

AMENDMENTS TO LB793

Introduced by Stinner, 48.

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

2 Section 1. Section 68-1111, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 68-1111 Sections 68-1111 to 68-1119 and section 9 of this act shall
5 be known and may be cited as the Aging and Disability Resource Center
6 ~~Demonstration Project Act~~.

7 Sec. 2. Section 68-1113, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 68-1113 The purpose of the Aging and Disability Resource Center
10 ~~Demonstration Project Act is to evaluate the feasibility of establishing~~
11 ~~aging and disability resource centers statewide~~ to provide information
12 about long-term care services and support available in the home and
13 community for older Nebraskans or persons with disabilities, family
14 caregivers, and persons who request information or assistance on behalf
15 of others and to assist eligible individuals to access the most
16 appropriate public and private resources to meet their long-term care
17 needs.

18 It is the intent of the Legislature that aging and disability
19 resource centers serve as an ongoing component of Nebraska's long-term
20 care continuum and that aging and disability resource center sites
21 coordinate and establish partnerships as necessary with organizations
22 specializing in serving aging persons and persons with disabilities to
23 provide the services described in the act.

24 Sec. 3. Section 68-1114, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 68-1114 For purposes of the Aging and Disability Resource Center
27 ~~Demonstration Project Act~~:

1 (1) Aging and disability resource center means a community-based
2 entity established to provide information about long-term care services
3 and support and to facilitate access to options counseling to assist
4 eligible individuals and their representatives in identifying the most
5 appropriate services to meet their long-term care needs;

6 (2) Area agency on aging has the meaning found in section 81-2208;

7 (3) Center for independent living has the definition found in 29
8 U.S.C. 796a, as such section existed on January 1, 2018 ~~2015~~;

9 (4) Department means the State Unit on Aging of the Division of
10 Medicaid and Long-Term Care of the Department of Health and Human
11 Services or any successor agency designated by the state to fulfill the
12 responsibilities of section 305(a)(1) of the federal Older Americans Act
13 of 1965, 42 U.S.C 3025(a)(1), as such section existed on January 1, 2018
14 ~~2015~~;

15 (5) Eligible individual means a person who has lost, never acquired,
16 or has one or more conditions that affect his or her ability to perform
17 basic activities of daily living that are necessary to live
18 independently;

19 (6) Options counseling means a service that assists an eligible
20 individual in need of long-term care and his or her representatives to
21 make informed choices about the services and settings which best meet his
22 or her long-term care needs and that uses uniform data and information
23 collection assessments and encourages the widest possible use of
24 community-based options to allow an eligible individual to live as
25 independently as possible in the setting of his or her choice;

26 (7) Representative means a person designated as a legal guardian,
27 designated by a power of attorney or a health care power of attorney, or
28 chosen by law, by a court, or by an eligible individual seeking services,
29 but use of the term representative shall not be construed to disqualify
30 an individual who retains all legal and personal autonomy;

31 (8) Uniform assessment means a single standardized tool used to

1 assess a defined population at a specific time; and

2 (9) University Center for Excellence in Developmental Disability
3 Education, Research and Service means the federally designated University
4 Center for Excellence in Developmental Disability Education, Research and
5 Service of the Munroe-Meyer Institute at the University of Nebraska
6 Medical Center.

7 Sec. 4. Section 68-1115, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 68-1115 The department shall award funding grants for three aging
10 and disability resource centers. The department shall pursue federal
11 matching funds as applicable and allocate such funds to the aging and
12 disability resource centers center demonstration projects. ~~The department~~
13 ~~shall adopt criteria for evaluating proposals to operate an aging and~~
14 ~~disability resource center demonstration project based on the~~
15 ~~requirements in section 68-1116 and release a request for proposals~~
16 ~~within sixty days after August 30, 2015.~~

17 Sec. 5. Section 68-1116, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 68-1116 (1) The aging and disability resource centers center
20 ~~demonstration projects shall be established to evaluate the feasibility~~
21 ~~of establishing aging and disability resource centers statewide as a~~
22 ~~means of promoting appropriate, effective, and efficient use of long-term~~
23 ~~care resources. The aging and disability resource center demonstration~~
24 ~~projects shall operate through June 30, 2018.~~

25 (2) Each aging and disability resource center demonstration project
26 shall provide one or more of the following services:

27 (a) ~~(1)~~ Comprehensive information on the full range of available
28 public and private long-term care programs, options, financing, service
29 providers, and resources within a community, including information on the
30 availability of integrated long-term care;

31 (b) Options counseling;

1 (c) ~~(2)~~ Assistance in accessing and applying for public benefits
2 programs;

3 ~~(3) Options counseling;~~

4 (d) ~~(4)~~ A convenient point of entry to the range of publicly
5 supported long-term care programs for an eligible individual;

6 (e) ~~(5)~~ A process for identifying unmet service needs in communities
7 and developing recommendations to respond to those unmet needs;

8 (f) ~~(6)~~ Facilitation of person-centered transition support to assure
9 that an eligible individual is able to find the services and support that
10 are most appropriate to his or her need;

11 (g) ~~(7)~~ Mobility management to promote the appropriate use of public
12 transportation services by a person who does not own or is unable to
13 operate an automobile; and

14 (h) ~~(8)~~ A home care provider registry that will provide a person who
15 needs home care with the names of home care providers and information
16 about his or her rights and responsibilities as a home care consumer.

17 Sec. 6. Section 68-1117, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 68-1117 (1) ~~An~~ Within sixty days after the release date of a request
20 for proposals under section 68-1115, an area agency on aging shall
21 establish a partnership with one or more lead organizations that
22 specialize in serving , after consultation with a collaboration of
23 organizations that serve aging persons and persons with congenital and
24 acquired disabilities to provide services as described in subsection (2)
25 of section 68-1116, including, but not limited to, centers for
26 independent living and the University Center for Excellence in
27 Developmental Disability Education, Research and Service, for the purpose
28 of developing an aging and disability resource center plan. After
29 consultation with a collaboration of and with other organizations,
30 including, but not limited to, organizations providing advocacy,
31 protection, and safety for aging persons and persons with congenital and

1 ~~acquired disabilities, the partnership~~ may submit to the department a
2 ~~proposal to establish~~ an aging and disability resource center plan
3 ~~demonstration project~~. The plan proposal shall specify how organizations
4 currently serving eligible individuals will be engaged in the process of
5 delivery of services through the aging and disability resource center
6 ~~demonstration project~~. The ~~proposal shall be developed in consultation~~
7 ~~with eligible individuals and their representatives~~. The plan proposal
8 shall indicate how resources will be utilized by the collaborating
9 organizations to fulfill the responsibilities of an aging and disability
10 resource center ~~demonstration project~~.

11 (2) Two or more area agencies on aging may develop a joint ~~proposal~~
12 ~~to establish an~~ aging and disability resource center plan demonstration
13 ~~project~~ to serve all or a portion of their planning-and-service areas. A
14 joint plan proposal shall provide information on how the services
15 described in section 68-1116 will be provided in the counties to be
16 served by the aging and disability resource center ~~demonstration project~~
17 ~~described in the joint proposal~~.

18 Sec. 7. Section 68-1118, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:

20 68-1118 The department shall provide ~~Within thirty days after~~
21 ~~receipt of a proposal developed pursuant to subsection (1) or (2) of~~
22 ~~section 68-1117, the department shall review the proposal and determine~~
23 ~~whether the proposal is eligible for funding. The department shall select~~
24 ~~three proposals for funding. The department shall enter into a contract~~
25 ~~with an independent institution having experience in evaluating aging and~~
26 ~~disability programs for an evaluation of the aging and disability~~
27 ~~resource center demonstration projects. The contract shall require that a~~
28 report regarding evaluating the aging and disability resource centers
29 ~~demonstration projects be presented to the Clerk of the Legislature prior~~
30 to December 1, of 2016, 2017, and 2018, and each December 1 thereafter.

31 Sec. 8. Section 68-1119, Revised Statutes Cumulative Supplement,

1 2016, is amended to read:

2 68-1119 The department shall reimburse each area agency on aging
3 operating an aging and disability resource center ~~demonstration project~~
4 on a schedule agreed to by the department and the area agency on aging.
5 Such reimbursement shall be made from (1) state funds appropriated by the
6 Legislature, (2) federal funds allocated to the department for the
7 purpose of establishing and operating aging and disability resource
8 centers, and (3) other funds as available.

9 Sec. 9. It is the intent of the Legislature that the costs for
10 staff, operations, and state aid necessary to carry out the Aging and
11 Disability Resource Center Act be funded from the Nebraska Health Care
12 Cash Fund for fiscal years 2018-19 and 2019-20.

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

15 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State
16 Treasurer shall transfer (a) sixty million three hundred thousand dollars
17 on or before July 15, 2014, (b) sixty million three hundred fifty
18 thousand dollars on or before July 15, 2015, (c) sixty million three
19 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty
20 million seven hundred thousand dollars on or before July 15, 2017, (e)
21 sixty-one ~~sixty~~ million six ~~seven~~ hundred thousand dollars on or before
22 July 15, 2018, (f) sixty-one million three hundred fifty thousand dollars
23 on or before July 15, 2019, and (g) ~~(f)~~ sixty million four hundred fifty
24 thousand dollars on or before every July 15 thereafter from the Nebraska
25 Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement
26 Trust Fund to the Nebraska Health Care Cash Fund, except that such amount
27 shall be reduced by the amount of the unobligated balance in the Nebraska
28 Health Care Cash Fund at the time the transfer is made. The state
29 investment officer shall advise the State Treasurer on the amounts to be
30 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund
31 until the fund balance is depleted and from the Nebraska Tobacco

1 Settlement Trust Fund thereafter in order to sustain such transfers in
2 perpetuity. The state investment officer shall report electronically to
3 the Legislature on or before October 1 of every even-numbered year on the
4 sustainability of such transfers. The Nebraska Health Care Cash Fund
5 shall also include money received pursuant to section 77-2602. Except as
6 otherwise provided by law, no more than the amounts specified in this
7 subsection may be appropriated or transferred from the Nebraska Health
8 Care Cash Fund in any fiscal year.

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

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

16 (2) Any money in the Nebraska Health Care Cash Fund available for
17 investment shall be invested by the state investment officer pursuant to
18 the Nebraska Capital Expansion Act and the Nebraska State Funds
19 Investment Act.

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

26 (4) The State Treasurer shall transfer fifty thousand dollars on or
27 before July 15, 2016, from the Nebraska Health Care Cash Fund to the
28 Board of Regents of the University of Nebraska for the University of
29 Nebraska Medical Center. It is the intent of the Legislature that these
30 funds be used by the College of Public Health for workforce training.

31 Sec. 11. Section 83-1201, Revised Statutes Supplement, 2017, is

1 amended to read:

2 83-1201 Sections 83-1201 to 83-1227 and section 13 of this act shall
3 be known and may be cited as the Developmental Disabilities Services Act.

4 Sec. 13. (1) If the department determines that there are not enough
5 funds available to provide services to all eligible individuals under
6 subdivision (4)(d) of section 83-1216, the department shall provide day
7 services to individuals who:

8 (a) Are transitioning from an education system on or after September
9 6, 1993;

10 (b) Are at least twenty-one years of age; and

11 (c) Are determined by the department to be otherwise eligible for
12 the day services in accordance with the Developmental Disabilities
13 Services Act.

14 (2) The department shall provide services comparable to the services
15 the individual would have received pursuant to subdivision (4)(d) of
16 section 83-1216 if funds were available.

17 (3) No later than September 15 of each year, the director shall
18 provide electronic notification to the Health and Human Services
19 Committee of the Legislature and the Appropriations Committee of the
20 Legislature of the estimated number of individuals needing services under
21 subsection (4) of section 83-1216 and the net additional resources
22 necessary to provide services to all eligible individuals under
23 subsection (4) of section 83-1216 other than subdivision (e) of such
24 subsection.

25 (4) This section terminates June 30, 2021.

26 Sec. 14. There is hereby appropriated (1) \$321,182 from the
27 Nebraska Health Care Cash Fund for FY2018-19 and (2) \$321,182 from the
28 Nebraska Health Care Cash Fund for FY2019-20 to the Department of Health
29 and Human Services, for Program 33, to aid in carrying out the provisions
30 of Legislative Bill 793, One Hundred Fifth Legislature, Second Session,
31 2018.

1 Sec. 15. There is hereby appropriated (1) \$613,912 from the
2 Nebraska Health Care Cash Fund for FY2018-19 and (2) \$631,912 from the
3 Nebraska Health Care Cash Fund for FY2019-20 to the Department of Health
4 and Human Services, for Program 571, to aid in carrying out the
5 provisions of Legislative Bill 793, One Hundred Fifth Legislature, Second
6 Session, 2018.

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

10 Sec. 16. Sections 11, 12, 13, and 17 of this act become operative
11 three calendar months after the adjournment of this legislative session.
12 The other sections of this act become operative on their effective date.

13 Sec. 17. Original sections 83-1201 and 83-1216, Revised Statutes
14 Supplement, 2017, are repealed.

15 Sec. 18. Original sections 68-1111, 68-1113, 68-1114, 68-1115,
16 68-1116, 68-1117, 68-1118, and 68-1119, Revised Statutes Cumulative
17 Supplement, 2016, and section 71-7611, Revised Statutes Supplement, 2017,
18 are repealed.

19 Sec. 19. Since an emergency exists, this act takes effect when
20 passed and approved according to law.

21 2. Renumber the remaining section accordingly.