

AMENDMENTS TO LB793

Introduced by Bolz, 29.

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

3           Section 1. Section 68-1111, Revised Statutes Cumulative Supplement,  
4 2016, is amended to read:

5           68-1111 Sections 68-1111 to 68-1119 and sections 9 and 10 of this  
6 act shall be known and may be cited as the Aging and Disability Resource  
7 Center ~~Demonstration Project~~ Act.

8           Sec. 2. Section 68-1113, Revised Statutes Cumulative Supplement,  
9 2016, is amended to read:

10          68-1113 The purpose of the Aging and Disability Resource Center  
11 ~~Demonstration Project Act is to evaluate the feasibility of establishing~~  
12 ~~aging and disability resource centers statewide~~ to provide information  
13 about long-term care services and support available in the home and  
14 community for older Nebraskans or persons with disabilities, family  
15 caregivers, and persons who request information or assistance on behalf  
16 of others and to assist eligible individuals to access the most  
17 appropriate public and private resources to meet their long-term care  
18 needs.

19          It is the intent of the Legislature that aging and disability  
20 resource centers serve as an ongoing component of Nebraska's long-term  
21 care continuum and that aging and disability resource center sites  
22 coordinate and establish contractual provider partnerships as necessary  
23 with organizations specializing in serving aging persons and persons with  
24 disabilities to provide the services described in the act.

25          Sec. 3. Section 68-1114, Revised Statutes Cumulative Supplement,  
26 2016, is amended to read:

27          68-1114 For purposes of the Aging and Disability Resource Center

1 ~~Demonstration Project~~ Act:

2 (1) Aging and disability resource center means a community-based  
3 entity established to provide information about long-term care services  
4 and support and to facilitate access to options counseling to assist  
5 eligible individuals and their representatives in identifying the most  
6 appropriate services to meet their long-term care needs;

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

8 (3) Center for independent living has the definition found in 29  
9 U.S.C. 796a, as such section existed on January 1, 2018 ~~2015~~;

10 (4) Department means the State Unit on Aging of the Division of  
11 Medicaid and Long-Term Care of the Department of Health and Human  
12 Services or any successor agency designated by the state to fulfill the  
13 responsibilities of section 305(a)(1) of the federal Older Americans Act  
14 of 1965, 42 U.S.C 3025(a)(1), as such section existed on January 1, 2018  
15 ~~2015~~;

16 (5) Eligible individual means a person who has lost, never acquired,  
17 or has one or more conditions that affect his or her ability to perform  
18 basic activities of daily living that are necessary to live  
19 independently;

20 (6) Options counseling means a service that assists an eligible  
21 individual in need of long-term care and his or her representatives to  
22 make informed choices about the services and settings which best meet his  
23 or her long-term care needs and that uses uniform data and information  
24 collection ~~assessments~~ and encourages the widest possible use of  
25 community-based options to allow an eligible individual to live as  
26 independently as possible in the setting of his or her choice;

27 (7) Representative means a person designated as a legal guardian,  
28 designated by a power of attorney or a health care power of attorney, or  
29 chosen by law, by a court, or by an eligible individual seeking services,  
30 but use of the term representative shall not be construed to disqualify  
31 an individual who retains all legal and personal autonomy;

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

3 (9) University Center for Excellence in Developmental Disability  
4 Education, Research and Service means the federally designated University  
5 Center for Excellence in Developmental Disability Education, Research and  
6 Service of the Munroe-Meyer Institute at the University of Nebraska  
7 Medical Center.

8 Sec. 4. Section 68-1115, Revised Statutes Cumulative Supplement,  
9 2016, is amended to read:

10 68-1115 The department shall adopt criteria for evaluating plans to  
11 operate an aging and disability resource center based on the requirements  
12 in section 68-1116 within sixty days after the effective date of this  
13 act. ~~The department shall award funding grants for three aging and~~  
14 ~~disability resource centers. The department shall pursue federal matching~~  
15 ~~funds as applicable and allocate such funds to the aging and disability~~  
16 ~~resource centers center demonstration projects. The department shall~~  
17 ~~adopt criteria for evaluating proposals to operate an aging and~~  
18 ~~disability resource center demonstration project based on the~~  
19 ~~requirements in section 68-1116 and release a request for proposals~~  
20 ~~within sixty days after August 30, 2015.~~

21 Sec. 5. Section 68-1116, Revised Statutes Cumulative Supplement,  
22 2016, is amended to read:

23 68-1116 (1) The aging and disability resource centers center  
24 ~~demonstration projects shall be established to evaluate the feasibility~~  
25 ~~of establishing aging and disability resource centers statewide as a~~  
26 ~~means of promoting appropriate, effective, and efficient use of long-term~~  
27 ~~care resources. The aging and disability resource center demonstration~~  
28 ~~projects shall operate through June 30, 2018.~~

29 (2) Each aging and disability resource center demonstration project  
30 shall provide one or more of the following services:

31 (a) ~~(1)~~ Comprehensive information on the full range of available

1 public and private long-term care programs, options, financing, service  
2 providers, and resources within a community, including information on the  
3 availability of integrated long-term care;

4 (b) Options counseling;

5 (c) (2) Assistance in accessing and applying for public benefits  
6 programs;

7 ~~(3) Options counseling;~~

8 (d) (4) A convenient point of entry to the range of publicly  
9 supported long-term care programs for an eligible individual;

10 (e) (5) A process for identifying unmet service needs in communities  
11 and developing recommendations to respond to those unmet needs;

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

15 (g) (7) Mobility management to promote the appropriate use of public  
16 transportation services by a person who does not own or is unable to  
17 operate an automobile; and

18 (h) (8) A home care provider registry that will provide a person who  
19 needs home care with the names of home care providers and information  
20 about his or her rights and responsibilities as a home care consumer.

21 Sec. 6. Section 68-1117, Revised Statutes Cumulative Supplement,  
22 2016, is amended to read:

23 68-1117 (1) ~~An~~ Within sixty days after the release date of a request  
24 for proposals under section 68-1115, an area agency on aging shall  
25 establish a contractual provider partnership with one or more lead  
26 organizations that specialize in serving , after consultation with a  
27 collaboration of organizations that serve aging persons and persons with  
28 congenital and acquired disabilities to provide services as described in  
29 subsection (2) of section 68-116, including, but not limited to, centers  
30 for independent living and the University Center for Excellence in  
31 Developmental Disability Education, Research and Service, for the purpose

1 of developing an aging and disability resource center plan. After  
2 consultation with a collaboration of and with other organizations,  
3 including, but not limited to, organizations providing advocacy,  
4 protection, and safety for aging persons and persons with congenital and  
5 acquired disabilities, the partnership may submit to the department a  
6 proposal to establish an aging and disability resource center plan  
7 demonstration project. The plan proposal shall specify how organizations  
8 currently serving eligible individuals will be engaged in the process of  
9 delivery of services through the aging and disability resource center  
10 demonstration project. The proposal shall be developed in consultation  
11 with eligible individuals and their representatives. The plan proposal  
12 shall indicate how resources will be utilized by the partnership and  
13 collaborating organizations to fulfill the responsibilities of an aging  
14 and disability resource center demonstration project.

15 (2) Two or more area agencies on aging and their partner lead  
16 organizations may develop a joint proposal to establish an aging and  
17 disability resource center plan demonstration project to serve all or a  
18 portion of their planning-and-service areas. A joint plan proposal shall  
19 provide information on how the services described in section 68-1116 will  
20 be provided in the counties to be served by the aging and disability  
21 resource center demonstration project described in the joint proposal.

22 Sec. 7. Section 68-1118, Revised Statutes Cumulative Supplement,  
23 2016, is amended to read:

24 68-1118 The department shall provide ~~Within thirty days after~~  
25 ~~receipt of a proposal developed pursuant to subsection (1) or (2) of~~  
26 ~~section 68-1117, the department shall review the proposal and determine~~  
27 ~~whether the proposal is eligible for funding. The department shall select~~  
28 ~~three proposals for funding. The department shall enter into a contract~~  
29 ~~with an independent institution having experience in evaluating aging and~~  
30 ~~disability programs for an evaluation of the aging and disability~~  
31 ~~resource center demonstration projects. The contract shall require that a~~

1 report evaluating the aging and disability resource centers demonstration  
2 projects be presented to the Clerk of the Legislature prior to December  
3 1, of 2016, 2017, and 2018, and each December 1 thereafter.

4 Sec. 8. Section 68-1119, Revised Statutes Cumulative Supplement,  
5 2016, is amended to read:

6 68-1119 The department shall reimburse each area agency on aging and  
7 contracted provider partner lead organizations described in section  
8 68-1117 operating an aging and disability resource center demonstration  
9 project on a schedule agreed to by the department and the area agency on  
10 aging and contracted provider partner lead organizations. Such  
11 reimbursement shall be made from (1) state funds appropriated by the  
12 Legislature, (2) federal funds allocated to the department for the  
13 purpose of establishing and operating aging and disability resource  
14 centers, and (3) other funds as available.

15 Sec. 9. It is the intent of the Legislature to appropriate  
16 \$1,368,616 for fiscal year 2018-19 from the Nebraska Health Care Cash  
17 Fund and \$1,277,229 for fiscal year 2019-20 from the Nebraska Health Care  
18 Cash Fund, to the Department of Health and Human Services, to carry out  
19 the changes made to the Aging and Disability Resource Center Act by this  
20 legislative bill.

21 Sec. 10. The Aging and Disability Resource Center Act terminates  
22 two years after the effective date of this act unless extended by the  
23 Legislature.

24 Sec. 11. Section 83-1216, Revised Statutes Supplement, 2017, is  
25 amended to read:

26 83-1216 (1) The department shall administer the medicaid home and  
27 community-based services waivers upon application approval by the federal  
28 Centers for Medicare and Medicaid Services. Beginning July 1, 2021 2019,  
29 persons determined to be eligible for specialized services who on or  
30 after September 6, 1993, graduate from high school, reach the age of  
31 twenty-one years, or are currently receiving services shall receive

1 services in accordance with the Developmental Disabilities Services Act.  
2 The amount of funding for any person receiving services shall be  
3 determined using an objective assessment process developed by the  
4 department and approved by the federal Centers for Medicare and Medicaid  
5 Services.

6 (2) The department shall provide directly or by contract service  
7 coordination to Nebraska residents found to be eligible for specialized  
8 services.

9 (3) It is the intent of the Legislature that the department take all  
10 possible steps to maximize federal funding. All Nebraska residents  
11 eligible for funding for specialized services through the department  
12 shall apply for and accept any federal medicaid benefits for which they  
13 may be eligible and benefits from other funding sources within the  
14 department, the State Department of Education, specifically including the  
15 Division of Rehabilitation Services, and other agencies to the maximum  
16 extent possible.

17 (4) The priorities for funding the medicaid home and community-based  
18 services waivers under this section are as follows:

19 (a) The first funding priority of the state shall be responding to  
20 the needs of persons with developmental disabilities in immediate crisis  
21 due to caregiver death, homelessness, or a threat to the life and safety  
22 of the person;

23 (b) The second funding priority of the state in responding to the  
24 needs of persons with developmental disabilities shall be for persons  
25 that have resided in an institutional setting for a period of at least  
26 twelve consecutive months and who are requesting community-based  
27 services;

28 (c) The third funding priority of the state in responding to the  
29 needs of persons with developmental disabilities shall be for serving  
30 wards of the department or persons placed under the supervision of the  
31 Office of Probation Administration by the Nebraska court system who are

1 transitioning upon age nineteen with no other alternatives as determined  
2 by the department to support residential services necessary to pursue  
3 economic self-sufficiency;

4 (d) The fourth funding priority of the state in responding to the  
5 needs of persons with developmental disabilities shall be for serving  
6 persons transitioning from the education system upon attaining twenty-one  
7 years of age to maintain skills and receive the day services necessary to  
8 pursue economic self-sufficiency; and

9 (e) The fifth funding priority of the state in responding to the  
10 needs of persons with developmental disabilities shall be for serving all  
11 other persons by date of application.

12 Sec. 12. Original sections 68-1111, 68-1113, 68-1114, 68-1115,  
13 68-1116, 68-1117, 68-1118, and 68-1119, Revised Statutes Cumulative  
14 Supplement, 2016, and section 83-1216, Revised Statutes Supplement, 2017,  
15 are repealed.

16 Sec. 13. Since an emergency exists, this act takes effect when  
17 passed and approved according to law.