

LEGISLATIVE BILL 561A

Approved by the Governor May 29, 2013

Introduced by Ashford, 20.

FOR AN ACT relating to appropriations; to amend sections 93, 100, and 106, Legislative Bill 195, One Hundred Third Legislature, First Session, 2013; to appropriate funds to aid in carrying out the provisions of Legislative Bill 561, One Hundred Third Legislature, First Session, 2013; to provide for transfers of funds; to change appropriations; to repeal the original sections; and to declare an emergency.

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

Section 1. There is hereby appropriated (1) \$19,756,126 from the General Fund for FY2013-14 and (2) \$43,965,323 from the General Fund for FY2014-15 to the Supreme Court, for Program 435, to aid in carrying out the provisions of Legislative Bill 561, One Hundred Third Legislature, First Session, 2013.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed \$6,661,568 for FY2013-14 or \$8,532,089 for FY2014-15.

Sec. 2. There is hereby appropriated (1) \$1,807,404 from the General Fund for FY2013-14 and (2) \$3,801,726 from the General Fund for FY2014-15 to the Nebraska Commission on Law Enforcement and Criminal Justice, for Program 155, to aid in carrying out the provisions of Legislative Bill 561, One Hundred Third Legislature, First Session, 2013.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed \$131,844 for FY2013-14 or \$134,810 for FY2014-15.

There is included in the appropriation to this program for FY2013-14 \$1,522,425 General Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2014-15 \$3,522,425 General Funds for state aid, which shall only be used for such purpose.

Sec. 3. There is hereby appropriated (1) \$600 from the General Fund for FY2013-14 and (2) \$600 from the General Fund for FY2014-15 to the Nebraska Commission on Law Enforcement and Criminal Justice, for Program 203, to aid in carrying out the provisions of Legislative Bill 561, One Hundred Third Legislature, First Session, 2013.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 4. There is hereby appropriated \$56,000 from the General Fund for FY2013-14 to the Department of Health and Human Services, for Program 353, to aid in carrying out the provisions of Legislative Bill 561, One Hundred Third Legislature, First Session, 2013.

If Legislative Bill 269, One Hundred Third Legislature, First Session, 2013, becomes law, the appropriation made pursuant to this section shall be appropriated to the Foster Care Review Office.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 5. The chief executive officer of the Department of Health and Human Services and the probation administrator of the Supreme Court shall jointly certify to the budget administrator of the budget division of the Department of Administrative Services the portion of the FY2013-14 unexpended appropriation balances available for the transition of cases filed under subdivisions (1), (2), (3)(b), and (4) of section 43-247 from the jurisdiction of the Department of Health and Human Services to the Office of Probation Administration. The certification shall include the costs for personnel, operations, and services. The certified portion of the available unexpended appropriations in Agency 25, Department of Health and Human Services, shall be transferred from the following budget programs: Program 33, Administration, Program 250, Juvenile Services Operations, and Program 354, Child Welfare Aid. The certified portion of the available unexpended appropriations shall be transferred to Agency 5, Supreme Court, Program 435, Probation Community Corrections. The budget administrator of the budget division of the Department of Administrative Services shall administratively transfer during FY2013-14 the portion of the available unexpended appropriation balances, as jointly certified by the chief executive officer of the Department of Health and Human Services and the probation administrator of the Supreme Court for cases filed under subdivisions (1), (2), (3)(b), and (4) of section 43-247 from the following budget programs: Program 33, Administration, Program 250, Juvenile

Services Operations, and Program 354, Child Welfare Aid to Agency 5, Supreme Court, Program 435, Probation Community Corrections. The transfer of the available unexpended appropriations shall be made as necessary throughout the fiscal year to carry out the provisions of Legislative Bill 561, One Hundred Third Legislature, First Session, 2013.

The chief executive officer of the Department of Health and Human Services and the probation administrator of the Supreme Court shall jointly certify to the budget administrator of the budget division of the Department of Administrative Services, the remaining unencumbered June 30, 2014, appropriation balances for cases filed under subdivisions (1), (2), (3)(b), and (4) of section 43-247 that are available for transfer from Agency 25, Department of Health and Human Services, Program 33, Administration, Program 250, Juvenile Services Operations, and Program 354, Child Welfare Aid to Agency 5, Supreme Court, Program 435, Probation Community Corrections. The budget administrator of the budget division of the Department of Administrative Services shall administratively transfer the certified remaining unencumbered June 30, 2014, appropriations for cases filed under subdivisions (1), (2), (3)(b), and (4) of section 43-247 from the following budget programs in Agency 25, Department of Health and Human Services: Program 33, Administration, Program 250, Juvenile Services Operations, and Program 354, Child Welfare Aid to Agency 5, Supreme Court, Program 435, Probation Community Corrections. The funds transferred in this section are hereby appropriated.

Sec. 6. Section 93, Legislative Bill 195, One Hundred Third Legislature, First Session, 2013, is amended to read:

Sec. 93. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES
 Program No. 33 - Administration

| | FY2013-14 | FY2014-15 |
|----------------------|--------------------|--------------------|
| GENERAL FUND | 116,642,068 | 117,815,106 |
| <u>GENERAL FUND</u> | <u>114,726,979</u> | <u>112,238,476</u> |
| CASH FUND | 23,789,160 | 23,964,984 |
| FEDERAL FUND est. | 275,925,442 | 270,278,361 |
| PROGRAM TOTAL | 416,356,670 | 412,058,451 |
| <u>PROGRAM TOTAL</u> | <u>414,441,581</u> | <u>406,481,821</u> |
| SALARY LIMIT | 134,562,714 | 138,264,730 |

The unexpended General Fund appropriation balance existing on June 30, 2013, is hereby reappropriated.

The Department of Administrative Services shall monitor the appropriations and expenditures for this program according to the following program classifications:

- No. 261 - General Operations
- No. 262 - Public Health Administration
- No. 263 - Medicaid and Long-Term Care Administration
- No. 264 - Children and Family Services Administration
- No. 265 - Protection and Safety
- No. 266 - Economic and Family Support
- No. 267 - Developmental Disabilities Service Coordination
- No. 268 - Behavioral Health Administration
- No. 269 - Developmental Disabilities Administration

There is included in the appropriation to this program for FY2013-14 \$13,688 Cash Funds for regulatory support for out-of-hospital emergency care providers licensing from the Nebraska Health Care Cash Fund. There is included in the appropriation to this program for FY2014-15 \$13,688 Cash Funds for regulatory support for out-of-hospital emergency care providers licensing from the Nebraska Health Care Cash Fund.

There is included in the appropriation to this program for FY2013-14 \$26,000 Cash Funds from the Nebraska Health Care Cash Fund to continue the Parkinson's Disease Registry. There is included in the appropriation to this program for FY2014-15 \$26,000 Cash Funds from the Nebraska Health Care Cash Fund to continue the Parkinson's Disease Registry.

There is included in the appropriation to this program \$404,643 Cash Funds for FY2013-14 and \$404,643 Cash Funds for FY2014-15 from the Nebraska Health Care Cash Fund for respite services in each of the service

areas designated by the Department of Health and Human Services and for administrative costs, including personnel costs, associated with the Nebraska Lifespan Respite Services Program.

There is included in the appropriation to this program for FY2013-14 \$25,000 Cash Funds from the Nebraska Health Care Cash Fund for compulsive gamblers assistance programs. There is included in the appropriation to this program for FY2014-15 \$25,000 Cash Funds from the Nebraska Health Care Cash Fund for compulsive gamblers assistance programs.

There is included in the appropriation to this program for FY2013-14 \$6,000 Cash Funds from the Nebraska Health Care Cash Fund for costs of smoking cessation covered by medicaid. There is included in the appropriation to this program for FY2014-15 \$6,000 Cash Funds from the Nebraska Health Care Cash Fund for costs of smoking cessation covered by medicaid.

There is included in the appropriation to this program for FY2013-14 \$2,840,000 Cash Funds and \$25,560,000 Federal Funds for Medicaid Management Information System replacement from the Health and Human Services Cash Fund. There is included in the appropriation to this program for FY2014-15 \$2,840,000 Cash Funds and \$25,560,000 Federal Funds for Medicaid Management Information System replacement from the Health and Human Services Cash Fund.

There is included in the appropriation to this program for FY2013-14 \$2,312,500 Cash Funds (Fund 22555) for information technology costs related to the federal Patient Protection and Affordable Care Act implementation from the Health and Human Services Cash Fund. There is included in the appropriation to this program for FY2014-15 \$2,312,000 Cash Funds (Fund 22555) for information technology costs related to the federal Patient Protection and Affordable Care Act implementation from the Health and Human Services Cash Fund.

In order to monitor the Department of Health and Human Services service delivery system and to ensure compliance with federal and state law, the Department of Health and Human Services shall develop a quarterly report which shall include, but not be limited to, the following information:

(1) Number of days in increments that it takes to process applications (approval or denial) for aid to dependent children, Supplemental Nutrition Assistance Program, Aid to the Aged, Blind, and Disabled, and child care subsidy program, overall and broken down by county;

(2) Number of days in increments that it takes to process applications for Medicaid and the Children's Health Insurance Program, separating the data for applicants not applying on the basis of disability from applicants applying on the basis of disability, overall and broken down by county;

(3) Reasons for benefit application processing delays (department, client, third party) for all applications that are processed beyond federal and state timeliness in aid to dependent children, Supplemental Nutrition Assistance Program, Aid to the Aged, Blind, and Disabled, Medicaid, and Children's Health Insurance Program statewide, and child care subsidy program, overall and broken down by county. This shall include the number of cases for each respective reason (department, client, third party);

(4) The number of case closures in Medicaid, Children's Health Insurance Program, aid to dependent children, Supplemental Nutrition Assistance Program, Aid to the Aged, Blind, and Disabled, and child care subsidy program, and the reason for the closure statewide, overall and broken down by county;

(5) The number of case closures due to failure to recertify benefits, including failing to timely provide information, failing to perform a case review, or failing to appear for an appointment, overall and broken down by county;

(6) The total number of first-time applicants for benefits, categorized by state and county, and by month;

(7) The percentage of applications that are reapplications, categorized by state and county, and by month;

(8) The percentage of individuals whose cases are closed who reapply for benefits within thirty days and sixty days after case closure, categorized by state and county, and by month;

(9) Average wait time for call center response. The average wait time starting from the time when the call is transferred to the customer service center to the time when the worker answers the call;

(10) Number of client call terminations (client hang ups) that occur prior to speaking with a staff member and the average length of time starting from the time when the call is transferred to the customer service center to the time when the caller terminates the call;

(11) Average number of minutes per delivery system transaction or task, based on type of transaction, including, but not limited to, application management (new, review, renewal), interviewing (high and low priority),

application processing (processing initial, processing daily, processing ready), and change management; and

(12) The number of hours and the number of days when call center responses are at a maximum and clients receive a busy signal when calling.

It is the intent of the Legislature that the department submit a report to the Clerk of the Legislature that includes the following monthly information on a quarterly basis for workers in the ACCESSNebraska call centers and in local offices: The number of social service workers, eligibility technicians, and social service lead workers and the number of vacancies in these positions at the beginning of each month; the number of these positions vacated within a month; and the number of these positions filled within a month.

The reports required by this section shall be submitted electronically.

Sec. 7. Section 100, Legislative Bill 195, One Hundred Third Legislature, First Session, 2013, is amended to read:

Sec. 100. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN SERVICES
 Program No. 250 - Juvenile Services Operations

| | FY2013-14 | FY2014-15 |
|--------------------------|-----------------------|-----------------------|
| GENERAL FUND | 28,823,535 | 29,168,097 |
| <u>GENERAL FUND</u> | <u>18,707,706</u> | <u>19,052,268</u> |
| CASH FUND | 1,085,380 | 1,085,380 |
| FEDERAL FUND est. | 712,823 | 712,823 |
| PROGRAM TOTAL | 30,621,738 | 30,966,300 |
| <u>PROGRAM TOTAL</u> | <u>20,505,909</u> | <u>20,850,471</u> |
| SALARY LIMIT | 11,701,606 | 11,964,892 |

The unexpended General Fund appropriation balance existing on June 30, 2013, is hereby reappropriated.

The Department of Administrative Services shall monitor the appropriations and expenditures for this program according to the following program classifications:

- No. 315 - Office of Juvenile Services
- No. 345 - Juvenile Community-Based Services
- No. 364 - Juvenile Parole Administration
- No. 371 - Youth Rehabilitation and Treatment Center-Geneva
- No. 374 - Youth Rehabilitation and Treatment Center-Kearney

There is included in the appropriation to this program for FY2013-14 \$1,000,000 Cash Funds for mental health services to juvenile offenders under section 43-407 from the Nebraska Health Care Cash Fund. There is included in the appropriation to this program for FY2014-15 \$1,000,000 Cash Funds for mental health services to juvenile offenders under section 43-407 from the Nebraska Health Care Cash Fund.

Sec. 8. Section 106, Legislative Bill 195, One Hundred Third Legislature, First Session, 2013, is amended to read:

Sec. 106. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN SERVICES
 Program No. 354 - Child Welfare Aid

| | FY2013-14 | FY2014-15 |
|--------------------------|------------------------|------------------------|
| GENERAL FUND | 160,744,885 | 160,916,412 |
| <u>GENERAL FUND</u> | <u>157,019,677</u> | <u>137,477,218</u> |
| CASH FUND | 2,734,444 | 2,734,444 |
| FEDERAL FUND est. | 30,963,503 | 30,791,976 |
| PROGRAM TOTAL | 194,442,832 | 194,442,832 |
| <u>PROGRAM TOTAL</u> | <u>190,717,624</u> | <u>171,003,638</u> |

There is included in the appropriation to this program for FY2013-14 ~~\$160,744,885~~ \$157,019,677 General Funds, \$2,734,444 Cash Funds, and

\$30,963,503 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2014-15 ~~\$160,916,412~~ \$137,477,218 General Funds, \$2,734,444 Cash Funds, and \$30,791,976 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the appropriation to this program for FY2013-14 \$2,734,444 Cash Funds from the Nebraska Health Care Cash Fund for state aid for the continuation of the behavioral health provider rate increase. There is included in the appropriation to this program for FY2014-15 \$2,734,444 Cash Funds from the Nebraska Health Care Cash Fund for state aid for the continuation of the behavioral health provider rate increase.

Sec. 9. Original sections 93, 100, and 106, Legislative Bill 195, One Hundred Third Legislature, First Session, 2013, are repealed.

Sec. 10. Since an emergency exists, this act takes effect when passed and approved according to law.