

CHAPTER 580

OFFICE OF MENTAL RETARDATION

Legislative Bill 855

INTRODUCED BY WILLIAM M. WYLIE, 40TH DISTRICT; WILLIAM F. SWANSON, 27TH DISTRICT; BILL K. BLOOM, 20TH DISTRICT; HENRY F. PEDERSEN, JR., 4TH DISTRICT; HAROLD T. MOYLAN, 6TH DISTRICT

AN ACT to amend section 71-3901, Revised Statutes Supplement, 1967, relating to the office of mental retardation; to transfer the office of mental retardation from the Department of Health to the Department of Public Institutions; to redefine the purposes of such office: to redefine the duties and authority of such office: to allow the office of mental retardation to contract to provide matching funds to local political subdivisions and community agencies for services and programs for mentally retarded persons; to repeal the original section, and also sections 71-3902 and 71-3903, Revised Statutes Supplement, 1967; and to declare an emergency.

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

Section 1. That section 71-3901, Revised Statutes Supplement, 1967, be amended to read as follows:

(1) It is hereby declared to be the public policy of the State of Nebraska that a pattern of facilities, programs and services should be available to meet the needs of each mentally retarded person so that a mentally retarded person may have access to facilities, programs and services best suited to

them throughout the life of the mentally retarded person. The complexities of mental retardation require a coordination of the facilities, programs and services of the various agencies of the State of Nebraska and these of the communities. Programs and facilities should be planned and provided as part of a continuum of service to mentally retarded persons.

(2) The Department of Public Institutions shall establish and staff an office of mental retardation and appoint a director for such office.

(3) The purposes of the office of mental retardation shall be to assist in the establishment and operation of community-based facilities, programs, and services for the comprehensive diagnosis, habilitation, care, training, transitional living and recreation of persons throughout this state who suffer from mental retardation and related disorders, to provide consultative services throughout the state for mentally retarded persons and their families, and to provide for a continued assessment of current facilities, programs, and services and future needs with respect thereto.

(4) There is hereby created an advisory committee to the office of mental retardation, which committee shall consist of seven persons appointed by the Governor. No more than three members shall be professionals in the field of mental retardation, and at least four members shall be lay citizens, one of whom shall be appointed from each of the four Congressional districts as they existed on January 1, 1961. Of the initial members, three shall serve for three years, two for two years, and two for one year, as designated by the Governor in making the appointments. As the terms of initial members expire, their successors shall be appointed for terms of three years. Members shall be reimbursed for actual and necessary expenses incurred in carrying out their duties, and reimbursement for mileage expense shall be at the rate of eight cents per mile.

(5) All departments of government which directly or indirectly have responsibilities in the area of care, treatment, custody and diagnosis of the mentally retarded shall

cooperate with the office of mental retardation by giving advice and assistance, if requested.

Sec. 2. To carry out the policies and purposes of section 1 of this act, the director of the office of mental retardation shall provide a comprehensive and integrated statewide plan for facilities, programs, and services for mentally retarded persons, establish minimum standards for the operation of any facility or program providing services funded in whole or in part under the provisions of this act, provide such assistance as may be necessary to place a mentally retarded person in an appropriate facility or program, encourage research by public and private agencies, institutions of higher learning, and hospitals, in the interest of the elimination and amelioration of retardation and of the care and training of mentally retarded persons, and promulgate such rules and regulations as are necessary to carry out the provisions of this act. In adopting standards, rules and regulations, the director shall be governed by the provisions of Chapter 84, article 9. In addition, the director of the office of mental retardation may enter into agreements with other departments or agencies of the State of Nebraska, counties, cities, other political subdivisions, and private organizations providing facilities, programs or services for mentally retarded persons, contract with educational service units and counties that have established offices of mental retardation or organizations designated by such counties to assist in the administration of local and regional services and programs, provide programs or services if community-based programs or services are not available and the director determines that such programs or services cannot reasonably be provided locally in an area of the state where such programs or services for mentally retarded persons are necessary, and exercise all powers and perform all duties necessary and proper in carrying out the responsibilities of his office.

Sec. 3. (1) The office of mental retardation may provide funds on a matching basis for the provision of community-based services, programs, and facilities, but no more than sixty per cent of the cost of such services, programs,

and facilities may be provided by the office, and not less than forty per cent must be provided by public or private sources in the community. Up to three-fourths of the community contribution may be in the form of facilities, material, or personnel, but local contributions may not be made from state or federal funding resources.

(2) When funds available to the office of mental retardation are insufficient to meet all requirements for matching funds, distribution shall be made pro rata in proportion to local matching.

(3) Allocation of state matching funds shall be limited to use for employment of staff personnel, technical assistance, operation of programs, leasing, renting, or otherwise acquiring and maintaining facilities for the retarded and for the families of the retarded but not to include construction of buildings and for the initiation and continuance of programs and services for those with mental retardation and related disorders.

Sec. 4. Persons receiving services from community-based facilities for the mentally retarded which receive financial assistance pursuant to this act shall be responsible for the cost of such services in the same manner as are patients receiving care at the Beatrice State Home. Provisions of law now in effect or hereafter enacted relating to the responsibility of patients and relatives for the cost and determination of ability to pay for care at Beatrice also shall apply to persons receiving services pursuant to this act.

Sec. 5. The state shall receive a portion of any payments received by a community-based facility pursuant to section 4 of this act in proportion to the state's contribution to the total cost of operation of such facility pursuant to section 3 of this act. The state's share of funds collected pursuant to section 4 of this act shall be deposited in the state treasury and credited to the General Fund.

Sec. 6. When any person has been discharged or released from the Beatrice State Home to participate in community-based programs pursuant to this act while residing

with his parents, and the parents find that the presence of such person in the home is detrimental to other children residing in the family home, or that such person is not successfully responding to the community-based programs, such person shall be readmitted to the Beatrice State Home upon the petition of the parents.

Sec. 7. That original section 71-3901, Revised Statutes Supplement, 1967, and also sections 71-3902 and 71-3903, Revised Statutes Supplement, 1967, are repealed.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

Approved July 28, 1969.