

# LEGISLATIVE BILL 1068

Approved by the Governor April 18, 2022

Introduced by Stinner, 48.

A BILL FOR AN ACT relating to public health; to amend sections 71-829 and 71-830, Reissue Revised Statutes of Nebraska; to change provisions of the Behavioral Health Workforce Act relating to legislative intent and the Behavioral Health Education Center; to require the University of Nebraska to conduct an assessment; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-829, Reissue Revised Statutes of Nebraska, is amended to read:

71-829 (1) The Legislature hereby finds and declares that:

(a) Ninety-five percent of counties in Nebraska are classified as behavioral health profession shortage areas by the federal Health Resources and Services Administration and the Nebraska Department of Health and Human Services;

(b) There are severe behavioral health workforce shortages in rural and underserved areas of the state which negatively impact access to appropriate behavioral health services for Nebraska residents; and

(c) Nebraska must act to address immediate needs and implement long-term strategies to alleviate education, recruitment, and retention challenges in the behavioral health field.

~~The Legislature finds that there are insufficient behavioral health professionals in the Nebraska behavioral health workforce and further that there are insufficient behavioral health professionals trained in evidence-based practice. This workforce shortage leads to inadequate accessibility and response to the behavioral health needs of Nebraskans of all ages: Children; adolescents; and adults. These shortages have led to well-documented problems of consumers waiting for long periods of time in inappropriate settings because appropriate placement and care is not available. As a result, mentally ill patients end up in hospital emergency rooms which are the most expensive level of care or are incarcerated and do not receive adequate care, if any.~~

~~As the state moves from institutional to community-based behavioral health services, the behavioral health services workforce shortage is increasingly felt by the inability to hire and retain behavioral health professionals in Nebraska. In Laws 2004, LB 1083, the Legislature pledged to "promote activities in research and education to improve the quality of behavioral health services, the recruitment and retention of behavioral health professionals, and the availability of behavioral health services". The purpose of the Behavioral Health Workforce Act is to realize the commitment made in LB 1083 to improve community-based behavioral health services for Nebraskans and thus focus on addressing behavioral health issues before they become a crisis through increasing the number of behavioral health professionals and train these professionals in evidence-based practice and alternative delivery methods which will improve the quality of care, including utilizing the existing infrastructure and telehealth services which will expand outreach to more rural areas in Nebraska.~~

Sec. 2. Section 71-830, Reissue Revised Statutes of Nebraska, is amended to read:

71-830 (1) The Behavioral Health Education Center is created and shall be administered by the University of Nebraska Medical Center.

(2) The center shall:

(a)(i) Provide funds for up to ten two additional medical residents, physician assistants, or psychiatric nurse practitioners in a Nebraska-based psychiatry program each year starting in 2010 until a total of eight additional psychiatry residents are added in 2013. The center shall provide psychiatric residency training experiences that serve rural Nebraska and other underserved areas. As part of the his or her residency training experience experiences, each center-funded resident, physician assistant, or psychiatric nurse practitioner shall participate in the rural training for a minimum of three months one year. A minimum of three two of the ten eight center-funded residents, physician assistants, or psychiatric nurse practitioners shall be active in the rural training each year; and

(ii) Provide funds for up to twelve five one-year doctoral-level psychology internships in Nebraska within twelve months after July 18, 2014, and every year thereafter and increase the number of interns in the program to ten within thirty-six months after July 18, 2014. The interns shall be placed in communities so as to increase access to behavioral health services for patients residing in rural and underserved areas of Nebraska; and

(iii) Provide funds for up to ten one-year mental health therapist internships or practicums in Nebraska. The trainees shall be placed in rural and underserved communities in order to increase access to behavioral health services for patients residing in such areas of Nebraska;

(b) Focus on the training of behavioral health professionals in telehealth

techniques, including taking advantage of a telehealth network that exists, and other innovative means of care delivery in order to increase access to behavioral health services for all Nebraskans;

(c) Analyze the geographic and demographic availability of Nebraska behavioral health professionals, including psychiatrists, social workers, community rehabilitation workers, psychologists, substance abuse counselors, licensed mental health practitioners, behavioral analysts, peer support providers, primary care physicians, nurses, nurse practitioners, pharmacists, and physician assistants;

(d) Prioritize the need for additional professionals by type and location;

(e) Establish learning collaborative partnerships with other higher education institutions in the state, hospitals, law enforcement, community-based agencies, school districts, and consumers and their families in order to develop evidence-based, recovery-focused, interdisciplinary curricula and training for behavioral health professionals delivering behavioral health services in community-based agencies, hospitals, and law enforcement. Development and dissemination of such curricula and training shall address the identified priority needs for behavioral health professionals; ~~and~~

(f) ~~Establish and operate six~~ Beginning in 2011, develop two interdisciplinary behavioral health training sites ~~each year until a total of six sites have been developed~~. Four of the six sites shall be in counties with a population of fewer than fifty thousand inhabitants. Each site shall provide annual interdisciplinary training opportunities for a minimum of six ~~three~~ behavioral health professionals; ~~and -~~

(g) Educate behavioral health providers and facilities to integrate behavioral health care into primary care practice and licensed health care facilities in order to place well-trained behavioral health providers into primary care practices, behavioral health practices, and rural hospitals for the purpose of increasing access to behavioral health services.

(3) No later than December 1 of every odd-numbered year, the center shall prepare a report of its activities under the Behavioral Health Workforce Act. The report shall be filed electronically with the Clerk of the Legislature and shall be provided electronically to any member of the Legislature upon request.

Sec. 3. The University of Nebraska shall conduct an assessment of the environmental and human health effects of toxic chemicals. The assessment shall include:

(1) An evaluation of adverse long-term environmental, ecological, and human health effects of the chemicals released during (a) the production of ethanol made from grain or seed treated with pesticide and (b) the storage of byproducts created by the production of ethanol made from grain or seed treated with pesticide; and

(2) An assessment of the effects of polluted ground water, soil, and air relating to any ethanol production facility.

Sec. 4. Original sections 71-829 and 71-830, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.