

E AND R AMENDMENTS TO LB 236

Introduced by Enrollment and Review Committee: McGill, 26,
Chairperson

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. For purposes of sections 1 to 4 of this act:

4 (1) Activities of daily living has the definition found
5 in section 71-6602;

6 (2) Attendant services means services provided to
7 nonmedically fragile persons, including hands-on assistance
8 with activities of daily living, transfer, grooming, medication
9 reminders, and similar activities;

10 (3) Companion services means the provision of
11 companionship and assistance with letter writing, reading, and
12 similar activities;

13 (4) Homemaker services means assistance with household
14 tasks, including, but not limited to, housekeeping, personal
15 laundry, shopping, incidental transportation, and meals;

16 (5) In-home personal services means attendant services,
17 companion services, and homemaker services that do not require
18 the exercise of medical or nursing judgment provided to a person
19 in his or her residence to enable the person to remain safe and
20 comfortable in such residence;

21 (6) In-home personal services agency means an entity
22 that provides or offers to provide in-home personal services
23 for compensation by employees of the agency or by persons with

1 whom the agency has contracted to provide such services. In-home
2 personal services agency does not include a local public health
3 department as defined in section 71-1626, a health care facility
4 as defined in section 71-413, a health care service as defined in
5 section 71-415, programs supported by the federal Corporation for
6 National and Community Service, an unlicensed home care registry or
7 similar entity that screens and schedules independent contractors
8 as caregivers for persons, or an agency that provides only
9 housecleaning services. A home health agency may be an in-home
10 personal services agency; and

11 (7) In-home personal services worker means a person who
12 meets the requirements of section 2 of this act and provides
13 in-home personal services.

14 Sec. 2. An in-home personal services worker:

15 (1) Shall be at least eighteen years of age;

16 (2) Shall have good moral character;

17 (3) Shall not have been convicted of a crime under the
18 laws of Nebraska or another jurisdiction, the penalty for which is
19 imprisonment for a period of more than one year and which crime is
20 rationally related to the person's fitness or capacity to act as an
21 in-home personal services worker;

22 (4) Shall have no adverse findings on the Adult
23 Protective Services Central Registry, the central register created
24 in section 28-718, the Medication Aide Registry, the Nurse Aide
25 Registry, or the central registry maintained by the sex offender
26 registration and community notification division of the Nebraska
27 State Patrol pursuant to section 29-4004;

1 (5) Shall be able to speak and understand the English
2 language or the language of the person for whom he or she is
3 providing in-home personal services; and

4 (6) Shall have training sufficient to provide the
5 requisite level of in-home personal services offered.

6 Sec. 3. An in-home personal services agency shall employ
7 or contract with only persons who meet the requirements of section
8 2 of this act to provide in-home personal services. The in-home
9 personal services agency shall perform or cause to be performed a
10 criminal history record information check on each in-home personal
11 services worker and a check of his or her driving record as
12 maintained by the Department of Motor Vehicles or by any other
13 state which has issued an operator's license to the in-home
14 personal services worker, when driving is a service provided by the
15 in-home personal services worker, and shall maintain documentation
16 of such checks in its records for inspection at its place of
17 business.

18 Sec. 4. Sections 1 to 3 of this act do not apply to
19 the performance of health maintenance activities by designated care
20 aides pursuant to section 71-1,132.30 or to persons who provide
21 personal assistant services, respite care or habilitation services,
22 or aged and disabled services.

23 Sec. 5. Section 71-415, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 71-415 Health care service means an adult day service, a
26 home health agency, a hospice or hospice service, or a respite care
27 service. Health care service does not include an in-home personal

1 services agency as defined in section 1 of this act.

2 Sec. 6. Section 71-6720, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 71-6720 (1) The purposes of the Medication Aide Act
5 are to ensure the health, safety, and welfare of the public by
6 providing for the accurate, cost-effective, efficient, and safe
7 utilization of medication aides to assist in the administration of
8 medications by ~~(1)~~ (a) competent individuals, ~~(2)~~ (b) caretakers
9 who are parents, foster parents, family, friends or legal
10 guardians, and ~~(3)~~ (c) licensed health care professionals.

11 (2) The act applies to all settings in which medications
12 are administered except the home, unless the in-home administration
13 of medication is - ~~The act does apply to medication administered~~
14 ~~in the home when~~ provided through a licensed home health agency or
15 licensed or certified home and community-based provider.

16 (3) The act does not apply to the provision of reminders
17 to persons to self-administer medication or assistance to persons
18 in the delivery of nontherapeutic topical applications by in-home
19 personal services workers. For purposes of this subsection, in-home
20 personal services worker has the definition found in section 1 of
21 this act.

22 Sec. 7. Original sections 71-415 and 71-6720, Reissue
23 Revised Statutes of Nebraska, are repealed.

24 2. On page 1, line 2, strike "71-6615" and insert
25 "71-415"; and in line 3 strike "care".