

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 541

Introduced by Walz, 15.

Read first time January 19, 2021

Committee:

- 1 A BILL FOR AN ACT relating to foster care; to amend sections 43-4215 and
- 2 68-1210, Reissue Revised Statutes of Nebraska; to provide duties for
- 3 the Division of Children and Family Services and the Division of
- 4 Medicaid and Long-Term Care of the Department of Health and Human
- 5 Services to implement services and reimbursement rates as
- 6 prescribed; to repeal the original sections; and to declare an
- 7 emergency.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-4215, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-4215 (1) On or before July 1, 2014, the Division of Children and
4 Family Services of the Department of Health and Human Services shall
5 implement the reimbursement rate recommendations of the Foster Care
6 Reimbursement Rate Committee as reported to the Legislature pursuant to
7 section 43-4212 as such section existed before June 5, 2013.

8 (2) It is the intent of the Legislature to create an additional
9 level of caregiving for youth in foster care and to implement treatment
10 family care services as reported to the Legislature in the June 22, 2020,
11 Foster Care Reimbursement Rate Committee report pursuant to section
12 43-4217.

13 (3) The Legislature finds that (a) there is a need for consistency
14 in the implementation of a fourth tier of caregiving across the state,
15 (b) the fourth tier of caregiving and reimbursement exists in the
16 continuum of foster care services available in Nebraska, however, there
17 is a variation in the rates, implementation and outcomes, (c) the use of
18 a fourth tier of rates outside of the established rate structure can
19 create barriers to permanency for children entering adoption and
20 guardianship, and (d) the fourth tier of caregiving should be utilized to
21 support the exceptional caregiving needs of children outside the first
22 three tiers of caregiving.

23 (4) The Legislature further finds that (a) additional treatment
24 services are needed to support the behavioral and mental health needs of
25 youth who are at risk of, or stepping down from, congregate treatment
26 placement, and (b) treatment family care services uses blended funding to
27 support caregivers and prevent placement disruption.

28 (5) On or before July 1, 2021, the Division of Children and Family
29 Services of the Nebraska Department of Health and Human Services shall
30 implement a fourth tier of caregiving statewide as the specialized level
31 of care, with standardized rates for foster parents and child placing

1 agencies as reported to the Legislature by the Foster Care Reimbursement
2 Rate Committee in the June 22, 2020, committee report pursuant to section
3 43-4217.

4 (6) On or before July 1, 2021, the Division of Children and Family
5 Services of the Nebraska Department of Health and Human Services shall
6 implement the reimbursement rate recommendation of the Foster Care
7 Reimbursement Rate Committee for treatment family care as reported to the
8 Legislature in the June 22, 2020, committee report pursuant to section
9 43-4217.

10 (7)(a) ~~(2)(a)~~ On or before July 1, 2013, the Division of Children
11 and Family Services of the Department of Health and Human Services shall
12 develop a pilot project as provided in this subsection to implement the
13 standardized level of care assessment tools recommended by the Foster
14 Care Reimbursement Rate Committee as reported to the Legislature pursuant
15 to section 43-4212 as such section existed before June 5, 2013.

16 (b)(i) The pilot project shall comprise two groups: One in an urban
17 area and one in a rural area. The size of each group shall be determined
18 by the division to ensure an accurate estimate of the effectiveness and
19 cost of implementing such tools statewide.

20 (ii) The Nebraska Children's Commission shall review and provide a
21 progress report on the pilot project by October 1, 2013, to the
22 department and electronically to the Health and Human Services Committee
23 of the Legislature; shall provide to the department and electronically to
24 the committee by December 1, 2013, a report including recommendations and
25 any legislation necessary, including appropriations, to adopt the
26 recommendations, regarding the adaptation or continuation of the
27 implementation of a statewide standardized level of care assessment; and
28 shall provide to the department and electronically to the committee by
29 February 1, 2014, a final report and final recommendations of the
30 commission.

31 Sec. 2. Section 68-1210, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 68-1210 Notwithstanding any other provision of law, the Department
3 of Health and Human Services shall have the authority through rule or
4 regulation to establish payment rates for children with special needs who
5 are in foster care and in the custody of the department.

6 On or before July 1, 2021, the Division of Medicaid and Long-Term
7 Care of the Department of Health and Human Services shall implement the
8 reimbursement rate recommendation of the Foster Care Reimbursement Rate
9 Committee for treatment family care services as reported to the
10 Legislature in the June 22, 2020, committee report pursuant to section
11 43-4217.

12 Sec. 3. Original sections 43-4215 and 68-1210, Reissue Revised
13 Statutes of Nebraska, are repealed.

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