

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. C-5069/PI-226
Public Service Commission, on)
its own motion, to implement) ORDER APPROVING APPLICATION
LB 641 [2019].)
) Entered: January 14, 2020

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

On May 29, 2019, the Governor signed Legislative Bill 641 [2019] into law ("LB 641"). LB 641 requires the Commission to award a grant annually to a 211 Information and Referral Network which submits an application and meets the requirements set forth in statute. The amount of each grant shall be three hundred thousand dollars (\$300,000.00). On August 6, 2019, the Nebraska Public Service Commission ("Commission") opened this proceeding as the vehicle to implement the provisions of LB 641.

According to LB 641, in order to be eligible for the grant, the 211 Information and Referral Network applicant shall:

1. Update the information and referral services on the network at least annually;
2. Geographically index the services to provide information on a county-by-county basis; and
3. Be accredited as meeting the standards for service delivery and quality by the Alliance of Information and Referral Systems or a similar organization.

The grant support shall be used to establish a web site which includes links to providers of health and human services, the name, address, and telephone number of any organization listed on the web site, a description of the type of services provided by the organization listed on the web site, and other information to educate the public about the health and human services available on a geographic basis. The grant shall also be used to provide access to the network twenty-four hours per day, seven days per week, through telephone access and web site access.

In our August 2019, Order, the Commission sought comment on the following questions:

1. How should the Commission structure the grant application process?
2. Should the Commission develop a specific application form and if so, what should be included?

3. What should the timing of the grant application window be?
4. How long should the Commission keep the grant application window open?
5. What procedural requirements should be in place to make sure grant applications are open, transparent and fairly considered?
6. By what date should the Commission decide on the grant award?
7. What considerations should the Commission take into account other than the specific requirements in the statute?
 - a. For example, the Commission was notified¹ that Neb. Rev. Stat. § 71-7606 specifically prohibits the use of funds from Nebraska's Health Care Cash Fund (HCCF) for abortion referrals. How should the Commission structure the grant to ensure compliance with § 71-7606.
 - b. Are there any other restrictions on the HCCF that the Commission needs to consider?
8. What should the ongoing grant report requirements look like?

Comments responsive to the Commission's inquiry were filed by two entities: the United Way of the Midlands ("United Way"), and the Nebraska State Unit on Aging ("Unit on Aging").

On November 5, 2019, the Commission entered an order finding that applicants must be required to complete and submit an application to the Commission as outlined in Exhibit "A" attached to that order. The Commission found that all requirements outlined in the application must be met in order for grant funding to be awarded. The Commission further found that each applicant will be required to certify compliance with Neb. Rev. Stat. § 71-7606 in the initial grant application and on an annual basis in its report.

The Commission established a grant window which closed on December 17, 2019. The Commission received one application on December 11, 2019, which was submitted by United Way of the Midlands.

In its application, United Way of the Midlands provided it meets the criteria of LB 641. It provided evidence that it is accredited by the Alliance of Information and Referral Systems,

¹ See the July 17, 2019 letter from the Administrator of the Nebraska State Budget Division of the Department of Administrative Services to the Commission's Executive Director.

effective January, 2018 to January, 2023. Applicant further stated that it would be the practice of the Information and Referral Services (211) to maintain a comprehensive file of agencies and programs whose services are directed toward the solution of human service problems. The following information may be included:

1. Agencies which have demonstrated provision of services for a period of not less than six months.
2. Non-profit agencies or for-profit agencies that provide community services/human services on a sliding scale fees or accept Medicare/Medicaid payments.
3. For-profit agencies that offer services not readily available in the non-profit sector.
4. Organizations e.g., such as churches and social clubs that offer a community service, not limited to membership only.
5. Advocacy groups, self-help and mutual support groups and help lines with expertise in specific fields.
6. Information and referral lines in local communities.
7. Government agencies providing health, education, social service, recreation, legal or consumer protection services.
8. Transportation services for seniors, disabled or special needs callers.
9. Private companies that provide a community service either free or using a sliding fee scale.
10. Offices of elected representatives at the state and federal levels.
11. 1-800 lines that provide information or services accessible by Nebraska or Iowa residents.
12. School districts but not individual schools unless they provide a unique service open to the public.
13. Government offices and law enforcement agencies.
14. Information on service providers as required by contracts between individual 211 entities and other entities.
15. Professional organizations e.g., AMA, ABA, who provide information and referrals to local practitioners.

For a number of reasons, Applicant stated, the resource database would not include entities that do not offer programs related to the health and human service field; private recreational clubs or organizations; agencies that provide services that are not in accord with commonly accepted professional practices and standards; and in accordance with Neb. Rev. Stat. 71-7606(3), Nebraska 211 does not list programs that offer abortion, abortion counseling, referral for abortion, or research or activity of any kind involving the use of human fetal

tissue obtained in connection with the performance of an induced abortion or involving the use of human embryonic stem cells or for the purpose of obtaining other funding for such use.

Upon review of the application, the Commission is of the opinion and finds the application filed by United Way of the Midlands meets the criteria of LB 641 and that adopted by the Commission. Accordingly, we find the application should be approved subject to the terms and conditions adopted herein.

Conditions of Grant Funding:

The Commission finds that United Way of the Midlands must meet the conditions set forth herein. Pursuant to LB 641, United Way of the Midlands must update the information and referral services on the network at least annually. It must also geographically index the services to provide information on a county-by-county basis. United Way of the Midlands must maintain its accreditation as meeting the standards for service delivery and quality by the Alliance of Information and Referral Systems. In addition, the Commission requires that United Way of the Midlands maintain compliance with Neb. Rev. Stat. § 71-7606. Finally, United Way of the Midlands shall file a report with the Commission no later than **September 1, 2020**. The report should include the following information:

- a. Number of Calls, Texts, and Referrals provided in the previous year, indexed by geography
- b. Itemized accounting of how the grant monies were used
- c. Analysis and Description of relevant trends
- d. List and Description of outside entities/partners that were utilized in providing the Network
- e. Description of updates made to the Network over the preceding year
- f. Summary of outreach efforts made over the preceding year
- g. Summary of feedback regarding customer satisfaction and quality assurance
- h. Statement of compliance with Neb. Rev. Stat. § 71-7606(3).

The Commission reserves the right to impose additional conditions as it deems necessary and proper in the administration of its responsibilities pursuant to LB 641.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the grant award for this calendar year be and it is hereby awarded to United Way of the Midlands in the amount of three hundred thousand dollars (\$300,000.00).

IT IS FURTHER ORDERED that United Way of the Midlands must maintain compliance with all the terms and conditions set forth herein.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 14th day of January, 2020.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



Chair

ATTEST:



Executive Director



