

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 931

Introduced by Bolz, 29.

Read first time January 12, 2016

Committee: Appropriations

- 1 A BILL FOR AN ACT relating to public health and welfare; to amend section
- 2 71-812, Reissue Revised Statutes of Nebraska, and section 71-401,
- 3 Revised Statutes Supplement, 2015; to state intent regarding
- 4 appropriations; to provide for incentives for certain assisted-
- 5 living facilities; to provide powers and duties; to redefine a term
- 6 relating to the Behavioral Health Services Fund; to harmonize
- 7 provisions; and to repeal the original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-401, Revised Statutes Supplement, 2015, is
2 amended to read:

3 71-401 Sections 71-401 to 71-470 and section 2 of this act shall be
4 known and may be cited as the Health Care Facility Licensure Act.

5 Sec. 2. (1) It is the intent of the Legislature to appropriate two
6 hundred fifty thousand dollars for fiscal year 2016-17 and for fiscal
7 year 2017-18 to the department. The department shall use the
8 appropriations to provide incentives for certain assisted-living
9 facilities to be accredited by a recognized independent accreditation
10 body or public agency which has standards that are at least as stringent
11 as those of the State of Nebraska for community housing for adults with
12 serious mental illness as defined in section 71-812 other than adults
13 with a primary diagnosis of Alzheimer's disease or related dementia.

14 (2) To qualify for an incentive under this section, an assisted-
15 living facility shall not be under disciplinary action by the department
16 and shall submit an application to the department which shows that, as of
17 December 31 of the prior year, the facility had more than twenty-five
18 percent of its residents diagnosed as adults with serious mental illness
19 as defined in section 71-812 other than adults with a primary diagnosis
20 of Alzheimer's disease or related dementia. The assisted-living facility
21 may use the incentive for technical assistance, program management,
22 accreditation fees, and staff training for the accreditation of the
23 facility and for the development of standards of operation and treatment
24 protocols, including, but not limited to, client rights, complaint and
25 grievance procedures, crisis management, individualized service plans,
26 and therapeutic activities and services.

27 Sec. 3. Section 71-812, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 71-812 (1) The Behavioral Health Services Fund is created. The fund
30 shall be administered by the division and shall contain cash funds
31 appropriated by the Legislature or otherwise received by the department

1 for the provision of behavioral health services from any other public or
2 private source and directed by the Legislature for credit to the fund.

3 (2) The fund shall be used to encourage and facilitate the statewide
4 development and provision of community-based behavioral health services,
5 including, but not limited to, (a) the provision of grants, loans, and
6 other assistance for such purpose and (b) reimbursement to providers of
7 such services.

8 (3)(a) Money transferred to the fund under section 76-903 shall be
9 used for housing-related assistance for very low-income adults with
10 serious mental illness, except that if the division determines that all
11 housing-related assistance obligations under this subsection have been
12 fully satisfied, the division may distribute any excess, up to twenty
13 percent of such money, to regional behavioral health authorities for
14 acquisition or rehabilitation of housing to assist such persons. The
15 division shall manage and distribute such funds based upon a formula
16 established by the division, in consultation with regional behavioral
17 health authorities and the department, in a manner consistent with and
18 reasonably calculated to promote the purposes of the public behavioral
19 health system enumerated in section 71-803. The division shall contract
20 with each regional behavioral health authority for the provision of such
21 assistance. Each regional behavioral health authority may contract with
22 qualifying public, private, or nonprofit entities for the provision of
23 such assistance.

24 (b) It is the intent of the Legislature to appropriate one hundred
25 thousand dollars annually to the fund for purposes of providing housing-
26 related assistance for very low-income adults with serious mental illness
27 who are transitioning from assisted-living facilities or mental health
28 centers to community-based services.

29 (c) For purposes of this subsection:

30 (i) Adult with serious mental illness means a person eighteen years
31 of age or older who has, or at any time during the immediately preceding

1 twelve months has had, a diagnosable mental, behavioral, or emotional
2 disorder of sufficient duration to meet diagnostic criteria identified in
3 the most recent edition of the Diagnostic and Statistical Manual of
4 Mental Disorders and which has resulted in functional impairment that
5 substantially interferes with or limits one or more major life functions.
6 Serious mental illness does not include DSM V codes, ~~substance abuse~~
7 ~~disorders~~, or developmental disabilities unless such conditions exist
8 concurrently with a diagnosable serious mental illness;

9 (ii) Housing-related assistance includes rental payments, utility
10 payments, security and utility deposits, and other related costs and
11 payments; and

12 (iii) Very low-income means a household income of fifty percent or
13 less of the applicable median family income estimate as established by
14 the United States Department of Housing and Urban Development.

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

18 Sec. 4. Original section 71-812, Reissue Revised Statutes of
19 Nebraska, and section 71-401, Revised Statutes Supplement, 2015, are
20 repealed.