

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 365

Introduced by Lathrop, 12; Coash, 27; Cornett, 45; Harms, 48; Karpisek, 32; Krist, 10; Wallman, 30.

WHEREAS, the One Hundredth Legislature, Second Session, 2008, adopted Legislative Resolution 283 to establish the Developmental Disabilities Special Investigative Committee of the Legislature. The committee was then reauthorized by the One Hundred First Legislature, First Session, 2009, in Legislative Resolution 11 and by the One Hundred Second Legislature, First Session, 2011, in Legislative Resolution 47. The committee was authorized to study the quality of care and related staffing issues at the Beatrice State Developmental Center, investigate the placement and quality of care statewide for the developmentally disabled in Nebraska, and determine how and why such services to the developmentally disabled were permitted to decline to the level documented in the United States Department of Justice report; and

WHEREAS, the committee issued a report of its findings and recommendations on December 15, 2008. Among other findings, the committee concluded that the state was likely to lose its federal medicaid funding for the Beatrice State Developmental Center, that various improvements needed to be made to the community-based programs, and that the developmental disability waiting list included 1,865 families who, absent some change in direction by the State of Nebraska, would remain on the waiting list indefinitely. The committee also made various recommendations for improvement of services to the developmentally disabled in the State of

Nebraska. Those recommendations related not only to improvements at the Beatrice State Developmental Center but also to community-based programs as well as the provision of services to the developmentally disabled individuals who would otherwise sit indefinitely on the state's waiting lists. To ensure that the recommendations of the committee would be implemented, the committee recommended that the Legislature continue oversight of these issues: "The LR 283 Committee should be reauthorized at the beginning of the next legislative session. This investigative committee should work with the Health and Human Services Committee to ensure that the terms of the DOJ Consent Decree as well as the recommendations herein are implemented in a timely fashion."

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and reappoint the special committee of the Legislature known as the Developmental Disabilities Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the executive board. The executive board shall appoint the chairperson and vice-chairperson of the committee with consideration being given to reappointing the current chairperson and vice-chairperson. The executive board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The executive board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee

shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as is deemed necessary by the committee.

2. The Developmental Disabilities Special Investigative Committee of the Legislature is hereby authorized to continue to study the quality of care and related staffing issues at the Beatrice State Developmental Center. The committee shall also continue to investigate the placement and quality of care statewide for the developmentally disabled in Nebraska, including the determination of whether adequate funding and capacity exists for persons to be served in the community, options for service provisions for current residents of the Beatrice State Developmental Center at other twenty-four-hour care facilities in the state, and the staffing practices at twenty-four-hour care facilities and the relationship of those practices to the quality of care provided to the developmentally disabled. The committee shall also review the processes of how the Division of Developmental Disabilities of the Department of Health and Human Services determines eligibility for services for individuals who are in need of services, as well as the processes utilized by the division to determine when individuals who have received services by the division are no longer eligible for such services. The committee shall also provide oversight to ensure that the terms of the United States Department of Justice Consent Decree and the recommendations from the Report of the Developmental Disabilities Special Investigative Committee dated December 15, 2008, are implemented in a timely fashion.

3. The Developmental Disabilities Special Investigative Committee of the Legislature shall issue a report with its findings as the circumstances warrant.

4. The Developmental Disabilities Special Investigative Committee of the Legislature is hereby authorized to continue its work until the beginning of the One Hundred Third Legislature, First Session.