

One Hundred Fifth Legislature - First Session - 2017

Introducer's Statement of Intent

LB50

Chairperson: Senator Merv Riepe

Committee: Health and Human Services

Date of Hearing: February 08, 2017

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Six Behavioral Health Regions provide a network through which State and Federal funds flow to pay for community based behavioral health services for people who cannot afford health insurance and do not qualify for Medicaid. Each Region operates independently under the governance of its own board that consists of county board members appointed from the county boards of the counties located within each Region.

The Legislature appropriates more than \$100 million dollars each biennium to the Behavioral Health Division within the Department of Health and Human Services, which allocates the funds among the Regions to fund administrative costs and to cover the costs associated to numerous contracts each Region enters into with behavioral and mental health providers. Each board has its own set of administrative procedures related to the use of the funds and operate with little oversight from the State. The disbursement of the funds appears to be largely a discretionary action by an appointed administrator. The providers under contract with the Regions provide, in a mostly discretionary manner, necessary facilities and services to those needing such services.

Behavioral Health Regions are public agencies allocating significant amounts of public funds and in keeping with requirements for most public agencies, LB50 would require the Regions to prepare reports related to administrative operations and delivery of behavioral and mental health services. LB50 is a redraft of LB985 introduced in 2016. The reporting requirements would provide the public easy access to information regarding the administration of public funds; the management of public contracts; the qualifications and compensation for those administering contracts and those providing services; the location of providers and where services are being offered; and, the assurances that funds are used as intended.

By way of background, facilities and services provided through the behavioral health regions were the subject of LR295 (2015), regarding the intersection of the behavioral health system and the correctional system; an issue of concern to the LR434 (2014) Special Investigate Committee for the Department of Corrections, which found that there was an inordinately large number of inmates with mental illness incarcerated in State prison facilities. The LR434 Corrections special legislative committee was continued in 2015 through 2016, via LR34 introduced in 2015, and work initiated through LR295 was continued by a task force created LR413 introduced in 2016. One issue that was brought forth in LR295 and further discussed during proceedings undertaken pursuant to the other legislative resolutions relates to is a long standing disconnect between the State and Behavioral Health Regions, on the one hand, and local law enforcement and county attorneys on the other, regarding the inadequacy of facilities and services for people deemed to be a danger to the themselves or others and placed under Emergency Protective Custody (EPC) by law enforcement pending evaluation for mental health board proceedings. In many cases facilities under contract with the Regions to care for EPC detainees refuse to admit those who are particularly combative and belligerent, leaving law enforcement no other choice than to charge a criminal violation and place the mentally ill in jail in order to protect both public safety and the safety of the mentally ill.

While LB 50 is not a solution to bridging such behavioral health service gaps it is intended to ensure that information regarding the Regions' administrative operations and delivery of services are readily available to the public for purposes of independent evaluation of the adequacy and effectiveness of the behavioral health system, and serves as a basis for long term reform of the system in place.

Principal Introducer: _____

Senator Paul Schumacher