

ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016
COMMITTEE STATEMENT
LB698

Hearing Date: Thursday January 21, 2016
Committee On: Health and Human Services
Introducer: Mello
One Liner: Adopt the Home Care Consumer Bill of Rights Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Baker, Campbell, Crawford, Fox, Howard, Kolterman, Riepe
Nay:
Absent:
Present Not Voting:

Verbal Testimony:

Proponents: Senator Heath Mello Mark Intermill Michaela Valentin	Representing: District 5 AARP Home Instead Senior Care
Opponents:	Representing:
Neutral:	Representing:

Summary of purpose and/or changes:

LB698 came from discussions in the Aging Nebraskans Task Force regarding senior's use of home care agencies without fully understanding the employment relationship created and associated workers' compensation obligations and liability risks. The bill creates the Home Care Consumer Bill of Rights Act. Requires home care service providers to maintain the confidentiality of the home care consumer receiving services from the provider, disclose the provider's employment status to the home care consumer, and provide the home care consumer with a copy of the rights guaranteed by the Home Care Consumer Bill of Rights Act in an appropriate format. Creates the potential for a civil penalty of one thousand dollars and provides for the collection of that penalty through lien foreclosure or suit in the district court of the county where the violator resides or owns property. Permits the state to collect attorney's fees incurred in collecting the penalty and required the penalty to be remitted to the state treasurer.

Explanation of amendments:

AM1994 clarifies the definition of home care consumer to include the parent or guardian of a minor child or guardian of an incapacitated person. Adds a definition of "provider of home care services", as recommended at the hearing by the American Association of Retired Persons to avoid inclusion of friends or neighbors helping each other. Adds rights and procedures for securing such rights for minor children and those needing assistance. Changes the list of rights to include those suggested by the Attorney General's office including the right to privacy and confidential information, right to receive information about the employment arrangement, right of certain information, right to refuse service, right to express grievances. Sets out process for Attorney General's office to enforce the Act. Sets out civil penalties not more

than \$2,000 per violation, plus actual damages. Also allows private right of action for violations.

Kathy Campbell, Chairperson