

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 433**

Introduced by Jacobson, 42; Ibach, 44.

Read first time January 13, 2023

Committee:

- 1 A BILL FOR AN ACT relating to behavioral health services; to amend
- 2 section 71-801, Revised Statutes Cumulative Supplement, 2022; to
- 3 provide duties regarding behavioral health funding as prescribed; to
- 4 provide for an appeal under the Administrative Procedure Act; to
- 5 repeal the original section; and to declare an emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-801, Revised Statutes Cumulative Supplement,  
2 2022, is amended to read:

3 71-801 Sections 71-801 to 71-830 and section 2 of this act shall be  
4 known and may be cited as the Nebraska Behavioral Health Services Act.

5 Sec. 2. (1)(a) Any appropriation to the department for behavioral  
6 health aid and designated as funding to be allocated to a behavioral  
7 health region shall be utilized to provide activities pursuant to the  
8 approved annual budget of the behavioral health region or additional  
9 activities identified through need demonstrated by the region throughout  
10 the year.

11 (b) Whenever circumstances occur during the budget year that impact  
12 the initial projected behavioral health region budget, the director shall  
13 allow for reassignment of funds between service categories of no more  
14 than twenty percent to accommodate emerging needs identified by the  
15 behavioral health region to maximize the ability of the region to  
16 implement new behavioral health services and supports or expand capacity  
17 in existing services.

18 (c) If the reassignment of funds between service categories exceeds  
19 twenty percent, the director shall determine whether to approve the  
20 reassignment of funding within thirty calendar days after receiving a  
21 request by a behavioral health region. Any request for reassignment of  
22 funding under this subsection shall be deemed approved thirty calendar  
23 days after receipt by the director unless approved or denied earlier than  
24 thirty calendar days from the date of receipt.

25 (2)(a) The director may deny a behavioral health region request  
26 under subsection (1) of this section only if the request is prohibited  
27 under state or federal law.

28 (b) If a request is denied by the director, the behavioral health  
29 region may request a hearing pursuant to the Administrative Procedure  
30 Act.

31 Sec. 3. Original section 71-801, Revised Statutes Cumulative

1 Supplement, 2022, is repealed.

2       Sec. 4. Since an emergency exists, this act takes effect when  
3 passed and approved according to law.