

AMENDMENTS TO LB454

(Amendments to Standing Committee amendments, AM547)

Introduced by Quick, 35.

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

3 **Section 1.** Section 71-809, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 71-809 (1) Each regional behavioral health authority shall be
6 responsible for the development and coordination of publicly funded
7 behavioral health services within the behavioral health region pursuant
8 to rules and regulations adopted and promulgated by the department,
9 including, but not limited to, (a) administration and management of the
10 regional behavioral health authority, (b) integration and coordination of
11 the public behavioral health system within the behavioral health region,
12 (c) comprehensive planning for the provision of an appropriate array of
13 community-based behavioral health services and continuum of care for the
14 region, (d) submission for approval by the division of an annual budget
15 and a proposed plan for the funding and administration of publicly funded
16 behavioral health services within the region, (e) submission of annual
17 reports and other reports as required by the division, (f) initiation and
18 oversight of contracts for the provision of publicly funded behavioral
19 health services, and (g) coordination with the division in conducting
20 audits of publicly funded behavioral health programs and services.

21 (2) Each regional behavioral health authority shall adopt a policy
22 for use in determining the financial eligibility of all consumers and
23 shall adopt a uniform schedule of fees and copays, based on the policy
24 and schedule developed by the division, to be assessed against consumers
25 utilizing community-based behavioral health services in the region. The
26 methods used to determine the financial eligibility of all consumers

1 shall take into account taxable income, the number of family members
2 dependent on the consumer's income, liabilities, and other factors as
3 determined by the division. The policy and the schedule of fees and
4 copays shall be approved by the regional governing board and included
5 with the budget plan submitted to the division annually. Providers shall
6 charge fees consistent with the schedule of fees and copays in accordance
7 with the financial eligibility of all consumers but not in excess of the
8 actual cost of the service. Each regional behavioral health authority
9 shall assure that its policy and schedule of fees and copays are applied
10 uniformly by the providers in the region.

11 (3) Except for services being provided by a regional behavioral
12 health authority on July 1, 2004, under applicable state law in effect
13 prior to such date, no regional behavioral health authority shall provide
14 behavioral health services funded in whole or in part with revenue
15 received and administered by the division under the Nebraska Behavioral
16 Health Services Act unless:

17 (a) There has been a public competitive bidding process for such
18 services or the process is authorized pursuant to subsection (5) of this
19 section;

20 (b) There are no qualified and willing providers to provide such
21 services; and

22 (c) The regional behavioral health authority receives written
23 authorization from the director and enters into a contract with the
24 division to provide such services.

25 (4) Each regional behavioral health authority shall comply with all
26 applicable rules and regulations of the department relating to the
27 provision of behavioral health services by such authority, including, but
28 not limited to, rules and regulations which (a) establish definitions of
29 conflicts of interest for regional behavioral health authorities and
30 procedures in the event such conflicts arise, (b) establish uniform and
31 equitable ~~public bidding~~ procedures for such services, and (c) require

1 each regional behavioral health authority to establish and maintain a
2 separate budget and separately account for all revenue and expenditures
3 for the provision of such services.

4 (5) A behavioral health services provider may, with approval by the
5 department, provide new behavioral health services or expand the capacity
6 of existing services if the provider (a) meets the department's required
7 network enrollment standards, (b) is enrolled as a network provider with
8 the department and a regional behavioral health authority, and (c) is
9 contracted with a regional behavioral health authority.

10 **Sec. 2.** Section 71-812, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 71-812 (1) The Behavioral Health Services Fund is created. The fund
13 shall be administered by the division and shall contain cash funds
14 appropriated by the Legislature or otherwise received by the department
15 for the provision of behavioral health services from any other public or
16 private source and directed by the Legislature for credit to the fund.
17 Transfers may be made from the fund to the General Fund at the direction
18 of the Legislature.

19 (2) The Behavioral Health Services Fund shall be used to encourage
20 and facilitate the statewide development and provision of community-based
21 behavioral health services, including, but not limited to, (a) the
22 provision of grants, loans, and other assistance for such purpose and (b)
23 reimbursement to providers of such services.

24 (3)(a) Money transferred to the fund under section 76-903 shall be
25 used for housing-related assistance for very low-income adults with
26 serious mental illness or substance abuse disorder, except that if the
27 division determines that all housing-related assistance obligations under
28 this subsection have been fully satisfied, the division may distribute
29 any excess, up to twenty percent of such money, to regional behavioral
30 health authorities for acquisition or rehabilitation of housing to assist
31 such persons. The division shall manage and distribute such funds based

1 upon a formula established by the division, in consultation with regional
2 behavioral health authorities and the department, in a manner consistent
3 with and reasonably calculated to promote the purposes of the public
4 behavioral health system enumerated in section 71-803. The division shall
5 contract with each regional behavioral health authority for the provision
6 of such assistance. Each regional behavioral health authority may
7 contract with qualifying public, private, or nonprofit entities for the
8 provision of such assistance.

9 (b) For purposes of this subsection:

10 (i) Adult with serious mental illness means a person eighteen years
11 of age or older who has, or at any time during the immediately preceding
12 twelve months has had, a diagnosable mental, behavioral, or emotional
13 disorder of sufficient duration to meet diagnostic criteria identified in
14 the most recent edition of the Diagnostic and Statistical Manual of
15 Mental Disorders and which has resulted in functional impairment that
16 substantially interferes with or limits one or more major life functions.
17 Serious mental illness does not include DSM V codes, substance abuse
18 disorders, or developmental disabilities unless such conditions exist
19 concurrently with a diagnosable serious mental illness;

20 (ii) Housing-related assistance includes rental payments, utility
21 payments, security and utility deposits, landlord risk mitigation
22 payments, and other related costs and payments;

23 (iii) Landlord risk mitigation payment means a payment provided to a
24 landlord who leases or rents property to a very low-income adult with
25 serious mental illness which may be used to pay for excessive damage to
26 the rental property, any lost rent, any legal fees incurred by the
27 landlord in excess of the security deposit, or any other expenses
28 incurred by the landlord as a result of leasing or renting the property
29 to such individual; and

30 (iv) Very low-income means a household income of fifty percent or
31 less of the applicable median family income estimate as established by

1 the United States Department of Housing and Urban Development.

2 (4) Any money in the fund available for investment shall be invested
3 by the state investment officer pursuant to the Nebraska Capital
4 Expansion Act and the Nebraska State Funds Investment Act.

5 **Sec. 3.** Original section 71-809, Reissue Revised Statutes of
6 Nebraska, and section 71-812, Revised Statutes Cumulative Supplement,
7 2024, are repealed.