

AMENDMENTS TO LB541

Introduced by Health and Human Services.

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

3 Section 1. Section 43-4215, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 43-4215 (1) On or before July 1, 2014, the Division of Children and
6 Family Services of the Department of Health and Human Services shall
7 implement the reimbursement rate recommendations of the Foster Care
8 Reimbursement Rate Committee as reported to the Legislature pursuant to
9 section 43-4212 as such section existed before June 5, 2013.

10 (2) It is the intent of the Legislature to create additional levels
11 of caregiving for youth in foster care and to create an implementation
12 plan for treatment family care services in order to expand the service
13 array for high-acuity youth in the foster care system.

14 (3) The Legislature finds that (a) there is a need for consistency
15 in the implementation of additional tiers of caregiving across the state,
16 (b) additional tiers of caregiving and reimbursement exist in the
17 continuum of foster care services available in Nebraska, however, there
18 is a variation in the rates, implementation and outcomes, (c) the use of
19 rates outside of the established rate structure can create barriers to
20 permanency for children entering adoption and guardianship and prohibits
21 the state from accessing federal foster care funds that would otherwise
22 be available under Title IV-E of the federal Social Security Act, and (d)
23 additional tiers of caregiving should be utilized to support the
24 exceptional caregiving needs of children.

25 (4) The Legislature further finds that (a) additional treatment
26 services are needed to support the behavioral and mental health needs of
27 youth who are at risk of entering, or who are stepping down from,

1 congregate treatment placement, and (b) treatment family care services
2 uses blended funding to support caregivers and prevent placement
3 disruption.

4 (5) On or before October 1, 2022, the Division of Children and
5 Family Services of the Department of Health and Human Services shall, in
6 collaboration with the Foster Care Reimbursement Rate Committee,
7 implement additional statewide tiers of foster care reimbursements for
8 specialized caregiving with standardized rates for foster parents and
9 child placing agencies.

10 (6)(a) ~~(2)(a)~~ On or before July 1, 2013, the Division of Children
11 and Family Services of the Department of Health and Human Services shall
12 develop a pilot project as provided in this subsection to implement the
13 standardized level of care assessment tools recommended by the Foster
14 Care Reimbursement Rate Committee as reported to the Legislature pursuant
15 to section 43-4212 as such section existed before June 5, 2013.

16 (b)(i) The pilot project shall comprise two groups: One in an urban
17 area and one in a rural area. The size of each group shall be determined
18 by the division to ensure an accurate estimate of the effectiveness and
19 cost of implementing such tools statewide.

20 (ii) The Nebraska Children's Commission shall review and provide a
21 progress report on the pilot project by October 1, 2013, to the
22 department and electronically to the Health and Human Services Committee
23 of the Legislature; shall provide to the department and electronically to
24 the committee by December 1, 2013, a report including recommendations and
25 any legislation necessary, including appropriations, to adopt the
26 recommendations, regarding the adaptation or continuation of the
27 implementation of a statewide standardized level of care assessment; and
28 shall provide to the department and electronically to the committee by
29 February 1, 2014, a final report and final recommendations of the
30 commission.

31 Sec. 2. Section 68-1210, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 68-1210 (1) Notwithstanding any other provision of law, the
3 Department of Health and Human Services shall have the authority through
4 rule or regulation to establish payment rates for children with special
5 needs who are in foster care and in the custody of the department.

6 (2)(a) On or before October 1, 2022, the Division of Medicaid and
7 Long-Term Care and the Division of Children and Family Services of the
8 Department of Health and Human Services shall develop a plan to implement
9 treatment family care services. The plan shall be submitted to the Health
10 and Human Services Committee of the Legislature and the Nebraska
11 Children's Commission.

12 (b) On or before October 1, 2023, the Division of Medicaid and Long-
13 Term Care shall implement treatment family care services as allowed by
14 federal law. The department shall seek to maximize federal funding for
15 such program prior to utilizing state medicaid funds for eligible
16 children.

17 Sec. 3. Original sections 43-4215 and 68-1210, Reissue Revised
18 Statutes of Nebraska, are repealed.

19 Sec. 4. Since an emergency exists, this act takes effect when
20 passed and approved according to law.