

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 320

Introduced by Bolz, 29; Campbell, 25; Davis, 43.

Read first time January 15, 2015

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to long-term care; to adopt the Aging and
- 2 Disability Resource Center Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 11 of this act shall be known and may be
2 cited as the Aging and Disability Resource Center Act.

3 Sec. 2. The Legislature finds that:

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

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

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

13 (4) Nebraskans would benefit from statewide public information
14 campaigns to educate older Nebraskans, individuals with disabilities, and
15 their caregivers on the availability of services and support.

16 Sec. 3. A collaboration of organizations that serve aging persons
17 and persons with disabilities, including, but not limited to, area
18 agencies on aging, centers for independent living, and the University
19 Center for Excellence in Developmental Disability Education, Research and
20 Service, shall establish aging and disability resource centers which
21 shall:

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

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

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

30 (4) Establish a system of standards, certification, and funding in
31 order to implement and operate aging and disability resource centers

1 efficiently and responsibly.

2 Sec. 4. The purposes of the Aging and Disability Resource Center
3 Act are to establish aging and disability resource centers which will
4 provide information about long-term care services and support available
5 in the home and community to older Nebraskans or individuals with
6 disabilities, family caregivers, and people who inquire about or request
7 assistance on behalf of members of these groups and to assist eligible
8 individuals to access the most appropriate public and private resources
9 to meet the individual's long-term care needs.

10 Sec. 5. For purposes of the Aging and Disability Resource Center
11 Act:

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

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

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

18 (4) Certify means the grant of recognition by a regulatory entity to
19 an aging and disability resource center which has met certain
20 prerequisite qualifications specified by such regulatory entity;

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

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

30 (7) Options counseling means a service that assists eligible
31 individuals in need of long-term care and their representatives to make

1 informed choices about the services and settings that best meet their
2 long-term care needs, using uniform assessments and encouraging
3 the widest possible use of community-based options to allow eligible
4 individuals to live as independently as possible in the setting of their
5 choice;

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

11 (9) Uniform assessment means a single standardized tool used to
12 assess a defined population at a specific time; and

13 (10) University Center for Excellence in Developmental Disability
14 Education, Research and Service means the federally designated University
15 Center for Excellence in Developmental Disability Education, Research and
16 Service of the Munroe-Meyer Institute at the University of Nebraska
17 Medical Center.

18 Sec. 6. Each aging and disability resource center shall provide:

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

23 (2) Assistance in accessing and applying for public benefits
24 programs;

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

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

31 (5) A process for identifying unmet service needs in communities and

1 developing recommendations to respond to those unmet needs; and

2 (6) Facilitation of person-centered transition support to assure
3 that an eligible individual is able to find the services and support that
4 are most appropriate to his or her need.

5 Sec. 7. Aging and disability resource centers shall be certified by
6 the department. The department shall adopt and promulgate rules and
7 regulations within two hundred forty days after the effective date of
8 this act, providing standards for such certification. Such standards
9 shall be developed in consultation with appropriate state agencies and
10 community organizations and shall provide, at a minimum:

11 (1) That aging and disability resource centers shall:

12 (a) Be subject to periodic review by the department;

13 (b) Provide current and accurate information about public and
14 private long-term care services and support options available in-home and
15 in the community;

16 (c) Properly utilize and interact with local support services and
17 serve as a liaison between community services and eligible individuals
18 seeking support or their representatives; and

19 (d) Be operated separately from any direct care programs provided by
20 an area agency on aging or, if an area agency on aging contracts with
21 another entity for options counseling, any direct care program operated
22 by the entity; and

23 (2) A process for entering into agreements with community-based
24 organizations that serve eligible individuals in order to fulfill the
25 responsibilities of aging and disability resource centers.

26 Sec. 8. (1) Within sixty days after the adoption and promulgation
27 of rules and regulations pursuant to section 7 of this act, each area
28 agency on aging, after consultation with the collaborating organizations
29 described in section 3 of this act and with other organizations
30 including, but not limited to, organizations providing advocacy,
31 protection, and safety for aging persons and persons with disabilities,

1 shall submit to the department for approval a plan of operation to either
2 provide and supervise or subcontract for at least one certified aging and
3 disability resource center to provide individuals residing in its
4 planning-and-service area with information about long-term care services
5 and support and to facilitate access to options counseling to assist
6 eligible individuals and their representatives in identifying the most
7 appropriate services to meet their needs. The plan shall specify how
8 organizations currently serving eligible individuals will be engaged in
9 the process of delivery of services through the aging and disability
10 resource center. The plan shall be developed in consultation with
11 eligible individuals and their representatives. The plan shall indicate
12 how resources will be utilized by the collaborating organizations to
13 fulfill the responsibilities of an aging and disability resource center.

14 (2) Two or more area agencies on aging may develop a joint plan to
15 establish and operate aging and disability resource centers to serve all
16 or a portion of their planning and services areas. A joint plan shall
17 provide information on how the services described in section 6 of this
18 act will be provided in all counties to be served by the aging and
19 disability resource center described in the joint plan.

20 (3) Within ninety days after receipt of a plan of operation
21 developed pursuant to subsection (1) or (2) of this section, the
22 department shall approve or disapprove the plan of operation and notify
23 the area agency on aging. If the plan of operation is disapproved, the
24 department shall give the reasons for disapproval and the area agency on
25 aging and the collaborating entities shall submit a revised plan of
26 operation. If a revised plan is not submitted within thirty days after
27 disapproval by the department, the department may contract with another
28 public or private entity to develop a plan of operation for an aging and
29 disability resource center to serve the planning-and-service area of such
30 area agency on aging.

31 (4) Within two years after approval of a plan of operation pursuant

1 to subsection (3) of this section, the department shall enter into a
2 contract with an independent institution having experience in evaluating
3 aging and disability programs for an evaluation of the aging and
4 disability resource center. The department shall enter into a contract
5 for an evaluation every three years thereafter.

6 Sec. 9. Aging and disability resource centers shall develop public
7 relations campaigns that will provide information about long-term care
8 services available in the community served by the aging and disability
9 resource center and options for financing those services. Such public
10 relations campaign shall be funded pursuant to section 10 of this act.

11 Sec. 10. The department, after consultation with area agencies on
12 aging and the collaborating organizations described in section 3 of this
13 act, shall develop and use an intrastate funding formula for the
14 allocation of state or federal funds awarded to establish and support
15 aging and disability resource centers in each planning and service area.

16 Sec. 11. The department shall reimburse each area agency on aging
17 or other entity with an approved plan of operation for the actual cost of
18 operating the aging and disability resource center within the planning-
19 and-service area of the area agency on aging, including reimbursement for
20 the public relations campaign required pursuant to section 9 of this act,
21 within the limit authorized under section 10 of this act. Such
22 reimbursement shall be made from (1) state funds appropriated by the
23 Legislature, (2) federal funds allocated to the department for the
24 purpose of establishing and operating aging and disability resource
25 centers, and (3) other funds as available. Payments shall be made by the
26 department on or before the twentieth day of each month. If state funds
27 appropriated, federal funds allocated, or other funds available are
28 insufficient to finance the department-approved plan of operation and
29 budget for each area agency on aging, the reimbursement to each area
30 agency on aging shall be proportionately reduced.