

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 291

Introduced by Lathrop, 12.

Read first time January 15, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Developmental Disabilities Services
2 Act; to amend sections 83-1209 and 83-1226, Reissue
3 Revised Statutes of Nebraska; to provide duties regarding
4 ensuring the maximum quality of services; to repeal the
5 original sections; and to declare an emergency.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-1209, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 83-1209 To carry out the policies and purposes of the
4 Developmental Disabilities Services Act, the director shall:

5 (1) Ensure effective management by (a) determining
6 whether applicants are eligible for specialized services, (b)
7 authorizing service delivery for eligible persons, (c) ensuring
8 that services are available, accessible, and coordinated, (d)
9 ensuring that eligible persons have their needs assessed by a
10 team process, have individual program plans developed by a team
11 process to address assessed needs, which plans incorporate the
12 input of the individual and the family, and have services delivered
13 in accordance with the program plan, (e) having the amount
14 of funding for specialized services determined by an objective
15 assessment process as developed in subsection (3) of section
16 83-1216, (f) providing information and referral services to persons
17 with developmental disabilities and their families, (g) promoting
18 the development of pilot projects of high quality, cost-efficient
19 services provided by specialized programs, and (h) administering
20 the Beatrice State Developmental Center;

21 (2) Ensure a coordinated statewide response by (a)
22 developing a comprehensive and integrated statewide plan for
23 specialized services to persons with developmental disabilities
24 in conjunction with state and local officials, designated advocates
25 for such persons, service providers, and the general public, (b)

1 reporting biennially to the Legislature, the Governor, service
2 providers, and the public on persons served and progress made
3 toward meeting requirements of the plan, and (c) creating a
4 statewide registry of persons eligible for specialized services;

5 (3) Ensure specialized services which are efficient and
6 individualized by (a) developing a written policy which ensures the
7 adequate and equitable distribution of fiscal resources based upon
8 a consistent rationale for reimbursement that allows funding to
9 follow service recipients as their service needs change and which
10 also includes a plan for funding shortfalls and (b) administering
11 all state and federal funds as may be allowed by law used by
12 specialized programs in the state;

13 (4) Ensure maximum quality of services by (a) developing
14 a due process mechanism for resolution of disputes, (b)
15 coordinating the development of review teams designed to enhance
16 the quality of specialized services, (c) developing certification
17 and accreditation requirements for service providers, (d) providing
18 technical assistance to local service providers, and (e) providing
19 appropriate oversight regarding the safety, care, and habilitation
20 of individuals that receive services through publicly funded
21 community-based developmental disabilities services, and (f)
22 providing eligible persons, their families, and the designated
23 protection and advocacy system authorized pursuant to the
24 Developmental Disabilities Assistance and Bill of Rights Act of
25 2000, 42 U.S.C. 15001 et seq., with copies of all reports resulting

1 from surveys of providers of specialized services conducted as part
2 of the certification and accreditation process; and

3 (5) Establish and staff a developmental disabilities
4 division which shall assist in carrying out the policies and
5 purposes of the Developmental Disabilities Services Act.

6 Sec. 2. Section 83-1226, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 83-1226 The department shall adopt and promulgate rules
9 and regulations to carry out the Developmental Disabilities
10 Services Act. The department shall adopt and promulgate initial
11 rules and regulations with regard to the safety, care, and
12 habilitation of individuals receiving services through publicly
13 funded community-based developmental disabilities services no later
14 than September 1, 2009.

15 Sec. 3. Original sections 83-1209 and 83-1226, Reissue
16 Revised Statutes of Nebraska, are repealed.

17 Sec. 4. Since an emergency exists, this act takes effect
18 when passed and approved according to law.