

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 680

Introduced by Krist, 10.

Read first time January 03, 2018

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to behavioral health services; to adopt the
- 2 Interstate Placement for Involuntarily Admitted Patients Agreement
- 3 Act.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. This act shall be known and may be cited as the
2 Interstate Placement for Involuntarily Admitted Patients Agreement Act.

3 Sec. 2. For purposes of the Interstate Placement for Involuntarily
4 Admitted Patients Agreement Act:

5 (1) Authorized state means Iowa, South Dakota, Wyoming, Colorado,
6 Kansas, Missouri, or Minnesota;

7 (2) Behavioral health services has the definition found in section
8 71-804;

9 (3) Health care facility has the definition found in section 71-413;

10 (4) Receiving agency means a public or private health care facility
11 which provides behavioral health services under the act to individuals
12 from a state other than the state in which the facility is located;

13 (5) Receiving state means the state in which a receiving agency is
14 located;

15 (6) Region means a behavioral health region established pursuant to
16 section 71-807;

17 (7) Sending agency means a state or county agency which sends an
18 individual to an authorized state for behavioral health services under
19 the act; and

20 (8) Sending state means the state in which the sending agency is
21 located.

22 Sec. 3. (1) The purpose of the Interstate Placement for
23 Involuntarily Admitted Patients Agreement Act is to enable appropriate
24 behavioral health services to be provided to individuals, across state
25 lines from the individual's state of residence, in qualified health care
26 facilities that are closer to the homes of individuals than are health
27 care facilities available in the individual's home state.

28 (2) Unless prohibited by another law and subject to the exceptions
29 listed in section 4 of this act, a region or the chief executive officer
30 of the Department of Health and Human Services may contract with a health
31 care facility in an authorized state for behavioral health services for

1 residents of Nebraska, and a health care facility in Nebraska may
2 contract to provide behavioral health services to residents of authorized
3 states. Except as provided in section 6 of this act, a person who
4 receives behavioral health services in another state under the act is
5 subject to the laws of the state in which the services are provided. A
6 person who will receive behavioral health services in another state under
7 the act shall be informed of the consequences of receiving the services
8 in another state, including the implications of the differences in state
9 laws, to the extent the individual will be subject to the laws of the
10 receiving state.

11 Sec. 4. A contract may not be entered into under the Interstate
12 Placement for Involuntarily Admitted Patients Agreement Act for
13 behavioral health services for persons who:

- 14 (1) Are serving a sentence after conviction of a criminal offense;
15 (2) Are on probation or parole;
16 (3) Are the subject of a presentence investigation; or
17 (4) Have been committed involuntarily in Nebraska under the Nebraska
18 Mental Health Commitment Act except as provided in section 6 of this act.

19 Sec. 5. Contracts entered into under the Interstate Placement for
20 Involuntarily Admitted Patients Agreement Act shall, at a minimum:

- 21 (1) Describe the behavioral health services to be provided;
22 (2) Establish responsibility for the costs of the services;
23 (3) Establish responsibility for the costs of transporting
24 individuals receiving the services under the act;
25 (4) Specify the duration of the contract;
26 (5) Specify the means of terminating the contract;
27 (6) Specify the terms and conditions for refusal to admit or retain
28 an individual; and
29 (7) Identify the goals to be accomplished by the placement of an
30 individual under the act.

31 Sec. 6. (1) An individual who is detained, committed, or placed on

1 an involuntary basis under the Nebraska Mental Health Commitment Act may
2 be confined or treated in an authorized state pursuant to a contract
3 under the Interstate Placement for Involuntarily Admitted Patients
4 Agreement Act. An individual who is detained, committed, or placed on an
5 involuntary basis under the civil law of an authorized state may be
6 confined or treated in Nebraska pursuant to a contract under the act. A
7 peace or health officer who is acting under the authority of the sending
8 state may transport an individual to a receiving agency that provides
9 behavioral health services pursuant to a contract under the act and may
10 transport the individual back to the sending state under the laws of the
11 sending state. Court orders valid under the laws of the sending state are
12 granted recognition and reciprocity in the receiving state for
13 individuals covered by a contract under the act to the extent that the
14 court orders relate to confinement for treatment or care of a person who
15 is mentally ill as defined in section 71-907. Such treatment or care may
16 address other conditions that may be co-occurring with the mental
17 illness. These court orders are not subject to legal challenge in the
18 courts of the receiving state. Individuals who are detained, committed,
19 or placed under the law of a sending state and who are transferred to a
20 receiving state under the act continue to be in the legal custody of the
21 authority responsible for them under the law of the sending state. Except
22 in emergencies, those individuals may not be transferred, removed, or
23 furloughed from a receiving agency without the specific approval of the
24 authority responsible for them under the law of the sending state.

25 (2) While in the receiving state pursuant to a contract under the
26 act, an individual shall be subject to the sending state's laws and rules
27 relating to length of confinement, reexaminations, and extensions of
28 confinement. No individual may be sent to another state pursuant to a
29 contract under the act until the receiving state has enacted a law
30 recognizing the validity and applicability of the act.

31 (3) If an individual receiving behavioral health services pursuant

1 to a contract under the act leaves the receiving agency without
2 permission and the individual is subject to involuntary confinement under
3 the law of the sending state, the receiving agency shall use all
4 reasonable means to return the individual to the receiving agency. The
5 receiving agency shall immediately report the absence to the sending
6 agency. The receiving state has the primary responsibility for, and the
7 authority to direct, the return of these individuals within its borders
8 and is liable for the cost of the action to the extent that it would be
9 liable for costs of its own residents.

10 (4) Responsibility for payment for the cost of care remains with the
11 sending agency.

12 (5) This section also applies to contracts entered into by regions
13 under section 3 of this act which include emergency care and treatment
14 provided to a resident of the region in an authorized state.

15 (6) If a Nebraska resident is admitted to a health care facility in
16 an authorized state under the Interstate Placement for Involuntarily
17 Admitted Patients Agreement Act, a mental health practitioner, who is
18 licensed in the authorized state, may act as a mental health professional
19 under the Nebraska Mental Health Commitment Act. Such mental health
20 practitioner may initiate an emergency hold under the Nebraska Mental
21 Health Commitment Act on a Nebraska resident who is in a health care
22 facility that is under contract with a Nebraska governmental entity under
23 the Interstate Placement for Involuntarily Admitted Patients Agreement
24 Act if the resident, in the opinion of the mental health practitioner,
25 meets the criteria in the Nebraska Mental Health Commitment Act.

26 (7) The Interstate Placement for Involuntarily Admitted Patients
27 Agreement Act shall apply to behavioral health services that are
28 unrelated to treatment whether the services are provided on a voluntary
29 or involuntary basis.