

## Health and Human Services Committee

LB 443

February 13, 2013

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**Deputy Chief Medical Officer, Division of Public Health**

Good afternoon, Senator Campbell and members of the Health and Human Services Committee. My name is Dr. Joseph Acierno (J-O-S-E-P-H-A-C-I-E-R-N-O), Deputy Chief Medical Officer, Division of Public Health, Nebraska Department of Health and Human Services. I am testifying support of LB 443 and wish to thank Senator Cook for introducing this bill on behalf of the DHHS, Division of Public Health.

This bill creates a comprehensive Licensure Act for facilities that provide residential care for youth and those that provide placement services for youth.

This bill does not create any new licenses and it does not pertain to foster home licensure.

This bill is needed to update and clarify existing statutes, some of which have been on the books since 1943. Given the evolution of services, the statutes need to be revised so that they:

1. Provide sufficient guidance and authority to the Department to issue, renew, inspect, and discipline licenses; and
2. Inform and simplify provisions for those that are impacted.

The bill includes the following that are not in current statutes:

1. Better definitions: For example, current statutes define a child placing agency as “an organization which is authorized by its articles of incorporation and by its license to place children in foster family homes.” This definition limits placements to foster homes; however, the standard of operation in today’s world is that child placing agencies place children in a myriad of settings. Therefore, the definition of child placing agency provided in LB 443 is expanded to mean any person (which includes persons, corporations, societies, communities, etc.) other than the parent or legal guardian of a child that receives the child for placement and “places or arranges for the placement of a child in a foster family home, adoptive home, residential child caring agency or independent living.”
2. Better licensing procedures and authority: Current statutes do not include procedures for disciplining a license or the types of disciplinary sanctions that can be imposed. For example, right now all we can do is notify a violation and revoke a license. Progressive discipline is essential to get licensees to comply – censure, fine, probation, etc ... before long revocation. LB 443 includes all these

needed components, including the authority to impose progressive discipline and is probably the most essential part. The language of LB 443 mirrors that found in other licensure acts such as the Child Care Licensing Act and the Health Care Facility Licensure Act.

In closing, this bill is a much needed piece of legislation that will enhance the Department's ability to regulate facilities that care for youth and entities that provide placement service for youths.

We have worked collaboratively with a broad base of stakeholders, including providers and advocacy groups to craft this legislation. These groups are supportive of this legislation. Therefore, I request that the Committee advance LB 443.

I would be happy to respond to any questions.