

E AND R AMENDMENTS TO LB 320

Introduced by Hansen, 26, Chairman Enrollment and Review

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

3 Section 1. Sections 1 to 9 of this act shall be known and may be
4 cited as the Aging and Disability Resource Center Demonstration Project
5 Act.

6 Sec. 2. The Legislature finds that:

7 (1) The state should anticipate and prepare for significant growth
8 in the number of older Nebraskans and the future needs of individuals
9 with disabilities, both of which will require costly long-term care
10 services;

11 (2) The state should improve access to existing services and support
12 for individuals with disabilities;

13 (3) The state should provide a streamlined approach to identify the
14 needs of older Nebraskans and individuals with disabilities through
15 uniform assessments and a single point of contact;

16 (4) Nebraskans would benefit from statewide public information
17 campaigns to educate older Nebraskans, individuals with disabilities, and
18 their caregivers on the availability of services and support; and

19 (5) It is in the interest of Nebraskans that the state engage in
20 demonstration projects to determine the effectiveness of aging and
21 disability resource centers in enhancing the efficiency and effectiveness
22 of delivery of long-term care services and support to persons who require
23 those services.

24 Sec. 3. A collaboration of organizations that serve aging persons
25 and persons with disabilities, including, but not limited to, area
26 agencies on aging, centers for independent living, and the University
27 Center for Excellence in Developmental Disability Education, Research and

1 Service, shall establish three aging and disability resource center
2 demonstration projects which shall:

3 (1) Provide information which properly utilizes and presents all
4 available public and private long-term care resources to ensure that
5 Nebraskans are receiving the appropriate information necessary to support
6 their needs;

7 (2) Facilitate access to options counseling to help arrange services
8 that will support community living;

9 (3) Comprise a visible and accessible support system for Nebraskans
10 who may benefit from the services offered; and

11 (4) Develop information that will support establishment of a system
12 of standards, certification, and funding in order to implement and
13 operate aging and disability resource centers efficiently and
14 responsibly.

15 Sec. 4. The purpose of the Aging and Disability Resource Center
16 Demonstration Project Act is to evaluate the feasibility of establishing
17 aging and disability resource centers which will provide information
18 about long-term care services and support available in the home and
19 community to older Nebraskans or individuals with disabilities, family
20 caregivers, and people who inquire about or request assistance on behalf
21 of members of these groups and to assist eligible individuals to access
22 the most appropriate public and private resources to meet the
23 individual's long-term care needs.

24 Sec. 5. For purposes of the Aging and Disability Resource Center
25 Demonstration Project Act:

26 (1) Aging and disability resource center means a community-based
27 entity established to provide the services described in section 6 of this
28 act;

29 (2) Area agency on aging has the meaning found in section 81-2208;

30 (3) Center for independent living has the definition found in 29
31 U.S.C. 796a(2), as such section existed on January 1, 2015;

1 (4) Department means the State Unit on Aging of the Long-Term Care
2 Services Section of the Division of Medicaid and Long-Term Care of the
3 Department of Health and Human Services or any successor agency
4 designated by the state to fulfill the responsibilities of section 305(a)
5 (1) of the federal Older Americans Act of 1965, 42 U.S.C 3025(a)(1), as
6 such section existed on January 1, 2015;

7 (5) Eligible individual means a person who has lost, never acquired,
8 or has one or more conditions that impact the ability to perform basic
9 activities of daily living that are necessary to live independently;

10 (6) Options counseling means a service that assists eligible
11 individuals in need of long-term care and their representatives to make
12 informed choices about the services and settings that best meet their
13 long-term care needs, using uniform assessments and encouraging
14 the widest possible use of community-based options to allow eligible
15 individuals to live as independently as possible in the setting of their
16 choice;

17 (7) Representative means an individual designated as a legal
18 guardian, designated by a power of attorney or a health care power of
19 attorney, or chosen by law, by a court, or by an individual seeking
20 services, but use of the term representative shall not be construed to
21 disqualify an individual who retains all legal and personal autonomy;

22 (8) Uniform assessment means a single standardized tool used to
23 assess a defined population at a specific time; and

24 (9) University Center for Excellence in Developmental Disability
25 Education, Research and Service means the federally designated University
26 Center for Excellence in Developmental Disability Education, Research and
27 Service of the Munroe-Meyer Institute at the University of Nebraska
28 Medical Center.

29 Sec. 6. The State of Nebraska shall establish three demonstration
30 projects to evaluate the feasibility of establishing aging and disability
31 resource centers as a means of promoting appropriate, effective, and

1 efficient use of long-term care resources. The demonstration projects
2 shall operate through June 30, 2018. Each aging and disability resource
3 center demonstration project shall provide one or more of the following
4 services:

5 (1) Comprehensive information on the full range of available public
6 and private long-term care programs, options, financing, service
7 providers, and resources within a community, including information on the
8 availability of integrated long-term care;

9 (2) Assistance in accessing and applying for public benefits
10 programs;

11 (3) Personal counseling to assist individuals in assessing their
12 existing or anticipated long-term care needs using uniform assessments
13 and developing and implementing a plan for long-term care designed to
14 meet their specific needs and circumstances;

15 (4) A convenient point of entry to the range of publicly supported
16 long-term care programs for eligible individuals;

17 (5) A process for identifying unmet service needs in communities and
18 developing recommendations to respond to those unmet needs;

19 (6) Facilitation of person-centered transition support to assure
20 that an eligible individual is able to find the services and support that
21 are most appropriate to his or her need;

22 (7) Mobility management to promote the appropriate use of public
23 transportation services by persons who do not own or are unable to
24 operate an automobile; and

25 (8) A home care provider registry that will provide persons who need
26 home care with the names of home care providers and information about
27 their rights and responsibilities as home care consumers.

28 Sec. 7. Aging and disability resource center project grants shall
29 be awarded by the department. The department shall adopt criteria for
30 evaluating proposals to operate an aging and disability resource center
31 demonstration project and release a request for proposals within thirty

1 days after the operative date of this section.

2 Sec. 8. (1) Within sixty days after the release date of a request
3 for proposals, each area agency on aging, after consultation with the
4 collaborating organizations described in section 3 of this act and with
5 other organizations including, but not limited to, organizations
6 providing advocacy, protection, and safety for aging persons and persons
7 with disabilities, may submit to the department a proposal to establish
8 an aging and disability resource center demonstration project to provide
9 individuals residing in its planning-and-service area with information
10 about long-term care services and support and to facilitate access to
11 options counseling to assist eligible individuals and their
12 representatives in identifying the most appropriate services to meet
13 their needs. The proposal shall specify how organizations currently
14 servicing eligible individuals will be engaged in the process of delivery
15 of services through the aging and disability resource center. The
16 proposal shall be developed in consultation with eligible individuals and
17 their representatives. The proposal shall indicate how resources will be
18 utilized by the collaborating organizations to fulfill the
19 responsibilities of an aging and disability resource center demonstration
20 project.

21 (2) Two or more area agencies on aging may develop a joint proposal
22 to establish an aging and disability resource center demonstration
23 project to serve all or a portion of their planning-and-service areas. A
24 joint proposal shall provide information on how the services described in
25 section 6 of this act will be provided in all counties to be served by
26 the aging and disability resource center demonstration project described
27 in the joint proposal.

28 (3) Within ninety days after receipt of a proposal developed
29 pursuant to subsection (1) or (2) of this section, the department shall
30 select three proposals for funding. The department shall enter into a
31 contract with an independent institution having experience in evaluating

1 aging and disability programs for an evaluation of the aging and
2 disability resource center demonstration projects. A preliminary report
3 of the findings of the evaluation shall be presented to the Clerk of the
4 Legislature prior to December 1, 2016. A final evaluation report will be
5 completed by September 30, 2018.

6 Sec. 9. The department shall reimburse each area agency on aging
7 operating an aging and disability resource center demonstration project
8 on a schedule agreed to by the department and the area agency on aging.
9 Such reimbursement shall be made from (1) state funds appropriated by the
10 Legislature, (2) federal funds allocated to the department for the
11 purpose of establishing and operating aging and disability resource
12 centers, and (3) other funds as available.

13 Sec. 10. Section 68-1107, Revised Statutes Cumulative Supplement,
14 2014, is amended to read:

15 68-1107 (1) The Aging Nebraskans Task Force is created. The purposes
16 purpose of the task force are (a) is to develop and facilitate
17 implementation of a statewide strategic plan for addressing the needs of
18 the aging population in the state and (b) to develop a state plan
19 regarding persons with Alzheimer's or related disorders as provided in
20 section 13 of this act. The task force shall provide a forum for
21 collaboration among state, local, community, public, and private
22 stakeholders in long-term care programs.

23 (2)(a) The executive committee of the task force shall include as
24 voting members the chairperson of the Health and Human Services Committee
25 of the Legislature, a member of the Appropriations Committee of the
26 Legislature appointed by the Executive Board of the Legislative Council,
27 a member of the Health and Human Services Committee of the Legislature
28 appointed by the Executive Board of the Legislative Council, a member of
29 the Legislature's Planning Committee appointed by the Executive Board of
30 the Legislative Council, and an at-large member appointed by the
31 Executive Board of the Legislative Council. The voting members of the

1 executive committee shall choose a chairperson and vice-chairperson from
2 among the voting members.

3 (b) The chief executive officer of the Department of Health and
4 Human Services or his or her designee and the Chief Justice of the
5 Supreme Court or his or her designee shall be nonvoting, ex officio
6 members of the executive committee of the task force.

7 (c) The remaining four members of the task force shall be nonvoting
8 members appointed by the executive committee of the task force through an
9 application and selection process, representing stakeholders in the long-
10 term care system and may include a representative of the Division of
11 Medicaid and Long-Term Care Advisory Committee on Aging, representatives
12 of health care providers, elder law attorneys, representatives of the
13 long-term care ombudsman program, health care economists, geriatric
14 specialists, family caregivers of seniors in at-home care, providers of
15 services to the elderly, seniors currently or previously in institutional
16 care, and aging advocacy organizations.

17 (3) The executive committee of the task force shall advise the task
18 force regarding the interaction among the three branches of government
19 related to long-term care programs and services. The members of the
20 executive committee shall each represent his or her own branch of
21 government, and no member of the executive committee shall participate in
22 actions that could be deemed to be the exercise of the duties and
23 prerogatives of another branch of government or that improperly delegate
24 the powers and duties of any branch of government to another branch of
25 government.

26 (4) The task force shall work with administrators of area agencies
27 on aging, nursing home and assisted-living residence providers,
28 hospitals, rehabilitation centers, managed care companies, senior citizen
29 centers, community stakeholders, advocates for elder services and
30 programs, the Center for Public Affairs Research of the College of Public
31 Affairs and Community Service at the University of Nebraska at Omaha, and

1 seniors statewide to establish effective community collaboration for
2 informed decisionmaking that supports the provisions of effective and
3 efficient long-term care services.

4 (5) The task force shall create a statewide strategic plan for long-
5 term care services in Nebraska which shall consider, but not be limited
6 to:

7 (a) Promotion of independent living through provision of long-term
8 care services and support that enable an individual to live in the
9 setting of his or her choice;

10 (b) Provision of leadership to support sound fiscal management of
11 long-term care budgets so that Nebraska will be able to meet the
12 increasing demand for long-term care services as a growing portion of the
13 state's population reaches the age of eighty years;

14 (c) Expedited creation of workforce development and training
15 programs specific to the needs of and in response to Nebraska's growing
16 aging population;

17 (d) The identification of gaps in the service delivery system that
18 contribute to the inefficient and ineffective delivery of services; and

19 (e) Development of a process for evaluating the quality of
20 residential and home and community-based long-term care services and
21 support.

22 Sec. 11. Section 68-1108, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 68-1108 (1) On or before December 15, 2014, the Aging Nebraskans
25 Task Force shall present electronically to the Legislature a report of
26 recommendations for the statewide strategic plan described in section
27 68-1107. The Department of Health and Human Services shall also annually
28 report electronically to the Legislature the percentage growth of
29 medicaid spending for people over sixty-five years of age for no fewer
30 than five years following acceptance of the application to the State
31 Balancing Incentive Payments Program pursuant to section 81-3138.

1 (2) The task force shall develop a state plan as provided in section
2 13 of this act and electronically deliver the state plan to the Governor
3 and the Legislature on or before December 15, 2016. The task force shall
4 make a presentation of the state plan to the Health and Human Services
5 Committee of the Legislature on or before December 15, 2016.

6 Sec. 12. Section 68-1109, Revised Statutes Cumulative Supplement,
7 2014, is amended to read:

8 68-1109 The Aging Nebraskans Task Force terminates on January 1,
9 2017 ~~June 30, 2016~~, unless extended by the Legislature.

10 Sec. 13. (1) The Aging Nebraskans Task Force shall develop a state
11 plan regarding persons with Alzheimer's and related disorders. The task
12 force shall work with the chief executive officer of the Department of
13 Health and Human Services, the Public Guardian, the area agencies on
14 aging, organizations advocating for patients and caregivers for patients
15 with Alzheimer's or related disorders, the law enforcement community,
16 patients with Alzheimer's or related disorders, caregivers for patients
17 with Alzheimer's or related disorders, client advocacy organizations,
18 health care provider advocacy organizations, private health care
19 providers, and community-based health professionals.

20 (2) The task force shall:

21 (a) Assess the current and future impact of Alzheimer's and related
22 disorders on residents of the state;

23 (b) Determine the existing services and resources in the state that
24 address the needs of individuals with Alzheimer's and related disorders
25 and their families and caregivers; and

26 (c) Develop recommendations to respond to escalating needs for the
27 services and resources described in subdivision (b) of this subsection.

28 (3) In fulfilling the duties described in subsection (1) of this
29 section, the task force shall examine:

30 (a) Trends and needs in the state relating to populations with
31 Alzheimer's or related disorders, including (i) the state's role in the

1 provision of long-term care, (ii) family caregiver support, (iii) the
2 provision of early-stage diagnoses, assistance, support, and medical
3 services, (iv) younger onset of Alzheimer's or related disorders, (v)
4 ethnic populations at higher risk, and (vi) risk reduction;

5 (b) Existing services, resources, and capacity available to
6 individuals with Alzheimer's or related disorders, including:

7 (i) The type, cost, availability, and adequacy of services,
8 including, (A) home and community-based resources, (B) respite care, (C)
9 residential long-term care, and (D) geriatric-psychiatric units for
10 individuals with associated behavioral disorders;

11 (ii) Dementia-specific training requirements for individuals who are
12 employed to provide care to individuals with Alzheimer's or related
13 disorders;

14 (iii) Quality of care measures for services delivered across the
15 continuum of care;

16 (iv) The capacity of public safety and law enforcement to respond to
17 individuals with Alzheimer's or related disorders; and

18 (v) State support to institutions of higher learning for research on
19 Alzheimer's or related disorders;

20 (c) The need for state policy or action in order to provide clear,
21 coordinated services and support to individuals with Alzheimer's or
22 related disorders and their families and caregivers; and

23 (d) Strategies to identify gaps in services.

24 Sec. 14. Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of this act become
25 operative three calendar months after the adjournment of this legislative
26 session. The other sections of this act become operative on their
27 effective date.

28 Sec. 15. Original sections 68-1107, 68-1108, and 68-1109, Revised
29 Statutes Cumulative Supplement, 2014, are repealed.

30 Sec. 16. Since an emergency exists, this act takes effect when
31 passed and approved according to law.

1 2. On page 1, strike beginning with "long-term" in line 1 through
2 line 2 and insert "public health; to amend sections 68-1107, 68-1108, and
3 68-1109, Revised Statutes Cumulative Supplement, 2014; to adopt the Aging
4 and Disability Resource Center Demonstration Project Act; to require the
5 Aging Nebraskans Task Force to develop a state plan regarding persons
6 with Alzheimer's or related disorders; to change a termination date; to
7 harmonize provisions; to provide operative dates; to repeal the original
8 sections; and to declare an emergency."