

**2008 Summary of Legislative Bills Impacting or of Interest to the Department of Health
and Human Services (DHHS)**

LB 157 (Stuthman) Prohibit prosecution for leaving a child at a hospital.

LB 157 prohibits the prosecution of any crime based only upon the act of leaving a child in the custody of an employee on duty at a hospital licensed by the State of Nebraska. The hospital shall promptly contact appropriated authorities to take custody of the child. This bill becomes effective July 18, 2008.

LB 171 (Kopplin) Require DHHS to apply for food stamp options and waivers.

LB 171 requires DHHS to apply for and utilize to the maximum extent possible, within limits established by the Legislature, all options available to the State under the federal food stamp program.

LB 171 requires DHHS to report annually to the Health and Human Services (HHS) Committee by December 1 on the Department's efforts in carrying out these provisions. Specifically, the report shall include description of the various food stamp options that are available, the Department's evaluation of any action taken of these options, number of persons being served under this program and costs/expenditures associated with this program. The HHS Committee of the Legislature, after receiving this report, shall issue recommendations to the Department on any further necessary action relating to this bill. This bill becomes effective July 18, 2008.

LB 245 (Johnson) Change provisions relating to fluoridation of drinking water.

LB 245 requires cities or villages having a population of 1000 or more inhabitants, no later than June 1, 2010, to add fluoride to their water supply unless there are already sufficient amounts of fluoride. Cities or villages may opt out of this requirement by an ordinance voted on by a majority vote of the governing body. Rural water districts are not responsible for any of the costs of fluoridation unless an agreement is made to assume such responsibilities with the city or village. This bill became effective April 17, 2008.

LB 280 (Stuthman) Provide for jurisdiction over custody proceedings of juveniles as prescribed.

LB 280 provides juvenile courts jurisdiction to enter final custody orders for children who are involved in a juvenile case. This bill becomes effective July 18, 2008.

LB 308 (Stuthman) Adopt the Automated Medications System Act.

LB 308 provides definitions of automated medication distribution machine, automated medication system, chart order, medical order, pharmacist remote order entry, prescription medication distribution machine, and telepharmacy.

LB 308 prohibits any automated machine that dispenses, delivers, or makes available, other than by administration, prescription medication directly to a patient or caregiver.

LB 308 requires any hospital or pharmacy that uses an automated medication system to develop policies and procedures.

LB 308 requires that a prescription medication distribution machine (machine that packages, labels, or counts medication before dispensing) be operated in a licensed pharmacy.

LB 308 requires an automated medication distribution machine (machine that stores medication) to be operated in a hospital for medication administration.

LB 308 provides requirements for a pharmacist providing pharmacist remote order entry.

LB 308 allows a pharmacist to engage in the practice of telepharmacy unless limited by the Board of Pharmacy or DHHS.

LB 308 became effective April 22, 2008.

LB 395 (Johnson) Adopt a new Clean Indoor Air Act.

LB 395 provides the purpose of this act which is to protect the public health and welfare by prohibiting smoking in public places and places of employment.

LB 395 prohibits smoking in a place of employment or a public place.

LB 395 provides definitions of indoor area, place of employment, proprietor, public place, guestroom/suite and smoking.

LB 395 exempts guestrooms and suites rented to guests as smoking rooms, indoor areas used in connection with a research study on the health effects of smoking and tobacco retail outlets.

LB 395 allows, on and after September 1, 2007, cities, villages or counties to adopt a nonsmoking ordinance or resolution. Cities, villages or counties are required to provide a copy of any of these ordinances or resolutions to DHHS and to local health departments.

LB 395 allows DHHS or a local public health department to institute an action in any court with jurisdiction to enjoin a violation of this act. Also, this bill provides that a person or proprietor that violates this act is guilty of a Class V misdemeanor for the first offense and Class IV misdemeanor for subsequent offenses. A person charged with this offense may voluntarily participate in a DHHS smoking cessation program.

LB 395 requires DHHS to adopt and promulgate rules and regulations to implement this act.

Portions of LB 395 relating to the adoption of ordinances and resolutions became operative September 1, 2007, while all other portions of this bill become operative on June 1, 2008.

LB 467 (Chambers) Grant the Ombudsman authority with respect to county and municipal jails and mental health and veterans institutions and provide for appointment of an assistant public counsel.

LB 467 expands the authority of the Deputy Public Counsel (Ombudsman) to all mental health and veterans institutions and facilities operated by DHHS, all regional behavioral health authorities (regions) and all community-based behavioral health services providers that contract with regional behavioral health authorities.

LB 467 applies to any individual who was a patient within the prior 12 months of a state-owned and state-operated regional center and to all complaints relating to administrative acts of DHHS, region or provider.

LB 467 becomes effective July 18, 2008.

LB 469 (Chambers) Change funding restrictions under the Nebraska Health Care Funding Act.

LB 469 allows funds from the Health Care Cash Fund to be used for school-based health clinics. This bill becomes effective July 18, 2008.

LB 480 (Johnson) Change provisions relating to the Nebraska Health Care Funding Act.

LB 480 caps the Health Care Cash Fund at \$52 million and the amount shall be reduced by the amount of the unobligated balance in the Cash Fund. This bill became operative February 14, 2008.

LB 575 (Kruse) Exempt assisted living facilities from sales and use taxes.

LB 575 exempts assisted living facilities, nonprofit organizations, nonprofit private educational institutions, non profit hospitals, nonprofit licensed child-care placing agencies and nonprofit licensed child placement agencies from sales and use taxes. This bill becomes operative October 1, 2008.

LB 586 (Cornett) Change medical lien provisions.

LB 586 reduces the amount of a medical lien (i.e. filed by a treating hospital) against the amount of damages recovered in a personal injury litigation/recovery to the amount that would have been paid if the injured person was covered by private medical insurance or another private health

benefit plan. Also, this bill allows chiropractors to have a medical lien in these cases. This bill became operative March 11, 2008.

LB 606 (Ashford) Adopt the Stem Cell Research Act.

LB 606 creates the Stem Cell Research Advisory Committee. This committee consists of the dean of every medical school in Nebraska, three scientists nominated by each dean, the chief medical officer from DHHS and members appointed by the chief medical officer. This committee shall meet not less than twice each year. Members of the committee not employed by these medical schools shall receive a stipend per meeting determined by DHHS while all members shall be reimbursed for their actual and necessary expenses.

LB 606 requires this committee to establish a grant process to award grants to Nebraska institutions or researchers for conducting non-embryonic stem cell research. In addition, this bill requires this committee to annually report to the Legislature information relating to these grants.

LB 606 creates the Stem Cell Research Cash Fund. Funds are prohibited to be used for destroying a human embryo or creating a human embryo by somatic cell nuclear transfer. \$500,000 is transferred from the Nebraska Tobacco Settlement Trust Fund to the Stem Cell Research Cash Fund (See LB 928-technical changes).

LB 606 became operative March 26, 2008.

LB 619 (Pirsch) Change provisions relating to bad debt charges assessed by the State Treasurer.

LB 619 makes charges assessed to payors of bad checks by state agencies available to the state agency to reimburse the agency for the assessments and administrative costs incurred by the agency. This bill provides that the charges assessed by the State Treasurer shall be credited to the State Treasury Administrative Fund. These charges shall not exceed \$30. This bill becomes effective July 18, 2008.

LB 620 (Pirsch) Change provisions relating to child support collection, bad debts and the State Disbursement Unit.

LB 620 requires fees to be remitted to the State Treasurer for credit to the State Disbursement Unit (SDU) Cash Fund to be used to offset the expenses incurred in the collection of child support bad debt. The SDUs are required to use automated procedures, electronic processes and computer-driven technology for collection/disbursement of these payments. Employers with more than 50 employees are required to remit child support payments electronically. The state is allowed to refuse to accept future payments by check if the payor makes two (instead of three) bad debt payments within a year. Finally, this bill creates the authority, with state agency approval, for the State Treasurer to collect fees electronically for the processing of returned

checks. The fees cannot exceed \$30 and are remitted to the State Treasurer Administrative Fund to offset the cost of collecting bad debt. This bill becomes effective July 18, 2008.

LB 765 (Gay) Change provisions relating to certificates of need.

LB 765 requires a certificate of need (CON) for the following activities:

- * an increase in the long-term care beds of a health care facility by more than 10 long-term care beds or more than 10% of the total long-term care bed capacity of such facility, whichever is less, over a 2-year period;
- * an increase in the rehabilitation beds of a health care facility by more than 10 rehabilitation beds or more than 10% of the total rehabilitation bed capacity of such facility, whichever is less, over a 2-year period;
- * any initial establishment of long-term care beds through conversion by a hospital of any type of hospital beds to long-term care beds if the total of these beds are more than 10 beds or more than 10% of the total bed capacity of such hospital, whichever is less, over a 2-year period;
- * any initial establishment of rehabilitation beds through conversion by a hospital of any type of hospital beds to rehabilitation beds if the total of these beds are more than 10 beds or more than 10% of the total bed capacity of such hospital, whichever is less, over a 2-year period; or
- * any relocation of rehabilitation beds in Nebraska from one health care facility to another health care facility.

LB 765 exempts rehabilitation beds subject to a moratorium if the average occupancy of all rehabilitation beds within a health planning region exceeds 80% occupancy during the most recent 3 consecutive calendar quarters and no other comparable services are available. If this requirement is fulfilled, DHHS shall grant this exception and a certificate of need for up to 3 rehabilitation beds.

LB 765 becomes effective July 18, 2008.

LB 782 (Howard) Allow the disclosure of child abuse and neglect information.

LB 782 allows the CEO of DHHS to disclose information regarding child abuse or neglect and such investigations if the CEO or the Director of DHHS's Children and Family Services Division determines it is not contrary to the best interests of the child, child's siblings and other children in the household and any one of the following factors is present:

- * The alleged perpetrator of the child abuse or neglect has been charged with committing a crime related to the report of child abuse or neglect maintained by the division;

- * A judge, law enforcement agency official, county attorney, or another state/local investigative agency has publicly disclosed the provision of services related to the investigation of the child abuse or neglect;
- * An individual who is the parent, custodian, foster parent, provider, or guardian of the victim or a child victim over 14 years old has made a prior knowing, voluntary, public disclosure;
- * The information relates to a child fatality or near fatality;
- * The information is released to confirm, clarify, or correct information concerning the an allegation or actual instance of child abuse or neglect which has been made public by sources outside the Department; or
- * A child in the custody of the Department is missing from their placement, in which case the CEO or director may release the name and physical description of the child.

LB 782 allows information to be disclosed which includes, but is not limited to child placement, whether in-home or out-of-home, terms of contact, hearing dates, reason for removal from parents or placement, number of placements and type, permanency objectives, court-ordered services or other services provided by the division, and status of the court process.

LB 782 requires that the following information not be released by the CEO or director absent a court order: date of birth, Social Security number, protected health information, name of the person who made the report of child abuse or neglect, and name of foster parent unless foster parent is alleged perpetrator.

LB 782 allows the CEO or director to release the results of criminal history record checks that have been completed by the division as authorized by law.

LB 782 provided that the best interests of the child, child's siblings or other children in the household does not allow the disclosure of information that would impede a pending/current criminal investigation by a law enforcement agency.

LB 782 provides that the division may adopt/promulgate rules and regulations to carry out this law.

This bill became effective March 11, 2008.

LB 797 (HHS Committee) Change provisions to health and human services.

LB 797, the DHHS Clean-up bill, provides technical changes in the areas of Medicaid, rural health, ADC and child care subsidy, cancer registries, trauma information, mammography, breast and cervical cancer, welfare reform, DHHS structure, critical access hospitals, mobile homes and modular housing units.

Nebraska Revised Statute, Section 68-1021.01 (Medicaid) adopts by reference the Federal Social Security Act as it existed on April 1, 2007. Nebraska case law provides that a state statute may incorporate by reference a federal statute but only as to the date such state statute became

effective and not all future changes in federal law. This provision allows any federal changes that have been made to be incorporated by reference.

This bill updates the Rural Health Systems and Professional Incentive Act by changing the term, “advanced practice registered nurses”(APRNs) to “nurse practitioner”. As of July 1, 2007, the definition of APRNs was expanded to include Certified Registered Nurse Anesthetists, Certified Nurse Midwives, Clinic Nurse Specialists and Nurse Practitioners. Since the Nebraska Loan Repayment Program is only open to nurse practitioners, the current APRN term must be changed to nurse practitioner.

This bill reinserts language enabling DHHS to conduct administrative hearings on Intentional Program Violations (IPVs) of clients in the Aid to Dependent Children/Temporary Assistance for Needy Families and Child Care subsidy programs. This language was inadvertently repealed in LB 296 (2007). In order to conduct these hearings, the Department needs the authority through this language.

This bill will specifically allow the U.S. Centers for Disease Control and Prevention (CDC) and the North American Association of Central Cancer Registries (NAACCR) to re-release case specific information received from the Nebraska Cancer Registry. “Re-release” means CDC and NAACCR can disclose data to a third party. By allowing this practice, the Nebraska Cancer Registry and the State of Nebraska can facilitate nationwide research and enhance the study of cancer.

This bill will allow the Department to release case specific, but not patient-identifying trauma information to trauma quality assurance committees. This data law enables the trauma quality assurance program to fulfill the provisions of the Nebraska Trauma Act.

This bill strikes obsolete provisions relating to the screening mammography program. The current mammography program screening guidelines in these obsolete provisions conflict with screening guidelines for the federal grant.

This bill updates language on the Breast and Cervical Cancer Advisory Committee.

This bill eliminates the Governor’s Roundtable relating to welfare reform issues. The issues of welfare reform were addressed by this group and this group is now obsolete. This group was created based on state welfare reform that was passed in 1995.

This bill changes language to reflect the administration and structure of DHHS:

- * The responsibility for licensure of Child Care Agencies, Child Placing Agencies and Group Homes is changed from DHHS to Division of Public Health of DHHS.
- * The term, chief executive officer or designee, replaces the outdated term, director of HHS on the membership of the Geographic Information System Steering Committee.

This bill adds the definition of rural area to the definition of critical access hospital.

This bill provides changes to the Mobile Home Park Act:

- * Eliminates the requirement that the Department provide a specific form that people use as an application.
- * Provides for a civil penalty not to exceed \$2000 as one of the possible sanctions against a mobile home park owner who is unable to maintain compliance with the law.
- * This bill changes provisions of Modular Housing Units and Manufactured Homes that are related to the Public Service Commission, not DHHS.

The provisions dealing with the Modular Housing Units, Manufactured Homes, Mobile Home Park Act and intentional program violations became operative April 1, 2008. The rest of the bill becomes effective July 18, 2008.

LB 821 (Business & Labor Committee) Change provisions relating to claims against the State and authority of the Risk Manager.

LB 821 provides the DAS Risk Manager with authority to consider claims of less than \$5000. Claimants dissatisfied with the Risk Manager's decision are allowed to make application for review of the State Claims Board decision within 60 days. A 90 day limitation is imposed, during which a claimant, after receiving a notice that his/her contract claim may be submitted for decision to the State Claims Board, must file a written objection to such a submission. The Board's jurisdiction would terminate and the claimant could initiate an action in the Lancaster County district court. Lastly, this bill requires the action in the District Court of Lancaster County be filed with that district court within 2 years after the date the Risk Manager receives the written notification of objection or the claim shall be forever barred. This bill becomes effective July 18, 2008.

LB 822 (Legislative Performance Audit Committee) Change provisions relating to performance audits.

LB 822 changes the references in the Government Auditing Standards. Also, this bill allows the Legislative Auditor (administrator of Legislative Performance Audit Section) to request performance audits and eliminates the Auditor's duty to implement online filing of financial information of political subdivisions. This bill becomes effective July 18, 2008.

LB 823 (Legislative Performance Audit Committee) Change the Information Technology Infrastructure Act.

LB 823 expands the role and authority of the Nebraska Information Technology Commission (NITC), the Technical Panel, and the Chief Information Officer. Intent language is provided to make the GIS Council serve as an advisory council to the NITC and the definition of Enterprise Projects is changed. This bill becomes effective July 18, 2008.

LB 830 (Lathrop) Adopt the Prescription Drug Cost Savings Act.

LB 830 requires the Department, no later than July 1, 2010, to establish and maintain a preferred drug list (PDL) for the Medicaid program.

LB 830 requires the Department to establish a pharmaceutical and therapeutics committee to advise the Department on all matters relating to the PDL list. This committee shall include at least 15, but no more than 20 members. No more than 25% of the committee shall be state employees. Members of the committee shall submit conflict of interest statements to the Department. The committee shall elect a chairperson and vice-chairperson and shall be reimbursed for actual and necessary expenses. The committee shall consist of at least: 8 physicians (includes physicians practicing in the areas of family medicine, internal medicine, pediatrics, cardiology, psychiatry or neurology, obstetrics or gynecology, endocrinology and oncology), 4 pharmacists, a university professor of pharmacy or a person with a doctoral degree in pharmacology, and 2 public members.

LB 830 requires the Department, in consultation with the committee, shall adopt and publish policies and procedures relating to the PDL.

LB 830 requires the Department and the committee to consider all therapeutic classes of prescription drugs for inclusion on the PDL, except for anti-depressant, anti-psychotic and anti-convulsant prescription drugs.

LB 830 requires the Department to include a prescription drug on the PDL if the prescription drug is therapeutically equivalent to or superior to a prescription drug on the list and the net cost of the new prescription drug is equal to or less than the net cost of the list drug, after consideration of applicable rebates/discounts negotiated by the Department.

LB 830 requires the Department to include the more cost-effective prescription drug or drugs on the PDL, after consideration of applicable negotiated rebates/discounts, if the Department finds that 2 or more prescription drugs under consideration for inclusion on the PDL are therapeutically equivalent.

LB 830 requires the Department to maintain an updated PDL in electronic format and shall make the list available to the public on its Internet site.

LB 830 allows a health care provider to prescribe a prescription drug not on the PDL to a Medicaid recipient if:

- this drug is medically necessary;
- the provider certifies that the preferred drug has not been therapeutically effective or may cause adverse/harmful reactions to the recipient; and
- the Department authorizes coverage for this drug prior to the dispensing of the drug and has responded to a prior authorization no later than 24 hours after the request.

LB 830 allows a health care provider to prescribe a prescription drug not on the PDL to a Medicaid recipient with prior authorization by the Department if the provider certifies that:

- the recipient is achieving therapeutic success with a course of anti-depressant, anti-psychotic or anti-convulsant medication or medication for HIV, MS, epilepsy, cancer or immunosuppressant therapy; or

-the recipient has experienced a prior therapeutic failure with a medication.

LB 830 also requires the Department to enter into a multistate purchasing pool, negotiate directly with manufacturers or labelers, or contract with a pharmacy benefit manager for negotiated discounts/rebates for all prescription drugs under the Medicaid program in order to achieve the lowest available price.

LB 830 becomes effective July 18, 2008.

LB 902 (Lautenbaugh) Change provisions relating to controlled substances schedules and inventory.

LB 902 provides changes to the Uniform Controlled Substances Act. Specifically, oripavine is placed into Schedule II of this Act. Each controlled substances registrant is required to prepare an annual inventory of controlled substances in Classes I through V, with an exact count or measure of all drugs in each class. Also, this bill clarifies the inventory storage requirement for CI and CII drugs, from CIII to CV drugs. This bill becomes effective January 1, 2009, for the portions dealing with the inventory and April 17, 2008, for the rest of the bill.

LB 928 (Johnson) Change and/or repeal provisions relating to public health and welfare.

LB 928 changes provisions relating to the Hepatitis C Education and Prevention Act, brain injury notification, radiography and radiation control, laboratory fees, animal therapists, certificate of need process, Child Care Licensing Act, Behavioral Health Oversight Commission, disabled persons, Medicaid report on rules and regulations, Children's Behavioral Task Force, personal representatives, fluoroscopy, and the Stem Cell Research Cash Fund.

LB 928 repeals the Hepatitis C Education and Prevention Act since this act terminated on December 1, 2007.

LB 928 changes the brain injury notification and reporting requirements:

- The Department is required to, within 30 days of receiving a report of a brain/head injury, to provide relevant and timely information to the person with such injury to assist such person in accessing necessary and appropriate services.
- The Department may develop the information from other sources and approved by the Department.
- Costs associated with providing the information must be paid from cash funds, gifts and grants; no general funds.
- Hospitals and rehabilitation centers are required to report to the Department within 30 days of the discharge of any person admitted to such facility for treatment of brain/head injury.

LB 928 changes provisions relating to radiography and radiation control.

- A new restricted category of limited computed tomography radiographer is created. Licensed medical radiographers are permitted to utilize computed tomography. Licensure of limited computed tomography is provided. Application requirements are provided.
- Nuclear medicine technologists are permitted to perform certain functions of computed tomography.
- Students enrolled and participating in an educational program in nuclear medicine technology may apply X-rays to humans using a computed tomography system while under supervision.
- The issuance of temporary limited computed tomography radiographer license to persons registered by the Nuclear Medicine Technology Certification Board or the American Registry of Radiologic Technologists is provided.
- Radon measurement technician and radon mitigation technician licenses are removed. Licensure for radon measurement specialists and radon mitigation specialists are retained.
- Additional language is added that considers a person who is licensed as a radon measurement technician to be licensed as a measurement specialist status, until time of renewal.
- Application for registration to be either in writing or by electronic means is allowed.
- Fees for registration and inspection of radiation generating equipment used to diagnose conditions in humans or animals are changed from \$70 to \$400. The Department is restricted in setting the fee to the recovery of its actual costs.
- The Department is provided the authority to require radioactive material licenses with access to radionuclides of concern to undergo a Federal criminal background check and fingerprinting. This change is needed for the Department to remain compatible with the Nuclear Regulatory commission's program as outlined in Section 71-3505.

LB 928 changes fees that may be charged by DHHS for the certification and inspection of laboratories:

- The Department will now be allowed to collect (1) an annual fee of no more than \$1800 per laboratory and (2) an inspection fee of no more than \$3000 per certification period for each laboratory located in Nebraska.

LB 928 permits health care professionals credentialed under the UCA to consult with a licensed veterinarian contracted with or employed by an accredited zoological park or garden or perform health care tasks on a zoo animal under the supervision of a zoo veterinarian.

LB 928 changes the tribal exemption of certificate of need by requiring tribes to have a self-determination agreement in place with the Indian Health Services of the U.S. Department of Health and Human Services so that payment for enrolled members of a federally recognized tribe who are served at such facility will be made with 100% federal reimbursement.

LB 928 changes provisions of the Child Care Licensing Act by removing a recreation facility, center, or program operated by a political/government subdivision from the definition of program.

LB 928 provides the changes to the Behavioral Health Oversight Commission. Beginning on July 1, 2008, this commission shall consist of 12 members appointed by the Governor. These members shall consist of a consumer, consumer advocate, three providers, three region administrators, representative from the Norfolk Regional Center (NRC), representative from the Lincoln Regional Center (LRC), representative of the City of Norfolk and representative from the City of Hastings. This commission shall oversee the implementation of the Nebraska Behavioral Health Services act. Reporting requirements are also provided.

LB 928 requires the Department, based on comprehensive analysis of various options available to the state under federal law, to develop recommendations for Medicaid to persons with disabilities who are employed.

LB 928 requires the Department to provide a final report relating to rules and regulations to the Governor, Legislature and Medicaid Council no later than December 1 before the next regular session of the Legislature.

LB 928 changes the Children's Behavioral Health Task Force by allowing another member of this task force to be designated by the chairperson of the HHS Committee and Appropriations Committee, eliminates the chairperson of the Behavioral Health Oversight Commission as a member and strikes obsolete language.

LB 928 provides that a decedent was 55 years of age or older or resided in a medical institution, the notice of appointment of a personal representative shall also be mailed to DHHS with the decedent's Social Security number, and, if available upon reasonable investigation, the name and Social Security number of the decedent's spouse if such spouse is deceased.

LB 928 allows certified registered nurse anesthetists to use fluoroscopy in conjunction with a medical radiographer in connection with the performance of authorized duties and functions upon (1) the successful completion of appropriate education and training as approved jointly by the department and the board and promulgated by the department in rules and regulations and (2) a determination regarding the scope and supervision of such use is consistent with current law.

LB 928, beginning in July, 2008, and on or before July 25, \$500,000 shall be transferred from the Nebraska Tobacco Settlement Trust Fund to the Stem Cell Research Cash Fund.

The section dealing with the Children's Behavioral Health Task Force will become operative July 1, 2008. The sections dealing with animal therapists, radiography, CRNAs, and radiation control become effective December 1, 2008. The sections dealing with PR notice to the Department, Medicaid reports on rules/regulations, Medicaid recommendations on disabilities, child care, lab fees, tribal CON exemption and Stem Cell Research Cash Fund, brain injury become operative July 18, 2008. The rest of the sections become operative April 22, 2008.

LB 952 (Lathrop) Change provisions relating to administrative subpoena powers.

LB 952 changes provisions relating to state investigatory powers. State agencies may subpoena witnesses to attend investigative hearings and have such witnesses bring with them books,

accounts, and documents necessary for a thorough investigation. Such witnesses may be examined under oath and these powers shall not be used for criminal investigations. Finally, the Attorney General may not use their investigative powers in relation to wire, electronic or oral communications. This bill becomes effective July 18, 2008.

LB 959 (Speaker Flood) Provide deficit appropriations for the State.

LB 959 provides the following for DHHS:

- \$250,000 from NE Health Care Cash Fund for 5 community health centers;
- \$250,000 Cash Funds and \$345,000 Federal Funds for state plan amendment relating to tobacco-use cessation;
- \$900,000 General Funds and \$1,350,000 Federal Funds for 1.5% rate increase for providers;
- provides intent language changing dispensing fees for pharmacies;
- provides authority to transfer unexpended appropriation balances from BSDC to the DD program and reporting requirement;
- \$750,000 General Funds for state aid to be used for community-based aging programs;
- Unexpended reappropriated General Fund balance for Behavioral Health Aid to be distributed for a one-time purpose to the regions for development of community-based behavioral health services;
- \$1,707,320 General Funds, FY2008-09, to be used for additional 2% increase in rates paid to mental health and substance abuse providers;
- Funds from regional centers to be appropriated to the regions for development of community-based services;
- \$1,500,000, FY2007-09 Federal Funds for recruitment strategies for BSDC staff/employees.

LB 959 became effective April 7, 2008.

LB 961 (Speaker Flood) Provide for the transfer of State funds.

LB 961 requires the transfer of \$250,000 from the Commission on Public Advocacy Operations Cash Fund to the University Cash Fund to study the juvenile legal defense and guardian ad litem systems (DHHS has no specific duty). Also, this bill requires the transfer of \$1 million, before July 15, 2008, from the HHS Cash Fund to the Rural Health Professional Incentive Funds. Further, this bill requires the transfer of \$500,000, in FY2008-09, from the NE Tobacco Settlement Trust Fund to the Tobacco Prevention and Control Cash Fund, before July 15, 2008.

LB 961 became effective April 3, 2008.

LB 962 (Preister) Change public body meeting provisions of the Open Meetings Act.

LB 962 prohibits any public body from requiring the name of any member of the public to be placed on the agenda prior to the meeting in order to speak about items on the agenda. This bill becomes effective July 18, 2008.

LB 972 (Gay) Change optometry licensure provisions.

LB 972 changes the requirements for Nebraska optometrist licensure from other states. Specifically, these applicants are required to have been actively engaged in the practice of optometry for at least 2 of the 3 years immediately preceding the application for Nebraska licensure and provide satisfactory evidence of being credentialed in such other jurisdictions at a level with requirements that are at least as stringent as or more stringent than the requirements for the comparable credential applied for in this state. This bill becomes operative December 1, 2008.

LB 1014 (Ashford) Change provisions relating to courts.

LB 1014 provides follow-up changes to the Parenting Act that was passed last year. A plaintiff living in an undisclosed location is required to provide an alternative address for the mailing of the notice. A requirement of submitting a financial plan with the parenting plan is removed. The term domestic intimate partner abuse, the statute relating to dissolution, legal separation or paternity order, and references to child's birth date are clarified. The authority of the judge to order a child of a party to attend a child of divorce case is removed. Training requirements for judges and attorneys are removed. Paternity proceeding and procedures in certain circumstances are provided.

LB 1014 changes provisions relating to truancy. Rules of evidence relating to certified copies of school records are changed. The child's attendance/progress in school are added to the parent plan. The plan established by court to include certain school information is changed. School attendance requirements of foster child are changed. Requirements for unused funds to counties under the County Juvenile Services Aid Program are provided. School attendance/progress are added to issues determining Best Interests of the Child.

LB 1014 provides changes relating to the Nebraska Juvenile Code. Specifically, this bill clarifies the juvenile charged in criminal court can have his/her case waived down to juvenile court. This bill also provides that the juvenile court has authority over parents of a juvenile who is under the court's jurisdiction regardless if parents have custody. The confidentiality of information in mediated pre-hearing conferences for juveniles is clarified. Authority to any party of the court to move juvenile court for hearing involving rehabilitative services is provided. County attorneys or judges are allowed to consider firearm-related convictions in transferring cases to juvenile courts.

LB 1014 does not require DHHS, a county attorney, or an authorized attorney to be responsible for reviewing or filing an application to modify child support for incarcerated individuals.

LB 1014 authorizes the courts to appoint child support referees in matters relating to domestic abuse protection orders.

The sections relating to the Parenting Act and child support/incarcerated individuals became effective April 17, 2008. The sections relating to the Juvenile Code and truancy go into effect July 18, 2008. The sections relating to child support referees go in effect January 1, 2009.

LB 1019 (Business and Labor Committee) Provide for payment of claims against the state.

LB 1019 provides payment of certain claims against the State as well as authorizes agency write offs of certain claims. Specifically, DHHS is authorized to pay claims relating to tort actions. Certain claims relate to the sexual assault settlements dealing with the LRC and foster child. Also, DHHS is authorized to write off claims relating to HRC and bad debt involving the 24/7 facilities. This bill became effective April 3, 2008.

LB 1022 (Hansen) Adopt the Veterinary Drug Distribution Licensing Act.

LB 1022 requires veterinary drug distributors in this state to obtain a veterinary drug distributor license from DHHS. An application process, renewals and license fees for persons obtaining this license are provided. A licensed veterinary drug distributor shall have authority to purchase, possess, or otherwise acquire veterinary legend drugs (drugs restricted by federal law). Veterinary drug distributors are required to establish, maintain and adhere to written policies/procedures for receipt, storage, security, inventory and distribution of legend drugs. Provisional licenses relating to legend drugs may be issued if certain conditions are met. Grounds for discipline and a disciplinary process for veterinary drug distributors are provided. Inspections by DHHS for persons applying for this license or renewal of license are required. This bill becomes operative December 1, 2008.

LB 1048 (Nantkes) Provide for issuance of birth certificates of stillbirths.

LB 1048 allows the parent of a stillborn child to request a birth certificate resulting in stillbirth of such a child. DHHS is required to provide this birth certificate upon request and payment of required fee. The person who filed a fetal death certificate is required to notify the parent/parents of the stillborn child that they can request this birth certificate. Also, guidelines in filling the child's name of this birth certificate are provided. This bill became effective April 17, 2008.

LB 1058 (McDonald) Rename and change powers of the State Advisory Committee on Problem Gambling and Addiction Services.

LB 1058 expands the authority and duties of the State Committee on Problem Gambling (name changed from State Advisory Committee on Problem Gambling and Addiction Services). The committee shall appoint one of its members as chairperson and others as officers. The committee shall conduct regular meetings and shall meet upon the call of the chairperson or

majority of its members. The committee shall develop and recommend to the Behavioral Health Division guidelines and standards for disbursement of money in the Compulsive Gamblers Assistance Fund. The committee shall develop recommendations regarding provider applications, contracts for treatment funding, use of data, funding for problem gambling and outreach programs. The division shall adopt these guidelines and standards based on the Committee's recommendations.

The division and the Committee shall jointly submit a report within 60 days after the end of the fiscal year to the Legislature and the Governor providing the details of services and funding. This bill became effective April 15, 2008.

LB 1108 (Erdman) Change licensure requirements for mental health practitioners.

LB 1108 revises the definition of consultation to include consultation between a licensed mental health practitioner and an independent mental health practitioner. References to independent mental health practitioners in the statutes are harmonized. Satisfactory passage of an examination approved by the Board of Mental Health Practice in addition to current requirements for independent mental health practitioners is required. In addition, this bill clarifies when a person may use the titles of independent clinical worker, independent professional counselor and independent marriage and family therapist. This bill becomes operative December 1, 2008.

LB 1153 (Raikes) Provide for certificates of attendance for special education students and change provisions relating to early childhood education funding.

LB 1153 changes provisions on special education students receiving a certificate of attendance. Enrollment provisions of special education children attending early childhood education programs are changed. Earnings deposited from private endowment shall be deposited into the Early Childhood Education Endowment Cash Fund at least annually or as the endowment agreement provides. The Governor, in his/her discretion, shall appoint one member to the Early Childhood Education Endowment Board of Trustees who resides or works in an at-risk urban area. This bill became effective April 18, 2008.

