

LEGISLATIVE UPDATE

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FEDERAL

Congress

The House and Senate are in this week.

There are two upcoming House hearings Children's will be monitoring this week-

- House Ways & Means Committee will hold a hearing on March 2, [Substance Use, Suicide Risk and the American Health System](#).
- The Energy & Commerce (E&C) Subcommittee on Oversight & Investigation will also hold a hearing on March 2, [Lessons from the Frontline: COVID-19's Impact on American Health Care](#).

As we continue to prioritize the mental health needs of children, Children's Hospital Association (CHA) joined over 20 allied organizations in endorsing the bipartisan [Youth Mental Health and Suicide Prevention Act \(S. 3628\)](#), introduced by Sens. Jacky Rosen (D-Nev.) and Lisa Murkowski (R-Alaska). This legislation authorizes the Substance Abuse and Mental Health Services Administration (SAMHSA) to extend direct funding to K-12 school district for comprehensive student mental health promotion and suicide prevention efforts. This funding is currently in place for colleges and universities, but not K-12 school districts. CHA also joined [companion legislation](#) in the House led by Reps. Tony Cardenas (D-Calif.) and Lori Trahan (D-Mass.)

As we prepare for President Joe Biden's State of the Union address Tuesday evening, many wonder if a long-term strategy for mitigating the COVID-19 virus will be outlined. Last Friday, the Centers for Disease Control (CDC) released a new advisory that uses hospital capacity and pandemic-related hospitalizations when determining local mask guidelines. This is one part of the Biden administration's long-term pandemic strategy. We also know the Biden administration plans to accelerate the return of the federal workforce this week and make a broad push for a return to normal.

No Surprises Act

Last week, a U.S District Court [ruled to strike](#) the arbitration portion of regulations implementing the [No Surprises Act](#). The ruling was in response to a suit by the Texas Medical Association asserting that the regulations ignored congressional intent to establish a level playing field between payers and providers in surprise billing payment disputes that go to arbitration. Instead, the arbitration decision criteria outlined in the regulation creates a de facto benchmark payment rate in surprise billing situations.

As a result of the Texas ruling, provider/payer mediation may still take place, but arbiters must base their final payment decision on a full set of factors delineated in the statute—a more balanced approach. No other aspects of the No Surprises Act implementing regulations are affected by the court ruling. The administration has not yet announced whether it will appeal the ruling

STATE

Nebraska Legislature

A lot of hope resting on the Nebraska Economic Forecasting Advisory Board decision as they met Monday, Feb. 28. The board provides an advisory forecast of general fund receipts used by the Legislature to craft the state's budget and with the consistent general fund receipts exceeded the previous forecast from October, the board voted today to officially increase revenue projections.

Revenue projections for the current fiscal year and FY2022-23 were raised due in large part to a projected \$160 million increase in individual income tax receives this year and \$200 million in FY 22-23. Total projected revenue receipts were

raised to \$5.72 billion in FY21-22, an increase of \$370 million lawmakers will have to appropriate this legislative session. Next year, in the beginning of the biennium, lawmakers will have an increase of \$405 million, a total of \$5.96 billion. While there is always uncertainty in these projections, there are realities like the war in Ukraine, inflation, and the phasing out of federal relief dollars that could significantly slow state sales tax. The board will meet again in October.

Chairman Stinner of the Appropriations Committee and his committee members have been waiting for this report to finalize their budget projections for this current session. There are three funding buckets to consider- the general fund budget which has now seen a significant increase, the American Rescue Plan Act (ARPA) budget of \$1.4 billion and the healthy rainy day fund or the state's cash reserve. Lawmakers are required to submit their mid-biennium budget no later than Day 40, which this year is Friday, March 11. We understand the committee will first outline their general fund legislation and then proceed to ARPA mid-March.

We made it to the last week of legislative hearings! While this week will be a lighter hearing schedule, last week Children's was extremely active on legislation.

On Tuesday, the Appropriations Committee heard Senator Mike McDonnell's (D-Dist. 5, Omaha) [LB1055](#). Introduced at the request of Nebraska Hospital Association (NHA), the bill would appropriate \$50 million of federal ARPA funds to Department of Health and Human Services (DHHS) as a one-time retention bonus to front line nurses in hospitals and federally qualified health care centers (FQHCs). Virginia Wolking testified on behalf of Children's, NHA, and the Nebraska Chamber of Commerce in support of LB1055. I want to thank Virginia for taking her day off to advocate for all front line nurses and telling their story of resilience despite the difficulty of the past two years.

Liz Lyons also testified Tuesday on [LB852](#) on behalf of Children's, NHA and the Nebraska Child Health and Education Alliance as the current chair. As written, the bill would require each school district to appoint a medical/behavioral health point of contact in each school building across the state. While the practice of physicians and social workers communicating the unique needs of patients/students is not new, there is often not clear information on who is responsible for this information in each building. The point of contact may be a social worker, school nurse, school counselor, to name a few. We are thankful Chairwoman of the Education Committee Lynn Walz (D-Dist. 15, Fremont) has used LB852 as her individual priority bill this session.

Last Friday, Children's two priority bills to secure ARPA funds for Project Austin and mental health integrated care via telehealth were heard before the Appropriations Committee-

Dr. Jennifer McWilliams testified on [LB1075](#), seeking \$1.8 million for telehealth equipment to expand our integrated care footprint and promote early intervention in primary care offices. Dr. McWilliams answered questions perfectly before the committee expressing the importance of this model of care, the patient satisfaction given the geographic burden our patients would otherwise face and the comfortability with behavioral health via telehealth.

Tiffany Simon testified on [LB1076](#), seeking \$600,000 to expand Project Austin's Emergency Information Form (EIF) from a paper copy to digital via a mobile QR code and app. Tiffany's testimony touched the hearts of every senator on the committee as they understood the intent of Project Austin- to protect the most vulnerable children living in rural (or urban) communities and to give the first responders the tools they need to be prepared with a plan and action steps for a call to that child's house.

Senator John Stinner, chairman of the Appropriations Committee, has sponsored each of Children's ARPA funding priority bills. His clear dedication to the unique needs of children is so overwhelmingly understood among his committee members and has a clear path for passage given his desire to see it through. If you know Senator Stinner personally, please be sure to extend your gratitude.

We have a new state senator to introduce! Following the resignation of former Senator Mike Groene from North Platte regarding inappropriate photos and behavioral toward a legislative staffer, Governor Pete Ricketts (R-NE) quickly appointed North Platte banker [Mike Jacobson](#) (R-Dist. 42) to carry out the remainder of the former senator's term. In his opening remarks, Senator Jacobsen expressed his interest in financial literacy and teaches courses to high school and college students back in his district. Jacobson will now run for official election to the 42nd district in the May primary.

With Groene's resignation came the need to find a new host for his legislation. Senator Anna Wishart (D-Dist. 27, Lincoln) claimed [LB1275](#), his bill to adopt the Medical Cannabis Act. The bill was originally introduced as what some called a "poison pill" against the medical marijuana ballot initiative. Senator Wishart, an avid advocate of the ballot initiative, claimed LB1275 but used the hearing's opening to point Judiciary Committee members to her previously introduced [LB474](#) for a legislative compromise. Needless to say, the ballot initiative this November will be the deciding factor for medical marijuana in Nebraska.

Hearings this week:

Monday, February 28

- [LB1220](#), Sen. Morfeld- Appropriate federal funds to the State Department of Education for premium payments for teachers working in underserved communities
- [LB1240](#), Sen. Albrecht- Appropriate federal funds to the State Department of Education to provide family-directed education recovery accounts for low-income children and families
- [LB815](#), Sen. McKinney- Adopt the Diaper Changing Accommodation Act
- [LB1140](#), Sen. Hansen, M.- Change provisions relating to withholding of wages for health and human services agencies and associations
- [LB1251](#), Sen. Hansen, B.- Adopt the Equal Opportunity Scholarship for Students with Special Needs Program Act and change provisions relating to the distribution of lottery funds
- [LB912](#), Sen. Morfeld- **Provide for mental health first aid training for school districts and change provisions relating to the use of lottery funds**

Tuesday, March 1

- [LB1161](#), Sen. Wishart- Appropriate federal funds to the State Department of Education for programs and interpreters that provide services to students who are deaf or hard of hearing
- [LB1162](#), Sen. Wishart- Appropriate federal funds to the Commission for the Deaf and Hard of Hearing to support in-person interpreting in rural areas and legal communication access
- [LB1131](#), Sen. Morfeld- State intent to appropriate federal funds for bonus payments for teachers, child care workers, and health care workers
- [LB1138](#), Sen. Vargas- Appropriate federal funds to the Department of Health and Human Services for local public health departments

Wednesday, March 2

- [LB1002](#), Sen. McDonnell- Appropriate federal funds to the Department of Health and Human Services for low-income home energy assistance
- [LB1052](#), Sen. Cavanaugh, J.- Appropriate federal funds to the Department of Health and Human Services for the Nebraska Homeless Assistance Program
- [LB1159](#), Sen. Wishart- Appropriate federal funds to the Department of Health and Human Services for a model system of care
- [LB1201](#), Sen. DeBoer- **Appropriate federal funds to the Department of Health and Human Services for grants to nonprofit organizations providing food assistance**
- [LB1193](#), Sen. McDonnell- Provide limitations regarding federal funds appropriations relating to the federal Consolidated Appropriations Act, 2021, and the federal American Rescue Plan Act of 2021
- [LB859](#), Sen. Clements- Require city-county health departments to obtain approval for directed health measures
- [LB963](#), Sen. Murman- **Adopt the Medical Ethics and Diversity Act**
 - Opposing through the NHA and NMA

Thursday, March 3

- [LB1160](#), Sen. Wishart- Appropriate federal funds to the Department of Environment and Energy for reverse osmosis systems
- HHS Appointment Hearings to the Child Welfare Advisory Committee and Rural Health Advisory Committee
- [LB1000](#), Sen. Hansen, B.- Change provisions relating to child abuse and neglect under the Child Protection and Family Safety Act and the Nebraska Juvenile Code

(Sources: CHA, AHA, NHA, Nebraska Chamber, Congress.gov, Nebraska Legislature, World Herald, Peetz & Co.)