

AMENDMENTS TO LB 401

Introduced by Howard

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

3           Section 1. Section 71-5905, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           71-5905 (1) An assisted-living facility shall not admit  
6 or retain a resident who requires complex nursing interventions or  
7 whose condition is not stable or predictable unless:

8           (a) The resident, if he or she is not a minor and is  
9 competent to make a rational decision as to his or her needs or  
10 care, or his or her authorized representative, and his or her  
11 physician or a registered nurse agree that admission or retention  
12 of the resident is appropriate;

13           (b) The resident or his or her authorized representative  
14 agrees to arrange for the care of the resident through appropriate  
15 private duty personnel, a licensed home health agency, or a  
16 licensed hospice; and

17           (c) The resident's care does not compromise the facility  
18 operations or create a danger to others in the facility.

19           (2) Health maintenance activities at an assisted-living  
20 facility shall be performed in accordance with the Nurse Practice  
21 Act and the rules and regulations adopted and promulgated under the  
22 act.

23           (3) Each assisted-living facility shall provide written

1 information about the practices of the assisted-living facility  
2 to each applicant for admission to the facility or his or her  
3 authorized representative. The information shall include:

4 (a) A description of the services provided by the  
5 assisted-living facility and the staff available to provide the  
6 services;

7 (b) The charges for services provided by the  
8 assisted-living facility;

9 (c) Whether or not the assisted-living facility accepts  
10 residents who are eligible for the medical assistance program under  
11 the Medical Assistance Act and, if applicable, the policies or  
12 limitations on access to services provided by the assisted-living  
13 facility for residents who seek care paid by the medical assistance  
14 program;

15 (d) The circumstance under which a resident would be  
16 required to leave an assisted-living facility;

17 (e) The process for developing and updating the resident  
18 services agreement; and

19 (f) For facilities that have special care units for  
20 dementia, the additional services provided to meet the special  
21 needs of persons with dementia.

22 Sec. 2. Original section 71-5905, Reissue Revised  
23 Statutes of Nebraska, is repealed.