

March 12, 2015

Senator Les Seiler, Chair
Judiciary Committee
P.O. Box 94604
Lincoln, NE 68509-4604

RE: LB 625

Dear Senator Seiler and members of the Judiciary Committee:

I am writing to provide technical information regarding LB 625, a bill to establish an Interstate Placement for Involuntarily Admitted Patients Agreement Act. The agency is not taking a policy position on the bill at this time.

The Division of Behavioral Health administers an Interstate Compact following the provisions in Neb. Rev. Stat. 83-801.

I would like to take a moment to share some technical points for your consideration:

- The Interstate Compact Administrator for the State of Nebraska is contacted when individuals want to return to Nebraska to receive services closer to their families. The Administrator works with the Regional Behavioral Health Authority Administrators (Regions) on the intended placement. Together, they work with the sending state to work out the details.
- In the process of implementing the provisions of the Interstate Compact, there are a number of related statute definitions in § 71-804, § 71-413, § 83-801, § 83-805, § 83-804, § 71-812, and § 71-808. Harmonizing language and definitions will be important because there are so many different patient scenarios that could arise when individuals transfer between states. If not fully harmonized, the Administrator of the 83-801 Interstate Compact would need clear direction when working with the states identified in LB 625 as to when each statute would apply.

I appreciate your time to review the technical issues. Please let me know if you have questions or would like additional clarification or conversation.

Sincerely,



Sheri Dawson, RN, Acting Director
Division of Behavioral Health
Department of Health and Human Services

Enclosure: Comparison between § 83-801 and LB 625

Cc: Senator Bob Krist

	<u>83-801 Interstate Compact on Mental Health</u>	<u>LB625</u>
Administration	Compact Administrator to Compact Administrator	No Administrator - DHHS and Regions contract with out of state facilities
Orders Recognized	Requires transfer under the Interstate Compact to have a mental health board in Nebraska	Requires states to recognize orders from other states
Responsibility for Payment	Does not address who is responsible for payment	Responsibility for payment is with the sending agency - note at 71-812 behavioral health services fund there are some restrictions as to how the fund is to be used.
Services	Definition of institution limits to Mental Health Board Commitments (83-805)	Definitions applies to more services and facilities - note payment of out of state community based services should not be paid due to statutes that state the public behavioral health system means a statewide array of behavioral health services (71-804). Each county in a behavioral health region shall provide funding for the provisions of behavioral health services in the region. They match one dollar for every three state general dollars. (71-808)
EPC	Does not address EPC	Applies to contract for EPC - note epc arrangements and costs are county decisions
MHCA	Addresses treatment after commitment due to definitions Inpatient Commitment - payment could be made for out of state services for those that are inpatient MHB committed as they are in DHHS custody and DHHS decides where they are placed. For those inpatient committed - individuals are assessed on ability to pay. The amount that an individual cannot pay is split according to statute between the county and state.	Allows an out of state mh provider's opinion to be considered when requesting a petition filed under the MHCA
Involuntary/Voluntary	Limits services to commitments/involuntary	Applies to services not related to treatment and to voluntary and involuntary services