

**HHS Committee
Special Rules and Regulations Hearing
February 27, 2018**

**Bo Botelho, Chief Operating Officer
Department of Health and Human Services**

Good afternoon Chairman Riepe and members of the Health and Human Services Committee. My name is Bo Botelho (B-O B-O-T-E-L-H-O); I am the Chief Operating Officer for the Department of Health and Human Services.

We have provided you with an amended report, pursuant to Neb. Rev. Stat. §84-910. In the initial report, the agency misinterpreted regulations that were required by bills passed, so regulations were included that did not specifically require the agency to do regulations, but the agency thought may need updating. The list that you now have is limited to bills that require the adoption or promulgation of regulations.

The Department takes the promulgation of regulations very seriously. The agency has over 400 chapters of regulations and we are continually working to implement statutory changes and requirements, as well as, revisions to our regulations based on the Governor's Executive Order. The regulation promulgation process is complex and includes input and approval from outside entities. These outside entities are often extremely busy and are handling a variety of other responsibilities beyond the agency's regulations. There are also statutory notice requirements that must be met and require 30-day waiting periods. Finally, the agency may need to wait on federal approval or federal regulation changes before promulgating our regulations.

When a state statute requires the adoption of regulations, there are times when the statutes are self-executing and our regulations end up being a recitation of the statute. These self-executing statutes can be implemented by the agency without the need for the regulation promulgation process. The prioritization of the promulgation of these regulations needs to be balanced with promulgation of regulations for state statutes that are not self-executing, where the agency truly needs regulations to implement or enforce the statutes. Any federal requirements for our regulations are also factored in to the prioritization of regulation promulgation.

Thank you for your time today. I would be happy to answer any specific questions that you have.