

PREPARED BY: Nikki Swope  
 DATE PREPARED: March 10, 2020  
 PHONE: 402-471-0042

# LB 247

Revision: 01

As revised with amendment 2206

## FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2020-21</b>		<b>FY 2021-22</b>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	0		0	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<b>0</b>		<b>0</b>	

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

LB 247 is to implement mental health advanced directives and is cited as the Advance Mental Health Care Directives Act. AM2206 makes changes relating to the provisions of the original bill and adds new sections. New sections are as follows. Provides for liability limitations for health professionals (section 14); provides a form for the directive and provides for DHHS to adopt and promulgate rules and regulations to provide information to the public regarding the Advance Mental Health Care Directives Act (section 15); includes mental health care in the definition of health care (section 16); limits witnesses to a health care power of attorney (section 17); limits who can be an attorney in fact (section 18); amends the health care power of attorney form to include the mental health directive (section 19); and includes mental health directives in limits of liability for attorneys in fact (section 20).

The bill has minimal, if any, fiscal impact to the University of Nebraska system, including the University of Nebraska Medical Center. Any cost associated with carrying out the act would be minimal and would have no significant impact on the Department of Health and Human Services.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 247 AM: 2206	AGENCY/POLT. SUB: University of Nebraska (NU)	
REVIEWED BY: Elton Larson	DATE: 2/13/2020	PHONE: (402) 471-4173
COMMENTS: No basis to disagree with NU analysis and estimate of no fiscal impact.		

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

Prepared by: (3) Mike Michalski

Date Prepared 2-11-2020

Phone: (5) 471-6719

	<u>FY 2020-2021</u>		<u>FY 2021-2022</u>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
<b>GENERAL FUNDS</b>				
<b>CASH FUNDS</b>				
<b>FEDERAL FUNDS</b>				
<b>OTHER FUNDS</b>				
<b>TOTAL FUNDS</b>				
		\$0		\$0

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

**Explanation of Estimate:**

LB 247 as amended by AM2206 proposes to implement mental health advanced directives. The directive is intended to impact unnecessary involuntary commitment and incarceration, improve safety, and enable a person to exercise control of their treatment. It also provides that DHHS may adopt regulations to provide more information to the public regarding the advance Mental Health Care Directives Act. It does require DHHS to publish the form in the amendment on its web site for use by the public.

Any costs associated with publishing a form or having a link on the website would be minimal. Therefore, there is no fiscal impact to the Department of Health and Human Services.

**MAJOR OBJECTS OF EXPENDITURE**

PERSONAL SERVICES:	NUMBER OF POSITIONS		2020-2021	2021-2022
	POSITION TITLE	20-21	21-22	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital Outlay.....				
Aid.....				
Capital Improvements.....				
<b>TOTAL.....</b>				
			\$0	\$0

Please complete ALL (5) blanks in the first three lines.

**2020**

**LB<sup>(1)</sup> 247 AM 2206**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> University of Nebraska

Prepared by: <sup>(3)</sup> Michael Justus Date Prepared: <sup>(4)</sup> February 17 2020 Phone: <sup>(5)</sup> 402-472-7109

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2020-21</u>		<u>FY 2021-22</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
<b>TOTAL FUNDS</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>

Explanation of Estimate:

LB247, Advance Mental Health Care Directives, as amended with AM2206, if passed would have minimal, if any, fiscal impact on the University.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2020-21</u>	<u>2021-22</u>
	<u>20-21</u>	<u>21-22</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
<b>TOTAL.....</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>