska Behavioral Health Services Act.

8 Sec. 2. Section 71-809, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 71-809 (1) Each regional behavioral health authority  
11 shall be responsible for the development and coordination of publicly  
12 funded behavioral health services within the behavioral health region  
13 pursuant to rules and regulations adopted and promulgated by the  
14 department, including, but not limited to, (a) administration and  
15 management of the regional behavioral health authority, (b)  
16 integration and coordination of the public behavioral health system  
17 within the behavioral health region, (c) comprehensive planning for  
18 the provision of an appropriate array of community-based behavioral  
19 health services and continuum of care for the region, (d) submission  
20 for approval by the division of an annual budget and a proposed plan  
21 for the funding and administration of publicly funded behavioral  
22 health services within the region, (e) submission of annual reports  
23 and other reports as required by the division, (f) initiation and  
24 oversight of contracts for the provision of publicly funded  
25 behavioral health services, and (g) coordination with the division in

1 conducting audits of publicly funded behavioral health programs and  
2 services.

3 (2) Each regional behavioral health authority shall adopt  
4 a policy for use in determining the financial eligibility of all  
5 consumers and shall adopt a uniform schedule of fees and copays,  
6 based on the policy and schedule developed by the division, to be  
7 assessed against consumers utilizing community-based behavioral  
8 health services in the region. The methods used to determine the  
9 financial eligibility of all consumers shall take into account  
10 taxable income, the number of family members dependent on the  
11 consumer's income, liabilities, and other factors as determined by  
12 the division. The policy and the schedule of fees and copays shall be  
13 approved by the regional governing board and included with the budget  
14 plan submitted to the division annually. Providers shall charge fees  
15 consistent with the schedule of fees and copays in accordance with  
16 the financial eligibility of all consumers but not in excess of the  
17 actual cost of the service. Each regional behavioral health authority  
18 shall assure that its policy and schedule of fees and copays are  
19 applied uniformly by the providers in the region.

20 ~~(2)~~(3) Except for services being provided by a regional  
21 behavioral health authority on July 1, 2004, under applicable state  
22 law in effect prior to such date, no regional behavioral health  
23 authority shall provide behavioral health services funded in whole or  
24 in part with revenue received and administered by the division under  
25 the Nebraska Behavioral Health Services Act unless:

1           (a) There has been a public competitive bidding process  
2 for such services;

3           (b) There are no qualified and willing providers to  
4 provide such services; and

5           (c) The regional behavioral health authority receives  
6 written authorization from the director and enters into a contract  
7 with the division to provide such services.

8           ~~(3)~~(4) Each regional behavioral health authority shall  
9 comply with all applicable rules and regulations of the department  
10 relating to the provision of behavioral health services by such  
11 authority, including, but not limited to, rules and regulations which  
12 (a) establish definitions of conflicts of interest for regional  
13 behavioral health authorities and procedures in the event such  
14 conflicts arise, (b) establish uniform and equitable public bidding  
15 procedures for such services, and (c) require each regional  
16 behavioral health authority to establish and maintain a separate  
17 budget and separately account for all revenue and expenditures for  
18 the provision of such services.

19           Sec. 3. Section 83-368, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           83-368 ~~The~~Except as provided in section 71-809, the  
22 department shall determine the ability of a patient to pay by  
23 consideration of the following factors: (1) Taxable income reportable  
24 under Nebraska law; (2) the patient's age; (3) the number of his or  
25 her dependents and their ages and mental and physical conditions; (4)

1 the patient's length of care or treatment; (5) his or her  
2 liabilities; and (6) his or her assets including health insurance  
3 coverage.

4           Sec. 4. Original sections 71-806, 71-809, and 83-368,  
5 Reissue Revised Statutes of Nebraska, are repealed.