

AMENDMENTS TO LB428

Introduced by Health and Human Services.

1           1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:

3           Section 1. Section 43-404, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:

5           43-404 (1) There is created within the Department of Health and  
6 Human Services the Office of Juvenile Services. The office shall have  
7 oversight and control of the youth rehabilitation and treatment centers.  
8 The Administrator of the Office of Juvenile Services shall be appointed  
9 by the chief executive officer of the department or his or her designee  
10 and shall be responsible for the administration of the facilities and  
11 programs of the office. The department may subcontract with a state  
12 agency or private provider to provide services related to the facilities  
13 and programs of the Office of Juvenile Services.

14           (2)(a) At least one hundred twenty days prior to implementing any  
15 substantial changes to the facilities or programs under the jurisdiction  
16 of the Office of Juvenile Services, the Department of Health and Human  
17 Services shall notify the Legislature of such intended substantial  
18 changes. The notification shall be submitted electronically. The  
19 notification shall include a detailed summary of the proposed changes.

20           (b) For purposes of this subsection, substantial changes are defined  
21 as:

22           (i) The establishment of a new youth rehabilitation and treatment  
23 center;

24           (ii) The relocation of a youth rehabilitation and treatment program  
25 to another state-operated or private facility;

26           (iii) The establishment of a youth rehabilitation and treatment  
27 program at another state-operated or private facility; or

1        (iv) The closure or termination of a youth rehabilitation and  
2 treatment center, program, or facility.

3        (c) Nothing in this subsection shall be construed to limit or  
4 prevent the Department of Health and Human Services from acting in  
5 accordance with sections 43-428 to 43-430 in the event of an emergency.

6        Sec. 2. Section 68-1213, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8        68-1213 If the pilot project described in section 68-1212 is  
9 extended by the Department of Health and Human Services, an evaluation of  
10 the pilot project shall be completed by the Legislature prior to December  
11 31, 2021 ~~2014~~. The Legislature shall utilize all necessary resources,  
12 including the hiring of a consultant if deemed necessary. The department  
13 and any child welfare entity which has contracted with the department  
14 shall provide all data and information to the Legislature to assist in  
15 the evaluation.

16        Sec. 3. Section 83-102, Revised Statutes Cumulative Supplement,  
17 2020, is amended to read:

18        83-102 (1) Youth rehabilitation and treatment centers shall be  
19 operated to provide programming and services to rehabilitate and treat  
20 juveniles committed under the Nebraska Juvenile Code. Each youth  
21 rehabilitation and treatment center shall be considered a separate  
22 placement. Each youth rehabilitation and treatment center shall provide:

23        (a) Safe and sanitary space for sleeping, hygiene, education,  
24 programming, treatment, recreation, and visitation for each juvenile;

25        (b) Health care and medical services;

26        (c) Appropriate physical separation and segregation of juveniles  
27 based on gender;

28        (d) Sufficient staffing to comply with state and federal law and  
29 protect the safety and security of each juvenile;

30        (e) Training that is specific to the population being served at the  
31 youth rehabilitation and treatment center;

1 (f) A facility administrator for each youth rehabilitation and  
2 treatment center who has the sole responsibility for administration of a  
3 single youth rehabilitation and treatment center;

4 (g) An evaluation process for the development of an individualized  
5 treatment plan within fourteen days after admission to the youth  
6 rehabilitation and treatment center;

7 (h) An age-appropriate and developmentally appropriate education  
8 program for each juvenile that can award relevant and necessary credits  
9 toward high school graduation that will be accepted by any public school  
10 district in the State of Nebraska. Juveniles committed to the youth  
11 rehabilitation and treatment centers are entitled to receive an  
12 appropriate education equivalent to educational opportunities offered  
13 within the regular settings of public school districts across the State  
14 of Nebraska ~~the juvenile's home school district;~~

15 (i) A case management and coordination process, designed to assure  
16 appropriate reintegration of the juvenile with his or her family, school,  
17 and community;

18 (j) Compliance with the requirements stated in Title XIX and Title  
19 IV-E of the federal Social Security Act, as such act existed on January  
20 1, 2020, the Special Education Act, or other funding guidelines as  
21 appropriate;

22 (k) Research-based or evidence-based programming for all juveniles  
23 that includes a strong academic program and classes in health education,  
24 living skills, vocational training, behavior management and modification,  
25 money management, family and parent responsibilities, substance use  
26 awareness, physical education, job skills training, and job placement  
27 assistance; and

28 (l) Research-based or evidence-based treatment service for  
29 behavioral impairment, severe emotional disturbance, sex offender  
30 behavior, other mental health or psychiatric disorder, drug and alcohol  
31 addiction, physical or sexual abuse, and any other treatment indicated by

1 a juvenile's individualized treatment plan.

2 (2) Each youth rehabilitation and treatment center shall be  
3 accredited by a nationally recognized entity that provides accreditation  
4 for juvenile facilities and shall maintain accreditation as provided in  
5 section 79-703 to provide an age-appropriate and developmentally  
6 appropriate education program.

7 (3) Each youth rehabilitation and treatment center shall  
8 electronically submit a report of its activities for the preceding fiscal  
9 year to the Clerk of the Legislature on or before July 15 of each year  
10 beginning on July 15, 2021. The annual report shall include, but not be  
11 limited to, the following information:

12 (a) Data on the population served, including, but not limited to,  
13 admissions, average daily census, average length of stay, race, and  
14 ethnicity;

15 (b) An overview of programming and services; and

16 (c) An overview of any facility issues or facility improvements.

17 Sec. 4. Section 83-106, Revised Statutes Cumulative Supplement,  
18 2020, is amended to read:

19 83-106 (1) The Department of Health and Human Services shall  
20 contract for the completion of ~~may conduct~~ a needs assessment and cost  
21 analysis for the establishment of an inpatient adolescent psychiatric  
22 unit housed within the Lincoln Regional Center. ~~The~~ If the department  
23 ~~chooses to conduct such needs assessment and cost analysis,~~ the  
24 department shall contract with an outside consultant with expertise in  
25 needs assessment and cost analysis of health care facilities within sixty  
26 days after the effective date of this act for the purpose of conducting  
27 such assessment and analysis.

28 (2) ~~The~~ If a needs assessment and cost analysis is conducted by the  
29 ~~department,~~ the department shall submit a report electronically to the  
30 Health and Human Services Committee of the Legislature and the Clerk of  
31 the Legislature on or before December 15, 2021 ~~ninety days after the~~

1 ~~completion of such needs assessment and cost analysis.~~ Such report shall  
2 contain the following information:

3 (a) A needs assessment, including the number of adolescents expected  
4 to use such inpatient adolescent psychiatric unit;

5 (b) The cost of opening an existing facility at the Lincoln Regional  
6 Center for use as an inpatient adolescent psychiatric unit;

7 (c) The cost of reopening the facility at the Lincoln Regional  
8 Center, including the costs for necessary construction, upgrades, or  
9 repairs;

10 (d) Annual operating costs of such unit, including, but not limited  
11 to, any federal funds available to operate the unit in addition to  
12 General Fund appropriations; and

13 (e) Cost savings realized by moving adolescents from out-of-state  
14 institutions back to Nebraska for treatment at such unit.

15 (3) For purposes of this section, adolescent means a person under  
16 the jurisdiction of the juvenile court.

17 Sec. 5. Section 83-107.01, Revised Statutes Cumulative Supplement,  
18 2020, is amended to read:

19 83-107.01 (1) The official names of the state institutions under the  
20 supervision of the Department of Health and Human Services shall be as  
21 follows: (a) Beatrice State Developmental Center, (b) Lincoln Regional  
22 Center, (c) Norfolk Regional Center, (d) Hastings Regional Center, (e)  
23 Youth Rehabilitation and Treatment Center-Kearney, and (f) Youth  
24 Rehabilitation and Treatment Center-Geneva.

25 (2)(a) This subsection applies beginning July 1, 2021.

26 (b) Except as provided in subdivision (2)(e) of this section, so  
27 long as the department operates the Youth Rehabilitation and Treatment  
28 Center-Kearney, such institution shall be used for the treatment of boys  
29 only.

30 (c) Except as provided in subdivision (2)(e) of this section, so  
31 long as the department operates the Youth Rehabilitation and Treatment

1 Center-Geneva, such institution shall be used for the treatment of girls  
2 only.

3 (d) For any other facility operated and utilized as a youth  
4 rehabilitation and treatment center in compliance with state law, the  
5 department shall ensure safe and appropriate gender separation.

6 (e) In the event of an emergency, the department may use either the  
7 Youth Rehabilitation and Treatment Center-Kearney or the Youth  
8 Rehabilitation and Treatment Center-Geneva for the treatment of juveniles  
9 of both genders for up to seven days. During any such use the department  
10 shall ensure safe and appropriate gender separation.

11 (f) For purposes of this section, emergency means a public health  
12 emergency or a situation including fire, flood, tornado, natural  
13 disaster, or damage to the institution that renders an institution  
14 uninhabitable. Emergency does not include inadequate staffing.

15 (3) It is the intent of the Legislature that no institution under  
16 the supervision of the Department of Health and Human Services at which  
17 the department provides inpatient or subacute substance abuse or  
18 behavioral health residential treatment for juveniles under the  
19 jurisdiction of a juvenile court shall delay such treatment to a juvenile  
20 when such treatment has been determined necessary under subsection (2) of  
21 section 43-407 or has been ordered by a juvenile court.

22 Sec. 6. Sections 1, 3, 5, and 7 of this act become operative three  
23 calendar months after adjournment of this legislative session. The other  
24 sections of this act become operative on their effective date.

25 Sec. 7. Original sections 43-404, 83-102, and 83-107.01, Revised  
26 Statutes Cumulative Supplement, 2020, are repealed.

27 Sec. 8. Original section 68-1213, Reissue Revised Statutes of  
28 Nebraska, and section 83-106, Revised Statutes Cumulative Supplement,  
29 2020, are repealed.

30 Sec. 9. Since an emergency exists, this act takes effect when  
31 passed and approved according to law.