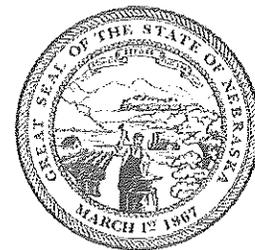


NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

February 5, 2018

Senator Laura Ebke
District #32
State Capitol, Room 1012
P.O. Box 94604
Lincoln, NE 68509

RE: LB 836

Senator Ebke and Members of the Judiciary Committee:

I would ask that this letter be formally included in the record for LB 836.

LB 836, introduced by Senator Howard, proposes to permit psychiatrists, mental health practitioners and psychologists to provide diagnostic testing, evaluation, and treatment for outpatient mental health, alcohol addiction, and drug addiction services to a minor without the consent or notification of a parent/guardian at the request of the minor, if the licensee determines that the minor is knowingly and voluntarily seeking the services and the services are clinically indicated for the minor's well-being. Additionally, the treatment cannot exceed six sessions without parental consent or notification, unless the requirement of parental consent or notification would be seriously detrimental to the minor's well-being.

The Department of Health and Human Services takes a neutral position on this bill and recommends consideration of the following:

- The definition of a minor (the age requirement) is specific only to the administration of psychotropic medications so it is unclear how to apply this to other testing, evaluation, and treatment services.
- The language about what makes a parent "reasonably available" is not specific enough to ensure oversight of psychotropic medications. The outcome of treatment services is greatly enhanced with environmental supports; most primary being that of parents.
- The bill does not address financial responsibility for services if parents or guardians have not been informed or part of healthcare decisions. Financial responsibility for the cost of medications and the services provided is not certain and may be in conflict with third party payer plan requirements that include age based criteria in the authorization of services. Should the behavioral health professional be employed by a school district, would the school be responsible for the care and cost?
- **Section 2**, page 2, physicians are not licensed in Nebraska by specialty such as psychiatry. While the diagnostic testing, evaluation, and treatment described in Section 2 is within the scope of practice for any licensed physician, language may need to be added if the intent is to limit this section to physicians who specialize or are board certified in psychiatry.
- **Section 4**, page 3, deleting lines 10-20, as a mental health practitioner cannot provide convulsive therapy, psychosurgery, or surgery, and cannot administer psychotropic drugs.
- **Section 6**, page 4, deleting lines 5-14 as a psychologist cannot provide convulsive therapy, psychosurgery, or surgery, and cannot administer psychotropic drugs.

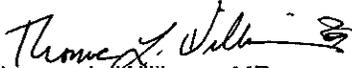
- The Division of Children and Family Services has federal obligations for oversight and coordination of health care services for children in foster care. The federal requirements includes, but is not limited to: the oversight of prescription medicines, including protocols for the appropriate use and monitoring of psychotropic medications, and steps to ensure the continuity of health care services.

An additional federal requirement in the Children and Family Services Review includes a provision that children receive adequate services to meet their physical and mental health needs. The state must ensure that the physical and medical needs of children are identified in assessments and case planning activities, and that those needs are addressed through services.

The passage of LB836 could impact the Division of Children and Family Services' ability to comply with federal requirements.

I appreciate the opportunity to share the above recommendations and look forward to working with you in continuing our mission of helping people live better lives.

Sincerely,



Thomas L. Williams, MD
Chief Medical Officer
Director, Division of Public Health
Nebraska Department of Health and Human Services

cc: Senator Sara Howard