

Judiciary Committee
LB 780
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Good afternoon, Senator Seiler and members of the Judiciary Committee. My name is Sheri Dawson (S-H-E-R-I D-A-W-S-O-N) and I am the Director of the Division of Behavioral Health in the Department of Health and Human Services. I am here to testify in opposition to LB 780.

The Division is committed to providing access to emergency services for individuals experiencing a crisis through contracts with each of the six Regional Behavioral Health Authorities. LB 780 changes several provisions relating to emergency protective custody (EPC) and shifts individuals placed under EPC from local law enforcement to the custodial care of the Division of Behavioral Health within 1-hour of notification.

My testimony today addresses several concerns with LB 780.

First, given the rural nature of Nebraska, the capacity and funding needed to accommodate the time frame of one hour for the transfer of custody of an individual every medical facility, jail, or Department of Correctional Services' facility would need to be addressed. Shifting this responsibility to the Division would require a significant budget adjustment in order to fully absorb the shift of costs for custody, payment, and transportation for individuals placed under EPC. As the Nebraska Behavioral Health System is a complex and capitated system, this change would impact a mix of state, regional and county dollars. Realigning existing dollars for administering the one hour response, as well as developing additional capacity, removes dollars from existing less restrictive services also essential to consumers. The proposed changes in custodial responsibility would also require revision to the Nebraska Mental Health Commitment Act and the statute governing EPC.

Second, the bill does not address public safety, the safety of individuals in crisis, and DHHS staff responsible for custody and transportation of individuals placed under EPC without involvement of law enforcement. The safety risk includes the absence of appropriate vehicles, training, and backup that would otherwise be addressed before custody is awarded to the Division. The involvement of law enforcement would likely be necessary and could be done with a contract; however, LB 780 does not include a requirement for law enforcement entities or counties to contract; therefore, the bill as written presents safety challenges.

Lastly, the Legislative Performance Audit Committee's recent report and recommendations directing a comprehensive needs assessment provides for a data driven system planning process. In the meantime, the Division is moving forward tactically to address emergency coordination and strengthen collaboration with all system partners. One example is a newly developed Cross Division Solution Team to improve the emergency system in all areas of the state. There are others I would be happy to discuss.

I am happy to address any questions you may have.