

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 708

Introduced by Bolz, 29; Campbell, 25; Cook, 13; Davis, 43; Mello, 5.

Read first time January 06, 2016

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to public health and welfare; to amend
2 sections 71-516.01, 71-516.02, and 71-516.03, Reissue Revised
3 Statutes of Nebraska, section 71-516.04, Revised Statutes Cumulative
4 Supplement, 2014, and sections 71-401 and 71-403, Revised Statutes
5 Supplement, 2015; to define and redefine terms; to provide for a
6 memory care endorsement under the Health Care Facility Licensure
7 Act; to provide for applicability to Alzheimer's special care units
8 as prescribed; to harmonize provisions; and to repeal the original
9 sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-401, Revised Statutes Supplement, 2015, is
2 amended to read:

3 71-401 Sections 71-401 to 71-470 and sections 3 to 6 of this act
4 shall be known and may be cited as the Health Care Facility Licensure
5 Act.

6 Sec. 2. Section 71-403, Revised Statutes Supplement, 2015, is
7 amended to read:

8 71-403 For purposes of the Health Care Facility Licensure Act,
9 unless the context otherwise requires, the definitions found in sections
10 71-404 to 71-431 and section 3 of this act shall apply.

11 Sec. 3. Memory care endorsement means an endorsement for the
12 license of a health care facility or health care service providing care
13 for persons with cognitive impairments or dementia which meets the
14 requirements for the endorsement under section 5 of this act.

15 Sec. 4. (1) A health care facility or a health care service may
16 apply to the department for a memory care endorsement on a form
17 prescribed by the department. Only a health care facility or health care
18 service which qualifies for the endorsement may advertise itself as an
19 endorsed memory care facility or service and may qualify for
20 reimbursement rates established pursuant to section 6 of this act.

21 (2) In order to qualify for the memory care endorsement, a health
22 care facility or health care service shall provide proof of meeting the
23 qualifications established by the department pursuant to section 5 of
24 this act.

25 Sec. 5. (1) The department shall adopt and promulgate rules and
26 regulations establishing qualifications for a memory care endorsement.
27 The qualifications shall be specific to those necessary for patients or
28 residents with cognitive impairment or dementia and shall include, but
29 not be limited to, staffing enhancements, staff training, dedicated
30 memory care programming, cultural competencies, facility requirements,
31 and security issues.

1 (2) The department shall award a memory care endorsement to a health
2 care facility or health care service licensed under the Health Care
3 Facility Licensure Act upon application which provides proof of meeting
4 the qualifications and payment of the required fee by the health care
5 facility or health care service.

6 (3) The department shall set the fee at an amount to cover the costs
7 of administering the endorsement.

8 Sec. 6. The department shall examine the rates paid for care for
9 persons with cognitive impairment or dementia, including state spending
10 for such care and reimbursement rates paid for such care under the
11 medical assistance program pursuant to the Medical Assistance Act. The
12 department shall make findings regarding cost-savings for providing care
13 for persons with cognitive impairments or dementia in or by health care
14 facilities or health care services with a memory care endorsement other
15 than an intermediate care facility, a nursing facility, or a skilled
16 nursing facility. The department shall make recommendations regarding a
17 higher or supplemental reimbursement rate for health care facilities or
18 health care services which have a memory care endorsement and provide
19 care for persons with cognitive impairments or dementia at a savings to
20 the state or medical assistance program.

21 Sec. 7. Section 71-516.01, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 71-516.01 Sections 71-516.01 to 71-516.04 and section 11 of this act
24 shall be known and may be cited as the Alzheimer's Special Care
25 Disclosure Act.

26 Sec. 8. Section 71-516.02, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 71-516.02 The Legislature finds and declares that:

29 (1) Certain nursing homes and related facilities and assisted-living
30 facilities claim special care for persons who have Alzheimer's disease,
31 dementia, or a related disorder;

1 (2) It is in the public interest to provide for the protection of
2 consumers regarding the accuracy and authenticity of such claims;~~and~~

3 (3) The provisions of the Alzheimer's Special Care Disclosure Act
4 are intended to require such facilities to disclose the reasons for those
5 claims, require records of such disclosures to be kept, and require the
6 department ~~Department of Health and Human Services~~ to examine the
7 records; ~~and~~.

8 (4) Alzheimer's special care units provide care for persons with
9 cognitive impairments and dementia and would benefit from a memory care
10 endorsement.

11 Sec. 9. Section 71-516.03, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 71-516.03 For the purposes of the Alzheimer's Special Care
14 Disclosure Act; ~~and~~

15 (1) Alzheimer's special care unit means ~~shall mean~~ any nursing
16 facility or assisted-living facility, licensed by the department
17 ~~Department of Health and Human Services~~, which secures, segregates, or
18 provides a special program or special unit for residents with a diagnosis
19 of probable Alzheimer's disease, dementia, or a related disorder and
20 which advertises, markets, or otherwise promotes the facility as
21 providing specialized Alzheimer's disease, dementia, or related disorder
22 care services; ~~and~~.

23 (2) Department means the Department of Health and Human Services;
24 and

25 (3) Memory Care endorsement has the same meaning as in section 3 of
26 this act.

27 Sec. 10. Section 71-516.04, Revised Statutes Cumulative Supplement,
28 2014, is amended to read:

29 71-516.04 (1) Any facility which offers to provide or provides care
30 for persons with Alzheimer's disease, dementia, or a related disorder by
31 means of an Alzheimer's special care unit shall disclose the form of care

1 or treatment provided that distinguishes such form as being especially
2 applicable to or suitable for such persons. The disclosure shall be made
3 to the department ~~Department of Health and Human Services~~ and to any
4 person seeking placement within an Alzheimer's special care unit. The
5 department shall examine all such disclosures in the records of the
6 department as part of the facility's license renewal procedure at the
7 time of licensure or relicensure.

8 (2) The information disclosed shall explain the additional care
9 provided in each of the following areas:

10 (a 1) The Alzheimer's special care unit's written statement of its
11 overall philosophy and mission which reflects the needs of residents
12 afflicted with Alzheimer's disease, dementia, or a related disorder;

13 (b 2) The process and criteria for placement in, transfer to, or
14 discharge from the unit;

15 (c 3) The process used for assessment and establishment of the plan
16 of care and its implementation, including the method by which the plan of
17 care evolves and is responsive to changes in condition;

18 (d 4) Staff training and continuing education practices which shall
19 include, but not be limited to, four hours annually for direct care
20 staff. Such training shall include topics pertaining to the form of care
21 or treatment set forth in the disclosure described in this section. The
22 requirement in this subdivision shall not be construed to increase the
23 aggregate hourly training requirements of the Alzheimer's special care
24 unit;

25 (e 5) The physical environment and design features appropriate to
26 support the functioning of cognitively impaired adult residents;

27 (f 6) The frequency and types of resident activities;

28 (g 7) The involvement of families and the availability of family
29 support programs; and

30 (h 8) The costs of care and any additional fees.

31 (3) In order to qualify for a memory care endorsement, a facility

1 making a disclosure under this section shall comply with section 5 of
2 this act.

3 Sec. 11. An Alzheimer's special care unit may apply for a memory
4 care endorsement as provided in the Health Care Facility Licensure Act
5 but shall not advertise itself as an endorsed memory care unit without
6 such endorsement.

7 Sec. 12. Original sections 71-516.01, 71-516.02, and 71-516.03,
8 Reissue Revised Statutes of Nebraska, section 71-516.04, Revised Statutes
9 Cumulative Supplement, 2014, and sections 71-401 and 71-403, Revised
10 Statutes Supplement, 2015, are repealed.