

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 928**

Introduced by Fredrickson, 20; Bosn, 25; McKinney, 11.

Read first time January 04, 2024

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Nebraska Correctional Health Care  
2 Services Act; to amend section 83-4,153, Reissue Revised Statutes of  
3 Nebraska, and section 83-4,157, Revised Statutes Cumulative  
4 Supplement, 2022; to create the position of mental health director;  
5 to establish duties; to harmonize provisions; and to repeal the  
6 original sections.

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

1 Section 1. Section 83-4,153, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3 83-4,153 Sections 83-4,153 to 83-4,165 and sections 3 and 4 of this  
4 act shall be known and may be cited as the Nebraska Correctional Health  
5 Care Services Act.

6 Sec. 2. Section 83-4,157, Revised Statutes Cumulative Supplement,  
7 2022, is amended to read:

8 83-4,157 The medical director shall:

9 (1) Coordinate all clinical services;

10 (2) Participate in the selection and supervision of all clinical  
11 staff employed by or under contract with the department, including  
12 medical doctors, physician assistants, pharmacists, pharmacy technicians,  
13 registered nurses, licensed practical nurses, advanced practice  
14 registered nurses practicing under and in accordance with their  
15 respective certification acts, mental health practitioners, alcohol and  
16 drug counselors, laboratory technicians, physical therapists,  
17 optometrists, audiologists, dentists, dental assistants, and dental  
18 hygienists;

19 (3) Maintain and preserve the medical records of health care  
20 services;

21 (4) Approve the purchasing of all necessary medical supplies and  
22 medical equipment for the department;

23 (5) Recommend all necessary programs for the preservice, inservice,  
24 and continuing medical training and education of the health care staff  
25 and other relevant staff of the department, including training  
26 specifically designed to promote prompt and effective responses by all  
27 staff of the department to medical emergencies;

28 (6) Develop and implement condition-specific medical treatment  
29 protocols that ensure compatibility with a community standard of health  
30 care, including protocols addressing the: (a) Treatment of  
31 gastrointestinal bleeds; (b) detection and treatment of all communicable

1 diseases; (c) treatment of gender-specific problems; (d) treatment of  
2 diabetes; (e) treatment of hypertension; (f) treatment of headaches; (g)  
3 utilization of surgical procedures; (h) control of infection; (i)  
4 provision of dental care; (j) provision of age-specific and gender-  
5 specific routine health maintenance; (k) means by which inmates obtain  
6 access to health care services; (l) use of prescribed drugs, devices, or  
7 biologicals for the purpose of pain management; (m) referral of patients  
8 to medical specialists not in the employ of the department; and (n)  
9 initiation, observance, and termination of do not resuscitate orders  
10 initiated pursuant to the Rights of the Terminally Ill Act;

11 (7) Develop and implement a system of general discharge planning for  
12 the health care services to be received by inmates who are soon to be  
13 released from the custody of the department and who have chronic health  
14 care problems, including establishment of a protocol to determine whether  
15 or not an inmate soon to be released should be prescribed and dispensed a  
16 medication-assisted treatment that could assist in reducing or  
17 eliminating the inmate's use of opiates;

18 (8) Develop and implement a comprehensive health care services plan;

19 (9) Develop and implement an internal credentialing program for the  
20 employment and retention of the health care staff of the department based  
21 on a community standard of health care; ~~and~~

22 (10) Develop and implement an internal peer review and quality  
23 assurance program based upon a community standard of health care; and -

24 (11) Work in collaboration with the mental health director on the  
25 coordination of all mental health services.

26 Sec. 3. The Director of Correctional Services shall appoint a  
27 mental health director for the department who shall have relevant mental  
28 health experience and be licensed by the State of Nebraska as a physician  
29 or mental health practitioner, including, but not limited to, a  
30 psychiatrist, psychologist, social worker, or licensed independent mental  
31 health practitioner. The mental health director shall be a full-time

1 position under the sole immediate supervision of the director.

2       Sec. 4. The Director of Correctional Services shall designate  
3 duties for the mental health director which shall include, but not be  
4 limited to:

5       (1) Working in collaboration with the medical director on the  
6 coordination and collaboration of mental and behavioral health care  
7 services;

8       (2) Recommending all necessary programs for mental and behavioral  
9 health care services to ensure inmates receive required programming;

10       (3) Collaborating with community mental health providers, as  
11 appropriate, to ensure services within the facilities and continuity of  
12 mental and behavioral health care services upon inmate reentry into  
13 communities;

14       (4) Ensuring mental and behavioral health care is provided to  
15 inmates; and

16       (5) Training and education of mental health care staff and other  
17 relevant staff of the department, including training specifically  
18 designed to promote prompt and effective responses to inmate mental and  
19 behavioral health care needs.

20       Sec. 5. Original section 83-4,153, Reissue Revised Statutes of  
21 Nebraska, and section 83-4,157, Revised Statutes Cumulative Supplement,  
22 2022, are repealed.