

ONE HUNDRED FIFTH LEGISLATURE - SECOND SESSION - 2018
COMMITTEE STATEMENT
LB903

Hearing Date: Thursday February 01, 2018
Committee On: Health and Human Services
Introducer: Linehan
One Liner: Change provisions relating to the Long-Term Care Ombudsman Act

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

Vote Results:

Aye: 7 Senators Crawford, Erdman, Howard, Kolterman, Linehan, Riepe, Williams
Nay:
Absent:
Present Not Voting:

Verbal Testimony:

Proponents:

Senator Lou Ann Linehan
Rocky Thompson

Representing:

Introducer
DHHS

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 903 amends the Long-Term Care Ombudsman Act to strike the requirement for programs to be approved and administered by the Department, complaints not reportable under the Adult Protective Services Act and strikes requirement of oral consent to be given in the presence of a third party witness. Adds consent to access medical and personal records through the use of auxiliary aids and services. Requires the Department to implement mechanisms to stop and investigate allegations of interference, retaliation, and reprisals, and provide sanctions for interference, retaliation, and reprisals.

SECTION BY SECTION:

Section 1: Amends Section 81-2225 to strike "fee" from local source options for designated area agency on aging funding.

Section 2: Amends Section 81-2242 to change "department" to "office."

Section 3: Amends Section 81-2248 to allow only one person to be appointed as state long-term care ombudsman.

Section 4: Amends Section 81-2250 to strike requirement for program to be approved and administered by the Department. Strikes complaints not reportable under the Adult Protective Services Act. Strikes requirement to adopt rules and regulations.

Section 5: Amends Section 81-2252 to strike requirements regarding rules and regulations.

Section 6: Amends Section 81-2253 to change "department" to "office."

Section 7: Amends Section 81-2254 to strike complaints not reportable under the Adult Protective Services Act.

Section 8: Amends Section 81-2255 to provide clarifying language when the long-term care ombudsman program makes a referral to Adult Protective Services. Strikes requirement for long-term care ombudsman program to coordinate with adult protective services or law enforcement agency.

Section 9: Amends Section 81-2258 to add consent to access to medical and personal records through the use of auxiliary aids and services. Strikes requirement of oral consent to be given in the presence of a third party witness. Provides definition of "representative of the office."

Section 10: Amends Section 81-2260 to strike requirements for long-term care ombudsman's office to release records or files to Adult Protective Services.

Section 11: Amends Section 81-2264 to require the Department to implement mechanisms to stop and investigate allegations of interference, retaliation, and reprisals. Provides definition of "representative of the office." Mandates the Department to provide sanctions for interference, retaliation, and reprisals.

Section 12: Repeals Sections 81-2225, 81-2242, 81-2248, 81-2250, 20 81-2252, 81-2253, 81-2254, 81-2255, 81-2258, 81-2260, and 81-2264.

Explanation of amendments:

AM 2215 is a white copy amendment to LB 903.

SECTION BY SECTION:

Section 1: Same as Section 1 of LB 903.

Section 2: Amends Section 81-81-2237 to add sections to the Long-Term Care Ombudsmen Act.

Section 3: Amends Section 81-2238 to add sections.

Section 4: Amends Section 81-2238 to add clarifying language.

Section 5: Same as Section 2 of LB 903.

Section 6: Amends Section 81-2243 to add clarifying language.

Section 7: Amends Section 81-2244 to add clarifying language.

Section 8: Amends Section 81-2245 to add clarifying language.

Section 9: Amends Section 81-2247 to add clarifying language.

Section 10: Provides definition for "representative of the office."

Section 11: Amends Section 81-2246 to change definition of "older individual" to "resident."

Section 12: Provides definition for "resident representative."

Section 13: Same as Section 3 of LB 903.

Section 14: Same as Section 4 of LB 903 and provides harmonizing language for "resident."

Section 15: Amends Section 81-2251 change to permissive language for promulgation of rules and regulations.

Section 16: Same as Section 5 of LB 903.

Section 17: Same as Section 6 of LB 903.

Section 18: Same as Section 7 of LB 903 and provides harmonizing language for "resident."

Section 19: Same as Section 8 and provides harmonizing language for "resident."

Section 20: Same as Section 9. Adds option for resident representative to give consent for office to review records.

Section 21: Amends Section 81-2259 to add clarifying language for "resident."

Section 22: Same as Section 10 of LB 903 and provides harmonizing language for "resident."

Section 23: Amends Section 81-2261 to add clarifying language for "resident."

Section 24: Amends Section 81-2262 to provide clarifying language for "resident."

Section 25: Same as Section 11. Provides clarifying language for "resident."

Merv Riepe, Chairperson