

# **One Hundred Fourth Legislature - Second Session - 2016**

## **Introducer's Statement of Intent**

### **LB985**

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**Chairperson: Senator Kathy Campbell**

**Committee: Health and Human Services**

**Date of Hearing: February 11, 2016**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

The Legislature created six Behavioral Health Regions to provide a network through which State funds flow to pay for community based behavioral health services for people who cannot afford health insurance and do not qualify for Medicaid. Each Region operates under the governance of its own independent board, the members of which are locally elected county board members that are appointed by the county boards on which they serve and are located within each Region.

The Legislature appropriated nearly \$100 million dollars for the current biennium to fund numerous contracts the Behavioral Health Regions have with behavioral and mental health providers who agree to provide in a mostly discretionary manner necessary facilities and services for people living within the Regions. Each board has its own set of administrative procedures related to those funds and operate with little oversight from the State. The disbursement of the funds appears to be largely discretionary action by an appointed administrator with very little practical supervision. Although Behavioral Health Regions are public agencies that are allocating significant amounts of public funds they are not required to detail basic information about administrative operations in reports that are readily available to the public.

LB985 would require the Regions to prepare reports detailing their operations, which is in keeping with similar requirements for most public agencies. The purpose for reporting requirements is to provide the public easy access to information regarding such things as: who is administering public funds and/or managing public contracts and what the qualifications and compensation are to do so; what the funds are to be used for and the assurances are that they are used as intended; when funds are to be expended and how they are expended; and where the funds are expended and why.

The facilities and services provided through the Behavioral health regions were the subject of LR295 (2015), introduced by Senator Bolz, regarding the intersection of the behavioral health system and the correctional system. LR295 was introduced to follow up on a finding in the LR434 (2014) Special Investigate Committee for the Department of Corrections Report that there seemed to be an inordinately large number of inmates with mental illness incarcerated in State prison facilities. The LR34 (2015) Special Investigative Committee for the Department of Corrections held a public hearing on LR295, during which it became evident that there is and has been a long standing disconnect between State and Behavioral Health Regions, on the one hand, and local law enforcement and county attorneys on the other, regarding the inadequacy of facilities and services for people deemed to be a danger to the themselves or others and placed under Emergency Protective Custody (EPC) by law enforcement for evaluation pending mental health board proceedings. Testifiers stated that in many cases facilities under contract with the Regions to care for EPC detainees refuse to take those who are particularly combative and belligerent,

leaving law enforcement no other choice than to charge a criminal violation and place the mentally ill in jail in order to protect both public safety and the safety of the mentally ill.

While requiring Regions to report on their administrative operations is not a solution to bridging behavioral health service gaps LB985 would ensure that information regarding the Regions' administrative operations are readily available to the public for purposes of independent evaluation related to the adequacy and effectiveness of the behavioral health system, and may provide the basis for long term reform of the behavioral health system.

**Principal Introducer:** \_\_\_\_\_

Senator Paul Schumacher