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NEBRASKA DEPARTMENT OF  
HEALTH AND HUMAN SERVICES

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TITLE 206 BEHAVIORAL HEALTH SERVICES

CHAPTER 3 CONTRACTING REQUIREMENTS FOR REGIONAL BEHAVIORAL  
HEALTH AUTHORITIES

001. ADMINISTRATION AND MANAGEMENT. The Division provides funding and oversight of six local Regional Behavioral Health Authorities for the provision of publically funded community mental health and substance use disorder services.

001.01 REGIONAL ADVISORY COMMITTEE. Pursuant to Neb. Rev. Stat. §71-808, each Regional Behavioral Health Authority must establish and utilize a Regional Advisory Committee for the purpose of advising the Regional Behavioral Health Authority on needs and matters relating to community behavioral health services provided in the Region.

001.01(A) COMMITTEE MEMBERSHIP. The Regional Advisory Committee membership must be consistent with Neb. Rev. Stat. § 71-808.

001.01(B) COMMITTEE PROCEDURES. Procedures must be established to prevent a conflict of interest for members of the committee who may benefit financially or programmatically from their participation.

001.01(C) MEMBERSHIP LIST. Each Regional Behavioral Health Authority must submit an annual updated list of the names, addresses, and phone numbers of the officers and members of the Regional Advisory Committee to the Division by July 1.

001.01(D) MEETINGS. The Regional Advisory Committee must meet quarterly per year at a minimum.

001.01(E) ADVICE PROCEDURES. The Regional Behavioral Health Authority must develop procedures for soliciting advice from the Regional Advisory Committee, including procedures for input into the regional planning process, budget development and approval, contracting, evaluation, and other related areas.

001.01(F) DOCUMENTATION. The Regional Behavioral Health Authority must document the input received from the Regional Advisory Committee.

001.02 MATCHING FUNDS. The Regional Behavioral Health Authority must certify in writing to the Division, in a manner specified by the Division, that the required matching funds have been allocated as required by Neb. Rev. Stat. § 71-808.

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001.02(A) FUND CERTIFICATION. The Regional Behavioral Health Authority must certify that required match funds in each Region have been appropriated for expenditure during the fiscal year for which the match has been allocated.

001.02(B) FUND EXPENDITURE. The match dollars must be expended for community behavioral health services and for the operation of the Regional Behavioral Health Authority as reported in the Regional Budget Plan, or as amended, if applicable.

001.02(C) ANNUAL AUDIT. The amounts of match dollars certified to the Division by the Regional Behavioral Health Authority and expended during the fiscal year must appear in the annual audit of the Regional Behavioral Health Authority.

001.03 ANNUAL REPORT. The Regional Behavioral Health Authority must annually submit to the Division a report summarizing the actual expenditure of funds and revenues received from all sources, in a manner specified by the Division.

001.04 DOCUMENTATION. The Regional Behavioral Health Authority must provide reports, evaluations, plans, and any other documents as deemed necessary by the Division for monitoring and accountability.

001.05 GRANT PROPOSAL. In making any grant application to the federal government, the Regional Behavioral Health Authority must submit the proposal to the Division for review and comment before formal submission to the federal agency.

001.06 INSPECTION AND MONITORING. The Regional Behavioral Health Authority must permit inspection of all contracts, subcontracts, programmatic records, service records, and fiscal records by the Division. The Regional Behavioral Health Authority must allow access for on-site monitoring by authorized representatives of the Division.

001.07 COORDINATION. The Regional Behavioral Health Authority must facilitate the coordination of community behavioral health providers with other providers and individuals to carry out the Regional Budget Plan.

001.08 RECORD RETENTION. The Regional Behavioral Health Authority must maintain contracts, subcontracts, programmatic records, service records, and fiscal records for at least five years following the end of the contract period or until resolution of any audit questions, whichever is later.

002. ANNUAL REGIONAL BUDGET PLAN. Pursuant to Neb. Rev. Stat. §71-809 the Regional Behavioral Health Authority must annually submit to the Division a Regional Budget Plan in a format specified by the Division that is consistent with the state plan.

002.01 ANNUAL BUDGET PLAN REQUIREMENTS. The Annual Regional Budget Plan must include, but is not limited to:

- (A) A proposed budget that projects expenses and the allocation of funds for the recovery-oriented and person-centered community-based services to be offered in the Region; and
- (B) A projection of all other revenues from all sources for each community behavioral health provider and the Regional Behavioral Health Authority in a manner specified by the Division.

**003. CONTRACTING.** The Regional Behavioral Health Authority is responsible for contracting for the publicly funded behavioral health services for consumers within its designated Region, consistent with the approved Regional Budget Plan. Contracting must meet the following requirements.

**003.01 REGION SERVICES AND CONTRACTS.** The Regional Behavioral Health Authority must comply with Neb. Rev. Stat. § 71-809 for all services provided or services contracted through the Region.

**003.02 REQUESTS FOR PROPOSAL.** The Regional Behavioral Health Authority must publicize and distribute a request for proposal that has been approved by the Division, with the exception of services funded by time-limited discretionary grants. Approved requests for proposal must be released with adequate public notice before notification of an award to ensure an open and fair competitive process. Each Regional Behavioral Health Authority is expected to make reasonable efforts to contact all potentially eligible bidders.

**003.03 REQUESTS FOR PROPOSAL CONTENTS.** Requests for proposals for services must at a minimum contain:

- (A) A clear description of the process by which consumers are directly and actively involved in the development, implementation, and evaluation of the services to be provided;
- (B) A clear description of the services to be provided;
- (C) A clear description of the minimum qualifications for prospective bidders;
- (D) Accurate data related to the service;
- (E) The process to be used to determine the award; and
- (F) The process for appeal.

**003.04 DETERMINATION OF AWARD.** The determination of an award for a contract must meet the following minimum criteria:

- (A) Each proposal received must be recorded and evaluated according to the published criteria in the request; and
- (B) Upon notice of award to the successful bidder, all proposals must be open to public inspection.

**003.05 AWARD AND MANAGEMENT OF CONTRACTS.** Each Regional Behavioral Health Authority is solely responsible for awarding and managing contracts resulting from the request for proposal process.

003.06 DIVISION APPROVAL. The Regional Behavioral Health Authority must receive approval from the Division before entering into contracts with any provider providing behavioral health services funded in whole or in part by the Division. The Division's approval of the Regional Budget Plan and funding allocation may serve as the written approval for the purposes of this requirement.

003.07 PROVIDER CONTRACTS. The contract between the Regional Behavioral Health Authority and the provider must stipulate that the provider must adhere to the regulations and contract requirements of the Division.

003.08 PROVIDER ENROLLMENT. The Regional Behavioral Health Authority is responsible for enrolling contracted providers in their network. The Regional Behavioral Health Authority shall develop policies and procedures for determining eligibility for enrollment. At a minimum, the enrollment must include:

- (A) A demonstration of capacity to provide behavioral health services based upon verification of:
  - (i) Compliance with all applicable state standards and licensure requirements for program, facilities, and staff members;
  - (ii) Professional licenses and endorsements;
  - (iii) All applicable insurance coverage; and
  - (iv) Fiscal viability, including fiscal and budgetary systems that provide appropriate accounting for and spending of contracted funds;
- (B) A verified demonstration of compliance with state or national accreditation standards;
- (C) Documented completion of an on-site visit for all contracted providers before enrollment and service provision to any consumer receiving services funded by the Division. This on-site visit must include the following minimum areas:
  - (i) Verification of compliance with this chapter; and
  - (ii) Verification that the clinical record keeping practices conform with the provider's plan submitted and meet the minimum requirements this title; and
- (D) Primary source verification of all information used to meet the criteria.

003.09 PERFORMANCE REVIEW. Contract renewal is determined through a performance review that at a minimum includes:

- (A) Continued compliance;
- (B) A review of data demonstrating the operation of the service outlined in the current contract;
- (C) Consumer satisfaction;
- (D) Compliance with information reporting to the Division;
- (E) On-site visit;
- (F) Completion of all provider enrollment forms and reports specified by the Division; and
- (G) Documentation of inclusion of consumers in development, implementation, and evaluation of services.

004. CONFLICT OF INTEREST. The Regional Behavioral Health Authority must have policies and procedures that guard against a conflict of interest between the Regional Behavioral Health Authority, a current or prospective provider, or any individual member of either organization.

004.01 POLICIES AND PROCEDURES. The Regional Behavioral Health Authority must have policies and procedures that, at a minimum, ensure no person covered under the Regional Behavioral Health Authority, a current or prospective provider, or any individual member of either organization:

- (A) Is the recipient of gifts or gratuities, with financial value or otherwise, from individuals or organizations doing business with the Regional Behavioral Health Authority or a provider;
- (B) Misuses confidential information;
- (C) Uses the organization's personnel, resources, property, or funds for personal financial gain;
- (D) Employs persons related by kinship or personal or professional association without prior written approval from the Regional Behavioral Health Authority; or
- (E) Uses or attempts to use any official position to secure unwarranted privileges or exemptions for themselves or others.

004.02 REPORTING OF CONFLICTS OF INTEREST. The Regional Behavioral Health Authority must have policies and procedures that address any conflict of interest between the Regional Behavioral Health Authority in its role as administrator and any provider including the Regional Behavioral Health Authority in its role as a provider and detail the method to identifying, reporting, and resolving potential conflicts of interest. All disclosures, reports, and resolutions must be in writing and be available for review by the Division.

005. DISASTER PLANNING. The Regional Behavioral Health Authority must have the capacity to respond to the psychosocial needs of people affected by a disaster within the Region's assigned geographic area, consistent with the state disaster plan. The Regional Behavioral Health Authority must have a written plan prepared to meet the disaster-generated psychosocial needs for the people residing within the Region.

005.01 DISASTER RESPONSE PLAN. The Regional Behavioral Health Authority disaster response plan must reflect coordination of its disaster preparations and response with the other emergency responders in the Region's assigned geographic area.

005.02 PERSONNEL. The Regional Behavioral Health Authority must work in cooperation with the local emergency management organization and the Division to organize, recruit, and train qualified behavioral health staff to respond in times of disaster. The behavioral health personnel designated to serve as part of the disaster response team must have received training to develop skills for providing psychosocial support after disaster.

006. INABILITY TO PAY. A provider funded in whole or in part under a contract with the Division must not deny or suspend services to persons residing in Nebraska because of an inability to pay

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scheduled fees, including preadmission deposits, co-payments, or other payments required from the consumer.