

## Nebraska Disability Legislative Update | April 30, 2022

### Munroe-Meyer Institute (MMI) UCEDD

As is the case every year, a lot happened this session in the Nebraska Legislature. There were several pieces of legislation that either directly or indirectly impacted persons with disabilities in Nebraska.

#### **The following lists the bill, bill intent as well as the actions taken by the Senate and governor:**

**LB893** appropriations bill to increase the pay for DSP's LB893 appropriates \$26,403,499 in General Fund base aid for provider rate increases to Program 424, Developmental Disability Aid. The Federal Medical Assistance Percentage increases to \$41,297,871 under LB893. This bill did not move to the floor.

**LB1172** Appropriations bill to increase pay for DSP's LB 1172 would appropriate Federal Funds to the Department of Health and Human Services for Developmental Disability Aid for COVID-related increases in costs and losses of revenues. This bill did not move to the floor.

Conversely, a 15% increase for providers, based on LB 893, was written into **LB1011** (the main budget bill), which did pass despite a governor's veto. This increase did not include independent providers, nor did it ensure the increase would go towards DSP salaries, but it provided a needed boost to HCBS providers.

**LB1216** Would allow parents to be paid for certain level of care for their child LB 1216 will create additional opportunities to fill the gap in the direct support professional workforce shortage. The bill would allow guardians to work as independent providers to provide care. LB 1216 was purported to help decrease the need for costly institutional services and keep persons with disabilities in their home. There was some controversy and disagreement within the disability community on the bill and it did not pass out of committee.

**LB376** The Family support waiver pilot would authorize the Department of Health and Human Services to apply for a waiver to administer a pilot family support program which is a home and community-based services program. The Advisory Committee on Developmental Disabilities created in section 83-1212.01 would develop and guide the implementation of the pilot family support program. The pilot family support program would be administered by the Division of Developmental Disabilities of the Department of Health and Human Services, but would be required to engage a national expert in overseeing the pilot based on an amendment by Senator Arch. The bill passed and was signed by the governor. The governor did expressed concerns on the fiscal bill (**LB 376A**, where the funds would be drawn from for the pilot) so there is more work to do on this, but a major step forward!

**LB901** requires the Nebraska Department of Health and Human Services to develop and publish cytomegalovirus public education and prevention material for women who may become pregnant, expecting parents, and parents of infants. Additionally, health care providers who are caring for pregnant women must distribute such materials at the appropriate time. Furthermore, LB901 would provide opportunities for parents of infants following the initial CMV hearing screening test. This bill did not make it out of committee.

**LB 852** There has been a dramatic increase in the numbers of children and youth being diagnosed with mental health conditions in recent years, that has been magnified even more by the Pandemic. LB 852 is intended as a step to ensure access to behavioral health services in communities by identifying points of contacts in each school building that have access to current listings of community behavior providers

located in their geographic area that would be available to parents and students for any needed services. This bill did pass and was signed by Governor Ricketts.

Housing bills: **LB1073** Create the Department of Housing and Urban Development

**LB789** Change provisions relating to urban housing programs

**LB1069** Change provisions of the Rural Workforce Housing Investment Act

Advocates have been working directly with Speaker Hilgers on concerns regarding Housing Legislation as there was a lack of attention in these bills regarding accessible housing for persons with disabilities. It was reported that the Speaker was very open to reviewing the issue and ensuring this be included in future legislation around housing. Regarding bills of concern, **LB1073** was vetoed, **LB789** did not pass out of committee, and **LB1069**, which authorized changes to provisions of the Middle-Income Workforce Housing Investment Act and the Rural Workforce Housing Investment Act, was passed and signed.

**LB 856** passed and will allow the UCEDD to contract directly with NDHHS for ADRC funding (previously, we had to go through an Area Agency on Aging based on past legislative requirements.) This is an area we will likely see expand at MMI and the UCEDD through the FCEP and MMI Care Coordination.

### Some UNMC Bills of note:

**LB792** passed with a unanimous vote. This appropriates funds to the University of Nebraska for the University of Nebraska Medical Center Rural Health Complex in Kearney, addressing critical workforce needs in rural Nebraska, including \$500,00 in FY22-23, \$9 million in FY23-24 and \$15 million in FY24-35.

**LB1068** and the corresponding appropriation bill (LB1068A) passed the legislature. This bill expands the Behavioral Health Education Center (BHECN) training opportunities for psychiatrists, psychiatric nurse practitioners and physician's assistants; expands support for psychology internships; adds support for one-year mental health therapy internships; and add support for BHECN sites across the state.

The Federal American Rescue Plan Act (ARPA) funding bill, **LB1014**, passed the legislature and was signed by the Governor. This included \$25.5 million in Federal Funds for the Behavioral Health Education Center (BHECN,) including funding for graduate and post-graduate training opportunities, expansion of tele-behavioral health services in rural areas, education and training for COVID-19 related behavioral health issues, and stipends for licensed behavioral health professionals. It also included \$10 million in Federal Funds for startup costs related to the UNK-UNMC Rural Health Complex in Kearney, and \$50 million of federal funds for construction costs of the facility.

Finally, regarding legislative reviews/studies, two of particular interest include **LR368** (M. Cavanaugh,) which is intended to identify deficiencies and inefficiencies in Nebraska public policy surrounding disability-related service provision and **LR420** (Hansen,) which is intended to examine the education process and procedures for serving students with special needs.

For more information, visit the [Nebraska Legislature website](#) (it is easy to use) or contact Mark Smith, UCEDD Training Director: [email](#) | [402-559-5744](tel:402-559-5744)