

# **Children’s Behavioral Health Oversight Committee**

(LB 603 - 2009)

## **Report to the Governor and Legislature**

**December 1, 2009**

### **Committee Members**

Senator Kathy Campbell, Chair .....	Lincoln
Senator Annette Dubas, Vice Chair.....	Fullerton
Senator Bill Avery .....	Lincoln
Senator Colby Coash .....	Lincoln
Senator Tom Hansen .....	North Platte
Senator Gwen Howard .....	Omaha
Senator Amanda McGill.....	Lincoln
Senator Jeremy Nordquist .....	Omaha
Senator Pete Pirsch.....	Omaha

CHILDREN'S BEHAVIORAL HEALTH OVERSIGHT COMMITTEE (LB 603)  
Report to the Governor and Legislature - December 1, 2009

**INTRODUCTION**

The Nebraska Legislature passed LB 157 in February 2008. The bill decriminalized child abandonment if a parent or guardian left a child at a hospital. After the law took effect in July 2008, 36 children and teenagers were left at Nebraska hospitals; no infants were left. The stories that emerged from these events made it clear that the state lacked adequate, effective services for families trying to deal with children's behavioral and mental health problems. Accordingly, the Governor called the Legislature into special session in November 2008. Senators changed the law so that it applied only to infants, but they also began discussions in earnest with the executive and judicial branches on Nebraska's juvenile mental and behavioral health system. In the 2009 legislative session, senators introduced a number of bills to provide and expand services. Those bills or amended versions of them were bundled together in LB 603, which the Legislature passed May 22, 2009.

LB 603 included the Children and Family Behavioral Health Support Act. The act created the Children's Behavioral Health Oversight Committee and authorized the Executive Board of the Legislative Council to appoint members of the Legislature to serve on the committee as follows: (a) Two members of the Appropriations Committee, (b) two members of the Health and Human Services Committee, (c) two members of the Judiciary Committee, and (d) three members of the Legislature who are not members of such committees (at-large). The committee terminates on December 31, 2011. *LB 603, Sec. 11 (1)*

**COMMITTEE MEMBERS**

On May 28, 2009, the Executive Board of the Legislative Council appointed the following senators to the committee:

Bill Avery, District 28 (*at-large*)  
Kathy Campbell, District 25 (*Health and Human Services Committee member*)  
Colby Coash, District 27 (*Judiciary Committee member*)  
Annette Dubas, District 34 (*at-large*)  
Tom Hansen, District 42 (*Appropriations Committee member*)  
Gwen Howard, District 9 (*Health and Human Services Committee member*)  
Amanda McGill, District 26 (*Judiciary Committee member*)  
Jeremy Nordquist, District 7 (*Appropriations Committee member*)  
Pete Pirsch, District 4 (*at-large*)

The committee met July 17, 2009 and elected Senator Campbell to serve as chairperson and Senator Dubas to serve as vice-chairperson.

CHILDREN'S BEHAVIORAL HEALTH OVERSIGHT COMMITTEE (LB 603)  
Report to the Governor and Legislature - December 1, 2009

**COMMITTEE RESPONSIBILITIES**

The committee is to monitor the effect of implementation of the Children and Family Behavioral Health Support Act and other child welfare and juvenile justice initiatives by the Department of Health and Human Services related to the provision of behavioral health services to children and their families. *LB 603, Sec. 11 (2)*

*New Programs:* Children and Family Support Hotline *LB 603, Sec. 6*  
Family Navigator Program *LB 603, Sec. 7*  
Post-adoption and post-guardianship services *LB 603, Sec. 8*  
The Behavioral Health Education Center *LB 603, Sec. 13, 14*

*Expanded Programs:* Professional Partner Program *LB 603, Sec. 10*  
Medical assistance (Medicaid) – the bill directs the Department of Health and Human Services to submit a state plan waiver to the federal Centers for Medicare and Medicaid Services to provide coverage for community-based secure residential and subacute behavioral health services. *LB 603, Sec. 1*  
Medical assistance (Medicaid) – for access to the State Children's Health Insurance Program (SCHIP), the bill changed eligibility for children under 19 from 185% to 200% of the office of Management and Budget income poverty guideline. *LB 603, Sec. 2*

*Program evaluation:* LB 603 requires the Department of Health and Human Services to evaluate the Children and Family Support Hotline program, the Family Navigator Program, and post-adoption and post-guardianship services.

*Program funding:* For FY2009/10, the Legislature appropriated a total of \$13,755,785 for programs created and expanded by LB 603. State General Funds account for \$6,459,495 of the appropriation; federal funds account for \$7,296,290. *Elizabeth Hruska, Legislative Fiscal Office*

For FY2010/11, the total appropriation is \$20,046,172. State General Funds account for \$9,370,172 of the appropriation; federal funds account for \$10,676,000. *Elizabeth Hruska, Legislative Fiscal Office*

The committee is also required to meet at least quarterly with representatives of the Division of Behavioral Health and the Division of Children and Family Services of the Department of Health and Human Services and with other interested parties and may meet at other times at the call of the chairperson. *LB 603, Sec. 11 (3)*

CHILDREN'S BEHAVIORAL HEALTH OVERSIGHT COMMITTEE (LB 603)  
Report to the Governor and Legislature - December 1, 2009

Finally, the committee is required to provide a report to the Governor and the Legislature no later than December 1 of each year. The report shall include, but not be limited to, findings and recommendations relating to the provision of behavioral health services to children and their families. *LB 603, Sec. 11 (5)*

**COMMITTEE FINDINGS AND RECOMMENDATIONS**

LB 603 programs are only recently operative, have been expanded only recently, or are not operative until January 1, 2010. Therefore the Children's Behavioral Health Oversight Committee has no findings or recommendations in this initial report to the Governor and the Legislature.

**STATUS OF PROGRAM CONTRACTS**

Post-adoption and post-guardianship services

- The Department of Administrative Services has contracted with Lutheran Family Services to provide these services, which are to be operative no later than January 1, 2010. *LB 603, Sec. 8*

Children and Family Support Hotline and Family Navigator Program

- The Department of Administrative Services has contracted with Boys Town to provide these programs, which are to be operative no later than January 1, 2010.

Program evaluation for post adoption/guardianship services, Children and Family Support Hotline, and Family Navigator Program

- The Department of Administrative Services has issued a letter of intent to contract with Hornby Zeller Associates, Inc. A protest has been filed. As of November 24, 2009, the contract has been delayed while protests are heard.

Professional Partner Program basic contracts with the state's behavioral health regions have been amended as follows to expand services (Regions 1, 2, 3, 4) or create pilot programs (Regions 5 and 6):

- Region 1: \$25,662
- Region 2: \$30,105
- Region 3: \$65,731
- Region 4: \$61,958
- Region 5: \$121,475
- Region 6: \$195,069

CHILDREN'S BEHAVIORAL HEALTH OVERSIGHT COMMITTEE (LB 603)  
Report to the Governor and Legislature - December 1, 2009

**COMMITTEE MEETINGS**

Three orientation meetings were scheduled in the fall of 2009: September 11, October 23, and November 20. Because the Legislature was meeting in special session in November, the November 20 meeting was postponed until December 14. All three meetings were open to the public. Since the goal was to provide as much background and discussion time as possible for committee members, public comments were scheduled for the November 20 meeting only (subsequently postponed until December 14), and were also welcomed at any time via e-mail to committee members.

September 23, 2009

The September 11 meeting was held in Room 1113 of the Capitol at 9 a.m. Committee members heard from the following people who had been invited to provide background to the committee:

Mr. Scot Adams, Director, Behavioral Health Division, Department of Health and Human Services, on background to the LB 542 Task Force.

Ms. Beth Baxter, Ms. Candy Kennedy, and Mr. Tom McBride, on perspectives gained through service on the LB 542 Task Force.

Mr. Todd Reckling, Director, Children and Family Services Division, Department of Health and Human Services, on children's services prior to the passage of LB 603.

October 23, 2009

The October 23 meeting was held in Room 1113 of the Capitol at 9 a.m. The purpose of the October 23 meeting was to allow committee members to hear about and discuss the specifics of the programs authorized by LB 603. The committee heard from the following people who had been invited to address the committee:

Susan Boust, MD, Interim Medical Director University of Nebraska Medical Center College of Medicine, on the status of the Nebraska Behavioral Health Education Center.

Ms. Vivianne Chaumont, Director, Division of Medicaid and Long-term Care, Department of Health and Human Services, on the State Children's Health Insurance Program (SCHIP) and the division's waiver application for community-based secure residential and subacute behavioral health services.

CHILDREN'S BEHAVIORAL HEALTH OVERSIGHT COMMITTEE (LB 603)  
Report to the Governor and Legislature - December 1, 2009

Mr. Todd Reckling, Director, Division of Children and Family Services, Department of Health and Human Services, on post-adoption and post-guardianship services.

Ms. Maya Chilese, Children's Behavioral Health Administrator, Division of Behavioral Health, Department of Health and Human Services, on the Family Navigator Program, the Children and Family Support Hotline, the Professional Partners Program, and evaluation services for programs in LB 603.

December 14, 2009

The December 14 meeting is intended to provide background on the state's Medicaid administrator, Magellan Health Services, and to provide opportunity for public comments on all aspects of LB 603.