

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 976**

Introduced by Wishart, 27.

Read first time January 11, 2022

Committee:

- 1 A BILL FOR AN ACT relating to the Nebraska Behavioral Health Services
- 2 Act; to amend section 71-801, Revised Statutes Cumulative
- 3 Supplement, 2020; to adopt the Certified Community Behavioral Health
- 4 Clinic Act; to harmonize provisions; to repeal the original section;
- 5 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 2020, is amended to read:

3 71-801 Sections 71-801 to 71-830 and sections 2 to 6 of this act  
4 shall be known and may be cited as the Nebraska Behavioral Health  
5 Services Act.

6 Sec. 2. Sections 2 to 6 of this act shall be known and may be cited  
7 as the Certified Community Behavioral Health Clinic Act.

8 Sec. 3. The intent of the Legislature is to increase access to  
9 mental health and substance use treatment and expand capacity to address  
10 increased need, including the opioid overdose crisis, and establish  
11 innovative community partnerships with law enforcement, schools, and  
12 hospitals to improve care, reduce recidivism, and address health  
13 disparities.

14 Sec. 4. For purposes of the Certified Community Behavioral Health  
15 Clinic Act:

16 (1) Certified community behavioral health clinic means any mental  
17 health substance use treatment center as defined in section 71-423  
18 licensed by the department that meets the federal certification criteria  
19 of the federal Protecting Access to Medicare Act of 2014 and provides the  
20 following services as defined by the department:

21 (a) Outpatient mental health and substance use services;

22 (b) Crisis response and hotline services;

23 (c) Screening, assessment, and diagnosis, including risk  
24 assessments;

25 (d) Person-centered treatment planning;

26 (e) Primary care screening and monitoring of key indicators of  
27 health risks;

28 (f) Targeted case management;

29 (g) Psychiatric rehabilitation services;

30 (h) Peer support and family supports;

31 (i) Medication-assisted treatment;

1           (j) Assertive community treatment; and  
2           (k) Community-based mental health care for military service members  
3 and veterans; and

4           (2) Prospective payment system means a daily or monthly medicaid  
5 payment methodology that allows providers to be reimbursed based on  
6 anticipated costs of providing required services to persons enrolled in  
7 medicaid.

8           Sec. 5. Each certified community behavioral health clinic shall  
9 make translation services or interpreters available as necessary to  
10 provide services under this act.

11           Sec. 6. (1) The department shall develop a prospective payment  
12 system under the medical assistance program for funding certified  
13 community behavioral health clinics. Such system shall permit either  
14 daily or monthly payment rates.

15           (2) The department shall submit to the federal Centers for Medicare  
16 and Medicaid Services any approval request necessary for a medicaid state  
17 plan amendment to implement this section.

18           (3) Subject to such approval, such prospective payment system shall  
19 be implemented before January 1, 2023.

20           Sec. 7. The department shall adopt and promulgate rules and  
21 regulations to implement sections 2 to 5 of this act.

22           Sec. 8. Original section 71-801, Revised Statutes Cumulative  
23 Supplement, 2020, is repealed.

24           Sec. 9. Since an emergency exists, this act takes effect when  
25 passed and approved according to law.