

LEGISLATIVE BILL 112

Approved by the Governor February 20, 1987

Introduced by Wesely, 26

AN ACT relating to state institutions; to amend sections 83-1,147, 83-305.01 to 83-305.03, 83-376, 83-4,103, and 84-127, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to psychiatric services provided by the University of Nebraska Medical Center; to change provisions making reference to the Nebraska Psychiatric Institute as prescribed; to delete provisions relating to transferring employees of the Nebraska Psychiatric Institute; to harmonize provisions; and to repeal the original sections, and also section 83-305.05, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 83-1,147, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,147. There is hereby created within the Department of Public Institutions a Division of Medical Services, which shall:

(1) Administer the clinical programs and services of the Beatrice State Developmental Center, the Nebraska Orthopedic Hospital, the Lincoln Regional Center, the Norfolk Regional Center, the Hastings Regional Center, and such other medical facilities, including skilled nursing care and intermediate care facilities, as may be provided by the department;

(2) Plan, develop, administer, and operate mental health and mental retardation clinics, programs, and services;

(3) Plan, develop, and execute the clinical programs and services carried on by the department;

(4) Represent the Department of Public Institutions in its relationship with the University of Nebraska College of Medicine concerning the Nebraska Psychiatric Institute; PROVIDED, that the provisions of Medical Center concerning psychiatric services, except that this act shall not otherwise alter the terms of the existing relationship between the Department of Public Institutions and the Board of Regents of the University

of Nebraska relating to the Nebraska Psychiatric Institute psychiatric services; and

(5) Have such additional responsibilities and perform such additional duties as may be assigned to it by law or by the Director of Public Institutions.

Sec. 2. That section 83-305.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-305.01. Psychiatric services under the control of the Board of Regents of the University of Nebraska shall be under the jurisdiction of the Chancellor of the University of Nebraska Medical Center, who shall report to the Board of Regents through the President of the University of Nebraska. The chancellor or his or her designee shall be responsible for the administration and preparation of the psychiatric services budget and shall have the same powers, authority, and duties as prescribed for the superintendents of the state hospitals described in section 83-305. Control of all functions of the Nebraska Psychiatric Institute is hereby transferred from the Department of Public Institutions to the Board of Regents of the University of Nebraska. The titular head of the Nebraska Psychiatric Institute shall be known as the director and he shall have the same powers, authority, and duties as prescribed for the superintendents of the other state hospitals described in section 83-305 and, for the purpose of carrying out the functions of the titular head of the Nebraska Psychiatric Institute, director and superintendent shall mean one and the same person. The director shall be under the jurisdiction of the Chancellor of the University of Nebraska Medical Center, shall report to the Board of Regents through the president of the university, and shall be responsible for the administration and the preparation of its budget.

Sec. 3. That section 83-305.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-305.02. The Nebraska Psychiatric Institute psychiatric services at the University of Nebraska Medical Center shall operate and be subject to the provisions of sections 83-305 to 83-357.

Sec. 4. That section 83-305.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-305.03. The Director of Public Institutions or the Director of Correctional Services may order the temporary transfer of any person committed

to the Department of Public Institutions or the Department of Correctional Services to the University of Nebraska Medical Center Nebraska Psychiatric Institute with the concurrence of the chancellor thereof director thereof or the University Hospital with the concurrence of the superintendent of such hospital for special diagnosis and treatment of any illness he such person may suffer which cannot be properly diagnosed or treated by the medical facilities of the institution of which he or she is a patient or inmate. The responsibility of guarding any such patient or inmate transferred shall remain with the institution of which he or she is a patient or inmate. The Department of Public Institutions or the Department of Correctional Services shall pay, out of the proper account, all expenses incurred by the University of Nebraska Medical Center Hospital or Nebraska Psychiatric Institute on behalf of any patient or inmate so transferred by the respective department.

Sec. 5. That section 83-376, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-376. When the full cost determined to be necessary for the care, support, maintenance, and treatment of any patient is not paid by the patient or his or her relatives within thirty days of receipt of such care, (1) the county in which the patient resides shall pay (a) the first fifteen dollars per day of the unpaid cost for each of the first thirty days at the Hastings Regional Center, the Lincoln Regional Center, the Norfolk Regional Center, or the University of Nebraska Medical Center, Nebraska Psychiatric Institute; (b) the first ten dollars per day of the unpaid cost for each of the first thirty days at the Beatrice State Developmental Center, and (c) the first three dollars per day of the unpaid costs for each day after the first thirty days at any such institution, (2) the balance of the unpaid cost shall be borne by the state, and (3) the county in which the patient resides shall be credited by the Director of Public Institutions for amounts collected from such patient or his relative or her relatives in excess of the portion of such costs borne by the state.

Sec. 6. That section 83-4,103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-4,103. All appropriate state agencies, specifically including the University of Nebraska Medical Center Nebraska Psychiatric Institute; the

~~University Hospital~~, and any agency providing psychiatric or psychological services, shall cooperate with and assist the Department of Correctional Services in the performance of its duties.

Sec. 7. That section 84-127, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-127. (1) Whenever it appears that the Governor is unable to discharge the duties of the office, the person next in line of succession to the office of Governor or the person who is dean of the College of Medicine of the University of Nebraska may call a conference consisting of the person who is dean of the College of Medicine of the University of Nebraska, the person who is chairperson of the Department of Psychiatry at the University of Nebraska Medical Center, director of the Nebraska Psychiatric Institute and the dean of an accredited college of medicine located in the State of Nebraska; to be selected by the other two members of the conference. The three members of the conference shall examine the Governor. After the examination, or if upon attempting to examine the Governor the members of the conference are unable to examine him or her because of circumstances beyond their control, they shall conduct a secret ballot and, by unanimous vote, may find that the Governor is temporarily unable to discharge the duties of the office.

(2) The finding of or failure to find a disability shall be made public, and in case the Governor is found to be unable to discharge the duties of the office, the person next in line of succession to the office of Governor shall be notified. After receiving the notification, the powers, duties, and emoluments of the office of Governor shall, under Article IV, section 16, of the Constitution of Nebraska, devolve upon the person next in line of succession to the office of Governor.

Sec. 8. That original sections 83-1,147, 83-305.01 to 83-305.03, 83-376, 83-4,103, and 84-127, Reissue Revised Statutes of Nebraska, 1943, and also section 83-305.05, Reissue Revised Statutes of Nebraska, 1943, are repealed.