

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 401**  
Final Reading

Introduced by Howard, 9; Nelson, 6.

Read first time January 13, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Assisted-Living Facility Act; to amend  
2 section 71-5905, Reissue Revised Statutes of Nebraska; to  
3 change requirements for operating assisted-living  
4 facilities; and to repeal the original section.  
5 Be it enacted by the people of the State of Nebraska,

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

3                   71-5905 (1) An assisted-living facility shall not admit  
4 or retain a resident who requires complex nursing interventions or  
5 whose condition is not stable or predictable unless:

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

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

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

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

20                   (3) Each assisted-living facility shall provide written  
21 information about the practices of the assisted-living facility to  
22 each applicant for admission to the facility or his or her authorized  
23 representative. The information shall include:

24                   (a) A description of the services provided by the  
25 assisted-living facility and the staff available to provide the

1 services;

2 (b) The charges for services provided by the assisted-  
3 living facility;

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

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

12 (e) The process for developing and updating the resident  
13 services agreement; and

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

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