

LEGISLATIVE BILL 249

Approved by the Governor March 7, 1985

Introduced by Public Health & Welfare Committee,
Wesely, 26, Chairperson; Withem, 14;
Chronister, 18; Hall, 7; Peterson, 21;
Smith, 33; Lynch, 13

AN ACT relating to crippled children; to amend sections 43-654, 68-1405, and 71-1401 to 71-1403, Reissue Revised Statutes of Nebraska, 1943, and sections 68-309, 68-313, 68-717, and 71-1404, Revised Statutes Supplement, 1984; to change terminology; to redefine a term; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 43-654, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-654. There is hereby created the Nebraska Coordinating Council for the Handicapped, hereinafter referred to as the council, for the purpose of coordinating programs for the handicapped, including children from birth. Such coordination shall include a statewide assessment of services available to handicapped persons under the auspices of public and private agencies. The assessment shall include, but not be limited to, data on the functions, resources, services, and financial responsibility of each agency as it relates to the health and educational needs of handicapped children. The council shall maintain a directory of services available for the handicapped in the State of Nebraska; distribute information to parents, doctors, and other persons concerning such services; initiate coordinated planning by and between the agencies and departments of the state, private associations, organizations, and corporations for the handicapped; develop a plan as provided under section 43-654.01; maintain records and information concerning handicapping conditions and the handicapped in Nebraska; and make recommendations to the public and private agencies working with the handicapped concerning needs for additional services or areas in which coordination of services may benefit the handicapped. The council shall consist of the following official voting members:

(1) From the Department of Social Services, the Director of Social Services or his or her designated representative, the Director of Social Services or his or her designated representative, the Director of Medical Services or his or her designated representative, and the Director of Services for Medically Handicapped Crippled

Children or his or her designated representative;

(2) From the Department of Public Institutions, the Director of Public Institutions or his or her designated representative, the Director of Medical Services or his or her designated representative, the Director of Mental Retardation or his or her designated representative, and the Director of Rehabilitation Services for Visually Impaired or his or her designated representative;

(3) From the State Department of Education, the Commissioner of Education or his or her designated representative, the Director of Special Education or his or her designated representative, and the Director of Vocational Rehabilitation or his or her designated representative;

(4) From the Department of Health, the Director of Health or his or her designated representative, the Director of Maternal and Child Health or his or her designated representative, and a person within the Department of Health who is familiar with developmental disabilities, to be appointed by the Director of Health; and

(5) The chairperson of the Commission for the Hearing Impaired.

The council shall give public notice of all meetings. Any private association, organization, or corporation representing the handicapped upon request shall be provided with notice of all meetings of the council and a copy of the annual report of the council.

Sec. 2. That section 68-309, Revised Statutes Supplement, 1984, be amended to read as follows:

68-309. The Department of Social Services shall be the sole agency of the State of Nebraska to administer the State Assistance Fund for assistance to the aged, blind, or disabled, aid to dependent children, medical assistance, medically handicapped ~~crippled~~ children's services, child welfare services, and such other assistance and services as may be made available to the State of Nebraska by the government of the United States.

Sec. 3. That section 68-313, Revised Statutes Supplement, 1984, be amended to read as follows:

68-313. It shall be unlawful, except as permitted by section 68-313.01 and except for purposes directly connected with the administration of general assistance, medically handicapped ~~crippled~~ children's services, medical assistance, assistance to the aged, blind, or disabled, or aid to dependent children, and in accordance with the rules and regulations of the Department of Social Services, for any person or persons to solicit, disclose, receive, make use of, authorize, knowingly permit, participate in, or acquiesce in the use of, any list of or names of, any information concerning, or persons applying for or receiving such aid or assistance,

directly or indirectly derived from the records, papers, files, or communications of the state, or subdivisions or agencies thereof, or acquired in the course of the performance of official duties.

Sec. 4. That section 68-717, Revised Statutes Supplement, 1984, be amended to read as follows:

68-717. The Department of Social Services shall assume the sole responsibility for all public assistance, including aid to families with dependent children, assistance to the aged, blind, or disabled, ~~crippled~~ medically handicapped children's services, commodities, and food stamps. On and after July 1, 1986, the department shall also assume the sole responsibility for medical assistance.

Sec. 5. That section 68-1405, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1405. The Department of Social Services shall establish uniform standards of financial eligibility for the treatment services under the program established under sections 68-1401 to 68-1406, including a uniform formula for the payment of services by physicians and health care providers rendered under such program and such formula for payment shall provide for reimbursement at rates similar to those set by other federal and state programs, and private entitlements. The Department of Social Services standards for financial eligibility shall be the same as those established for ~~Crippled~~ Medically Handicapped Children's Services, as administered by the Department of Social Services. All county or district health departments shall use the uniform standards for financial eligibility and uniform formula for payment established by the department. All payments shall be used in support of the program for services established under sections 68-1401 to 68-1406.

The department shall establish payment schedules for services not later than June 30, 1980.

Sec. 6. That section 71-1401, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1401. There is hereby created a committee for ~~crippled~~ medically handicapped children, to be known as the ~~Crippled~~ Medically Handicapped Children's Committee, and composed of nine members appointed by the Governor, two of whom shall be duly licensed practicing physicians and surgeons in the State of Nebraska. The members of such committee shall serve without salary or compensation but they shall be reimbursed by the Department of Social Services for their actual and necessary expenses incurred in the performance of their official duties as provided in sections 84-306.01 to 84-306.05 for state employees. In every fourth year, dating from the year 1938, three members of the committee, and in every other year two members of the committee, shall be appointed, each of whom shall serve for the period of

four years, or until a successor has been appointed and has accepted. Vacancies shall be filled by appointment of the Governor for unexpired terms.

Sec. 7. That section 71-1402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1402. The members of the ~~Crippled Medically~~ Handicapped Children's Committee shall meet at least once quarterly at times and places to be designated by its ~~chairman~~ chairperson. At the first meeting of the committee held each year it shall elect one of its members ~~chairman~~ chairperson and another ~~vice-chairman~~ vice-chairperson, and it may also select from its membership a secretary. Each of the officers shall hold office for one year or until their successors are chosen as aforesaid.

Sec. 8. That section 71-1403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1403. It shall be the duty of the ~~Medically Crippled~~ Handicapped Children's Committee to serve in an advisory capacity to the Department of Social Services or any other board, commission, division, agency, officer, or employee of the State of Nebraska, legally charged with the duty of exercising supervision over and administering services to ~~crippled medically handicapped~~ handicapped children of the State of Nebraska.

Sec. 9. That section 71-1404, Revised Statutes Supplement, 1984, be amended to read as follows:

71-1404. For all purposes of sections 71-1401 to 71-1405, a ~~crippled medically handicapped~~ child is one under twenty-one years of age, ~~and unmarried,~~ afflicted with a ~~harelip~~ hare lip, cleft lip, cleft palate, hernia, congenital cataract, or disability resulting from congenital or acquired heart disease, or any congenital abnormality or orthopedic condition that can be cured or materially improved. The orthopedic condition or deformity referred to above shall include any deformity or disease of childhood generally recognized by the medical profession, and it shall include deformities resulting from burns. It shall not include recent fractures, except those sufficiently severe or complicated as are likely to result in permanent deformity or disability if not treated immediately.

Sec. 10. That original sections 43-654, 68-1405, and 71-1401 to 71-1403, Reissue Revised Statutes of Nebraska, 1943, and sections 68-309, 68-313, 68-717, and 71-1404, Revised Statutes Supplement, 1984, are repealed.