

**ONE HUNDRED FIFTH LEGISLATURE - SECOND SESSION - 2018**  
**COMMITTEE STATEMENT**  
**LB344**

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**Hearing Date:** Wednesday March 01, 2017  
**Committee On:** Health and Human Services  
**Introducer:** Albrecht  
**One Liner:** Change credentialing and regulation of mental health substance abuse centers

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 7 Senators Crawford, Erdman, Howard, Kolterman, Linehan, Riepe, Williams  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Verbal Testimony:**

**Proponents:**

Senator Joni Albrecht  
Director Sheri Dawson  
Dr. Tom Williams  
Nicole Fox

**Representing:**

Introducer  
DHHS  
DHHS  
Platte Institute

**Opponents:**

Alena Balasanova

**Representing:**

Nebraska Medical Association; Nebraska Psychiatric Society

**Neutral:**

Jerome Barry  
Jennifer Carter

**Representing:**

NABHO  
Food Bank of the Heartland; Food Bank of Lincoln

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**Summary of purpose and/or changes:**

LB 344 combines the separate Mental Health Center and the Substance Abuse Treatment Center statutes into one health care facility type that can provide both mental health and substance abuse treatment services.

**SECTION BY SECTION:**

Section (1): Amends Section 28-401 to add substance use treatment for mental health centers to definition of "long-term care facility."

Section (2): Amends Section 38-319 to allow the Department of Health and Human Services to issue a license to an individual holding current license or certification from another jurisdiction once certain requirements are met.

Section (3): Amends Section 38-321 to eliminate conflict provisions regarding rules and regulations for certified alcohol and drug counselors.

Section (4): Amends Section 38-2104 to add education and training accredited by an agency listed within section.

Section (5): Amends Section 38-2117 to add approved educational program to definition of "mental health program."

Section (6): Amends Section 38-2122 to add doctoral degree or equivalent of a master's degree as determined by the Board to be qualified as a licensed mental health practitioner. Strikes five year requirement for accumulation of hours to

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be completed post degree.

Section (7): Amends Section 38-2123 to add doctoral degree or equivalent of a master's degree as determined by the Board to be qualified as a provisional licensed mental health practitioner. Provisional mental health practitioner will not be required to have a supervisor at the time of license application; however, provisional practitioner must provide Department with supervisor information within thirty days of beginning employment.

Section (8): Amends Section 38-2124 to strike time frame for when experience needs to be obtained.

Section (9): Amends Section 38-2125 to add additional options for licensure based on another jurisdiction.

Section (10): Amends Section 38-2826.01 to add substance use treatment for mental health centers to definition of "long-term care facility."

Section (11): Amends Section 44-772 to replace definition from "substance abuse treatment center" with "mental health substance use treatment center." Strikes reference from 71-430 to 71-423 and supporting language.

Section (12): Amends Section 44-776 to add mental health substance use treatment center to definition for "primary treatment."

Section (13): Amends Section 44-777 to strike substance abuse treatment center from "outpatient treatment" definition.

Section (14): Amends Section 44-793 to add mental health substance use treatment center to coverage requirements if a health plan provides coverage for serious mental illness.

Section (15): Amends Section 68-1017.02 of the Supplemental Nutrition Assistance Program for requirements to be eligible for a person with one or two felony convictions to add since date of conviction and strikes state licensed or nationally accredited. Adds the treatment program must be nationally accredited or provided in a mental health substance use treatment center licensed under the Health Care Facility Licensure Act.

Section (16): Amends Section 71-401 to add additional sections to the Health Care Facility Licensure Act.

Section (17): Amends Section 71-403 to add additional section to definitions for the Health Care Facility Licensure Act.

Section (18): Amends Section 71-413 to add mental health substance use treatment center to definition for "health care facility". Strikes substance abuse treatment center.

Section (19): Amends Section 71-423 to redefine "mental health center" to "mental health substance use treatment center."

Section (20): Defines "mental illness."

Section (21): Amends Section 71-430 to strike definition of "substance abuse treatment center," program inclusion and section definition of "substance abuse." Add definition of "substance use disorder."

Section (22): Adds requirements for health care facility applying for a mental health substance abuse treatment center license.

Section (23): Amends Section 71-2411 of the Emergency Drug Box Act to add mental health substance use treatment center to definition of "long-term care facility."

Section (24): Amends Section 71-2445 of the Automated Medication System Act to add mental health substance use treatment center to definition of "long-term care facility."

Section (25): Amends Section 77-2704.12 to add mental health substance use treatment center under the Health Care Facility Licensure Act to exemptions from the sales and use taxes. Strikes substance abuse treatment center licensed under the Health Care Facility Licensure Act.

Section (26): Repeals sections 28-401, 38-319, 38-321, 38-2104, 26 38-2117, 38-2122, 38-2123, 38-2124, 38-2125, 38-2826.01, 44-772, 44-776, 44-777, 44-793, 71-423, 71-430, 68-1017.02, 71-401, 71-403, 71-413, 71-2411, 71-2445, and 77-2704.12.

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### **Explanation of amendments:**

AM 1453 accomplishes the following:

Section 7: Strikes requirement that provisional practitioner must provide the Department of Health and Human Services with supervisor information within thirty days of beginning employment.

Strikes original sections 11-15 and replaces it with new section 11. New section 11 amends Section 44-7772 to remove reference from Section 71-430 to 71-423 and supporting language.

Section 21: Strikes definition of "substance use disorder" and replaces it with new definition of "substance use disorder."

Section 22: Strikes "only" and "admit only persons with" and insert "treat persons who primary need is treatment for."

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Merv Riepe, Chairperson