

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 section 9 of this act shall
6 be known and may be cited as the Aging and Disability Resource Center
7 ~~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. The Aging and Disability Resource Center Act terminates two
16 years after the effective date of this act unless extended by the
17 Legislature.

18 Sec. 10. Section 71-7611, Revised Statutes Supplement, 2017, is
19 amended to read:

20 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State
21 Treasurer shall transfer (a) sixty million three hundred thousand dollars
22 on or before July 15, 2014, (b) sixty million three hundred fifty
23 thousand dollars on or before July 15, 2015, (c) sixty million three
24 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty
25 million seven hundred thousand dollars on or before July 15, 2017, (e)
26 sixty-two sixty million one seven hundred thousand dollars on or before
27 July 15, 2018, (f) sixty-one million eight hundred thousand dollars on or
28 before July 15, 2019, and (g) (f) sixty million four hundred fifty
29 thousand dollars on or before every July 15 thereafter from the Nebraska
30 Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement
31 Trust Fund to the Nebraska Health Care Cash Fund, except that such amount

1 shall be reduced by the amount of the unobligated balance in the Nebraska
2 Health Care Cash Fund at the time the transfer is made. The state
3 investment officer shall advise the State Treasurer on the amounts to be
4 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund
5 until the fund balance is depleted and from the Nebraska Tobacco
6 Settlement Trust Fund thereafter in order to sustain such transfers in
7 perpetuity. The state investment officer shall report electronically to
8 the Legislature on or before October 1 of every even-numbered year on the
9 sustainability of such transfers. The Nebraska Health Care Cash Fund
10 shall also include money received pursuant to section 77-2602. Except as
11 otherwise provided by law, no more than the amounts specified in this
12 subsection may be appropriated or transferred from the Nebraska Health
13 Care Cash Fund in any fiscal year.

14 The State Treasurer shall transfer ten million dollars from the
15 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on
16 June 28, 2018, and June 28, 2019.

17 It is the intent of the Legislature that no additional programs are
18 funded through the Nebraska Health Care Cash Fund until funding for all
19 programs with an appropriation from the fund during FY2012-13 are
20 restored to their FY2012-13 levels.

21 (2) Any money in the Nebraska Health Care Cash Fund available for
22 investment shall be invested by the state investment officer pursuant to
23 the Nebraska Capital Expansion Act and the Nebraska State Funds
24 Investment Act.

25 (3) The University of Nebraska and postsecondary educational
26 institutions having colleges of medicine in Nebraska and their affiliated
27 research hospitals in Nebraska, as a condition of receiving any funds
28 appropriated or transferred from the Nebraska Health Care Cash Fund,
29 shall not discriminate against any person on the basis of sexual
30 orientation.

31 (4) The State Treasurer shall transfer fifty thousand dollars on or

1 before July 15, 2016, from the Nebraska Health Care Cash Fund to the
2 Board of Regents of the University of Nebraska for the University of
3 Nebraska Medical Center. It is the intent of the Legislature that these
4 funds be used by the College of Public Health for workforce training.

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

7 83-1216 (1) The department shall administer the medicaid home and
8 community-based services waivers upon application approval by the federal
9 Centers for Medicare and Medicaid Services. Beginning July 1, 2021 ~~2019~~,
10 persons determined to be eligible for specialized services who on or
11 after September 6, 1993, graduate from high school, reach the age of
12 twenty-one years, or are currently receiving services shall receive
13 services in accordance with the Developmental Disabilities Services Act.
14 The amount of funding for any person receiving services shall be
15 determined using an objective assessment process developed by the
16 department and approved by the federal Centers for Medicare and Medicaid
17 Services.

18 (2) The department shall provide directly or by contract service
19 coordination to Nebraska residents found to be eligible for specialized
20 services.

21 (3) It is the intent of the Legislature that the department take all
22 possible steps to maximize federal funding. All Nebraska residents
23 eligible for funding for specialized services through the department
24 shall apply for and accept any federal medicaid benefits for which they
25 may be eligible and benefits from other funding sources within the
26 department, the State Department of Education, specifically including the
27 Division of Rehabilitation Services, and other agencies to the maximum
28 extent possible.

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

31 (a) The first funding priority of the state shall be responding to

1 the needs of persons with developmental disabilities in immediate crisis
2 due to caregiver death, homelessness, or a threat to the life and safety
3 of the person;

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

9 (c) The third funding priority of the state in responding to the
10 needs of persons with developmental disabilities shall be for serving
11 wards of the department or persons placed under the supervision of the
12 Office of Probation Administration by the Nebraska court system who are
13 transitioning upon age nineteen with no other alternatives as determined
14 by the department to support residential services necessary to pursue
15 economic self-sufficiency;

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

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

24 Sec. 12. There is hereby appropriated (1) \$636,415 from the
25 Nebraska Health Care Cash Fund for FY2018-19 and (2) \$478,207 from the
26 Nebraska Health Care Cash Fund for FY2019-20 to the Department of Health
27 and Human Services, for Program 33, to aid in carrying out the provisions
28 of Legislative Bill 793, One Hundred Fifth Legislature, Second Session,
29 2018.

30 Total expenditures for permanent and temporary salaries and per
31 diems from funds appropriated in this section shall not exceed \$161,272

1 for FY2018-19 or \$206,047 for FY2019-20.

2 Sec. 13. There is hereby appropriated (1) \$732,201 from the
3 Nebraska Health Care Cash Fund for FY2018-19 and (2) \$799,022 from the
4 Nebraska Health Care Cash Fund for FY2019-20 to the Department of Health
5 and Human Services, for Program 571, to aid in carrying out the
6 provisions of Legislative Bill 793, One Hundred Fifth Legislature, Second
7 Session, 2018.

8 No expenditures for permanent and temporary salaries and per diems
9 for state employees shall be made from funds appropriated in this
10 section.

11 Sec. 14. Original sections 68-1111, 68-1113, 68-1114, 68-1115,
12 68-1116, 68-1117, 68-1118, and 68-1119, Revised Statutes Cumulative
13 Supplement, 2016, and sections 71-7611 and 83-1216, Revised Statutes
14 Supplement, 2017, are repealed.

15 Sec. 15. Since an emergency exists, this act takes effect when
16 passed and approved according to law.