

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 276

FINAL READING

Introduced by Wishart, 27; Hunt, 8; Day, 49; Vargas, 7; Blood, 3;
Fredrickson, 20.

Read first time January 10, 2023

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Nebraska Behavioral Health Services
2 Act; to amend section 71-801, Revised Statutes Cumulative
3 Supplement, 2022; to adopt the Certified Community Behavioral Health
4 Clinic Act; to harmonize provisions; to repeal the original section;
5 and to declare an emergency.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-801, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 71-801 Sections 71-801 to 71-830 and the Certified Community
4 Behavioral Health Clinic Act shall be known and may be cited as the
5 Nebraska Behavioral Health Services Act.

6 Sec. 2. Sections 2 to 7 of this act shall be known and may be cited
7 as the Certified Community Behavioral Health Clinic Act.

8 Sec. 3. The intent of the Legislature is to increase access to
9 mental health and substance use treatment and expand capacity for
10 comprehensive, holistic services, respond to local needs, incorporate
11 evidence-based practices, and establish care coordination as a linchpin
12 for service delivery including effective community partnerships with law
13 enforcement, schools, hospitals, primary care providers, and public and
14 private service organizations to improve care, reduce recidivism, and
15 address health disparities.

16 Sec. 4. For purposes of the Certified Community Behavioral Health
17 Clinic Act:

18 (1) Certified community behavioral health clinic means a nonprofit
19 organization, a unit of the local behavioral health authority, an entity
20 operated under authority of the Indian Health Service, an Indian tribe,
21 or tribal organization pursuant to a contract, grant, cooperative
22 agreement, or compact with the Indian Health Service pursuant to the
23 Indian Self-Determination and Education Assistance Act of 1975, or an
24 entity that is an urban Indian organization pursuant to a grant or
25 contract with the Indian Health Service under Title V of the Indian
26 Health Care Improvement Act, Public Law 94-437, providing community-based
27 mental health and substance use health services that are nationally
28 accredited that:

29 (a) Meet the federal certification criteria of the federal
30 Protecting Access to Medicare Act of 2014 or a state certification system
31 for certified community behavioral health clinics to be established by

1 the department and which shall be substantially equivalent to the federal
2 Protecting Access to Medicare Act of 2014; and

3 (b) Provide, at a minimum, the following community-based services
4 either directly or indirectly through formal referral relationships with
5 other providers:

6 (i) Outpatient mental health and substance use services;

7 (ii) Crisis mental health services;

8 (iii) Screening, assessment, and diagnosis, including risk
9 assessments;

10 (iv) Person-centered treatment planning;

11 (v) Outpatient clinic primary care screening and monitoring of key
12 health indicators and health risks;

13 (vi) Targeted case management;

14 (vii) Psychiatric rehabilitation services;

15 (viii) Peer support and counselor services and family supports; and

16 (ix) Community-based mental health care for members of the armed
17 forces and veterans consistent with minimum clinical mental health
18 guidelines promulgated by the Veterans Health Administration; and

19 (2) Prospective payment system means a daily or monthly medicaid
20 payment methodology that allows providers to be reimbursed based on
21 anticipated costs of providing required services to persons enrolled in
22 medicaid.

23 Sec. 5. (1) The department shall develop a prospective payment
24 system under the medical assistance program for funding certified
25 community behavioral health clinics. Such system shall permit either
26 daily or monthly payment rates.

27 (2) The department shall submit to the federal Centers for Medicare
28 and Medicaid Services any approval request necessary for a medicaid state
29 plan amendment to implement this section.

30 (3) Subject to such approval, such prospective payment system shall
31 be implemented before January 1, 2026.

1 (4) The department shall solicit input from current certified
2 community behavioral health clinics during the development of the
3 medicaid state plan amendment.

4 Sec. 6. The department shall adopt and promulgate rules and
5 regulations to implement sections 3 to 6 of this act.

6 Sec. 7. It is the intent of the Legislature to appropriate no more
7 than four million five hundred thousand dollars annually beginning in
8 fiscal year 2025-26 from the General Fund for the purpose of the
9 Certified Community Behavioral Health Clinic Act.

10 Sec. 8. Original section 71-801, Revised Statutes Cumulative
11 Supplement, 2022, is repealed.

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