

**Legislative Performance Audit Committee
2018 Regulations Report**

1. Agency: Nebraska Department of Correctional Services
2. Were any bills passed **in 2018** that will require your agency to promulgate regulations?
 - Yes
 - No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

Year Passed	Bill Number	Subject of Regulation
2018		
2018		
2018		
2018		
2018		

3. Were any bills passed **in 2017** that required your agency to promulgate regulations?
 - Yes
 - No (If no, go to question 5.)

If yes, what is the bill number, effective date of the bill, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Effective Date of Bill	Date of Public Hearing	Status of Regulation
2017					
2017					
2017					
2017					
2017					

4. Did any of the bills passed **in 2017** have an appropriation?

Yes

No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2017		
2017		
2017		
2017		
2017		

5. Does your agency have any regulations required by bills passed **prior to 2016** that have not yet gone into effect?

Yes

No (If no, go to question 8.)

If yes, what is the bill number, year passed, effective date of the bill, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Effective Date of Bill	Date of Public Hearing	Status of Regulation
2015	LB 605	Medicaid suspension			(See question 6)

6. For any bill your agency listed in question 5, please explain why the regulation has not been promulgated. If an explanation was provided in the question five table simply write “see above explanation”.

Year Passed	Bill Number	Explanation for Timeframe of Promulgation
2015	LB 605	NDCS, in consultation with the Department of Health and Human Services, has fully implemented and is in full compliance with the Medicaid suspension process enacted by LB 605 and now codified in Neb. Rev. Stat. § 47-706. The statutory provisions of § 47-706 establish a comprehensive and detailed regulatory scheme that governs the Medicaid suspension process for inmates—so comprehensive and detailed that everything included in the proposed rules is already included in § 47-706. Thus, to the extent the rules are identical to existing law and because § 47-706 is so thoroughly prescriptive that it leaves nothing for NDCS to regulate, rules are not needed. The agency will seek repeal of the rulemaking requirement in the 2019 session.

7. Did any of the bills passed **prior to 2016** have an appropriation?

- Yes
 No

If yes, how has the agency used the funds while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status

8. Who should our office contact with questions about this report?

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