

AMENDMENTS TO LB 288

Introduced by Health and Human Services.

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

3 Section 1. Section 32-310, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-310 (1) The State Department of Education and
6 the Department of Health and Human Services shall provide the
7 opportunity to register to vote at the time of application,
8 review, or change of address for the following programs, as
9 applicable: (a) ~~The feed stamp program;~~ Supplemental Nutrition
10 Assistance Program; (b) the medicaid program; (c) the WIC program
11 as defined in section 71-2225; (d) the aid to dependent children
12 program; (e) the vocational rehabilitation program; and (f) any
13 other public assistance program or program primarily for the
14 purpose of providing services to persons with disabilities. If the
15 application, review, or change of address is accomplished through
16 an agent or contractor of the department, the agent or contractor
17 shall provide the opportunity to register to vote. Any information
18 on whether an applicant registers or declines to register and the
19 agency at which he or she registers shall be confidential and shall
20 only be used for voter registration purposes.

21 (2) The department, agent, or contractor shall make
22 the mail-in registration application described in section 32-320
23 available at the time of application, review, or change of address

1 and shall provide assistance, if necessary, to the applicant in
2 completing the application to register to vote. The department
3 shall retain records indicating whether an applicant accepted or
4 declined the opportunity to register to vote.

5 (3) Department personnel, agents, and contractors
6 involved in the voter registration process pursuant to this section
7 shall not be considered deputy registrars or agents or employees of
8 the election commissioner or county clerk.

9 (4) The applicant may return the completed voter
10 registration application to the department, agent, or contractor
11 or may personally mail or deliver the application to the election
12 commissioner or county clerk as provided in section 32-321. If
13 the applicant returns the completed application to the department,
14 agent, or contractor, the department, agent, or contractor shall
15 deliver the application to the election commissioner or county
16 clerk of the county in which the office of the department, agent,
17 or contractor is located not later than ten days after receipt
18 by the department, agent, or contractor, except that if the
19 application is returned to the department, agent, or contractor
20 within five days prior to the third Friday preceding any election,
21 it shall be delivered not later than five days after the date it
22 is returned. The election commissioner or county clerk shall, if
23 necessary, forward the application to the election commissioner or
24 county clerk of the county in which the applicant resides within
25 such prescribed time limits. The application shall be completed
26 and returned to the department, agency, or contractor by the close
27 of business on the third Friday preceding any election to be

1 registered to vote at such election. A registration application
2 received after the deadline shall not be processed by the election
3 commissioner or county clerk until after the election.

4 (5) The departments shall adopt and promulgate rules and
5 regulations to ensure compliance with this section.

6 Sec. 2. Section 38-2893, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 38-2893 (1) The Pharmacy Technician Registry is created.
9 The department shall list each pharmacy technician registration in
10 the registry. A listing in the registry shall be valid for the term
11 of the registration and upon renewal unless such listing is refused
12 renewal or is removed as provided in section 38-2894.

13 (2) The registry shall contain the following information
14 on each individual who meets the conditions set out in section
15 38-2890: (a) The individual's full name; (b) information necessary
16 to identify the individual; ~~(e) any conviction of a nonalcohol,~~
17 ~~drug-related felony or misdemeanor reported to the department;~~ and
18 ~~(d)~~ (c) any other information as the department may require by
19 rule and regulation.

20 Sec. 3. Section 38-2894, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 38-2894 (1) A registration to practice as a pharmacy
23 technician may be denied, refused renewal, removed, or suspended
24 or have other disciplinary measures taken against it by the
25 department, with the recommendation of the board, for failure to
26 meet the requirements of or for violation of any of the provisions
27 of subdivisions (1) through (17) and (19) through (24) of section

1 38-178 and sections 38-2890 to 38-2897 or the rules and regulations
2 adopted under such sections.

3 (2) If the department proposes to deny, refuse renewal
4 of, or remove or suspend a registration, it shall send the
5 applicant or registrant a notice setting forth the action to be
6 taken and the reasons for the determination. The denial, refusal to
7 renew, removal, or suspension shall become final thirty days after
8 mailing the notice unless the applicant or registrant gives written
9 notice to the department of his or her desire for an informal
10 conference or for a formal hearing.

11 (3) Notice may be served by any method specified in
12 section 25-505.01, or the department may permit substitute or
13 constructive service as provided in section 25-517.02 when service
14 cannot be made with reasonable diligence by any of the methods
15 specified in section 25-505.01.

16 (4) Pharmacy technicians may participate in the Licensee
17 Assistance Program described in section 38-175.

18 Sec. 4. Section 48-647, Revised Statutes Cumulative
19 Supplement, 2008, is amended to read:

20 48-647 (1) Any assignment, pledge, or encumbrance of any
21 right to benefits which are or may become due or payable under
22 sections 48-623 to 48-626 shall be void except as set forth in
23 this section. Such rights to benefits shall be exempt from levy,
24 execution, attachment, or any other remedy whatsoever provided for
25 the collection of debt. Benefits received by any individual, so
26 long as they are not mingled with other funds of the recipient,
27 shall be exempt from any remedy whatsoever for the collection of

1 all debts except debts incurred for necessities furnished to such
2 individual or his or her spouse or dependents during the time
3 when such individual was unemployed. Any waiver of any exemption
4 provided for in this section shall be void. Any assignment,
5 pledge, or encumbrance of any right or claim to contributions or
6 to any money credited to any employer's reserve account in the
7 Unemployment Compensation Fund shall be void, and the same shall
8 be exempt from levy, execution, attachment, or any other remedy
9 whatsoever provided for the collection of debt, and any waiver of
10 any exemption provided for in this section shall be void.

11 (2) (a) An individual filing a new claim for unemployment
12 compensation shall, at the time of filing such claim, disclose
13 whether or not he or she owes child support obligations as defined
14 under subdivision (h) of this subsection. If such individual
15 discloses that he or she owes child support obligations and
16 is determined to be eligible for unemployment compensation, the
17 commissioner shall notify the Department of Health and Human
18 Services that the individual has been determined to be eligible for
19 unemployment compensation.

20 (b) The commissioner shall deduct and withhold from
21 any unemployment compensation otherwise payable to an individual
22 disclosing child support obligations:

23 (i) The amount specified by the individual to the
24 commissioner to be deducted under this subsection, if neither
25 subdivision (ii) nor (iii) of this subdivision is applicable;

26 (ii) The amount, if any, determined pursuant to an
27 agreement between the Department of Health and Human Services and

1 such individual owing the child support obligations to have a
2 specified amount withheld and such agreement being submitted to
3 the commissioner, unless subdivision (iii) of this subdivision is
4 applicable; or

5 (iii) The amount otherwise required to be so deducted
6 and withheld from such unemployment compensation pursuant to legal
7 process, as that term is defined in subdivision (2)(i) of this
8 section, properly served upon the commissioner.

9 (c) Any amount deducted and withheld under subdivision
10 (b) of this subsection shall be paid by the commissioner to the
11 Department of Health and Human Services.

12 (d) Any amount deducted and withheld under subdivision
13 (b) or (g) of this subsection shall for all purposes be treated
14 as if it were paid to the individual as unemployment compensation
15 and paid by such individual to the Department of Health and Human
16 Services in satisfaction of his or her child support obligations.

17 (e) For purposes of subdivisions (a) through (d) and
18 (g) of this subsection, the term unemployment compensation shall
19 mean any compensation payable under the Employment Security Law
20 and including amounts payable by the commissioner pursuant to
21 an agreement by any federal law providing for compensation,
22 assistance, or allowances with respect to unemployment.

23 (f) This subsection shall apply only if appropriate
24 arrangements have been made for reimbursement by the Department of
25 Health and Human Services for the administrative costs incurred by
26 the commissioner under this section which are attributable to child
27 support obligations being enforced by the department.

1 (g) The Department of Health and Human Services and the
2 commissioner shall develop and implement a collection system to
3 carry out the intent of this subdivision. The collection system
4 shall, at a minimum, provide that:

5 (i) The commissioner shall periodically notify the
6 Department of Health and Human Services of the information listed
7 in section 43-1719 with respect to individuals determined to be
8 eligible for unemployment compensation during such period;

9 (ii) Unless the county attorney, the authorized attorney,
10 or the Department of Health and Human Services has sent a notice on
11 the same support order under section 43-1720, upon the notification
12 required by subdivision (2)(g)(i) of this section, the Department
13 of Health and Human Services shall send notice to any such
14 individual who owes child support obligations and who is subject
15 to income withholding pursuant to subdivision (2)(a), (2)(b)(ii),
16 or (2)(b)(iii) of section 43-1718.01. The notice shall be sent
17 by certified mail to the last-known address of the individual and
18 shall state the same information as required under section 43-1720;

19 (iii)(A) If the support obligation is not based on a
20 foreign support order entered pursuant to section 43-1729 and the
21 individual requests a hearing, the Department of Health and Human
22 Services shall hold a hearing within fifteen days of the date of
23 receipt of the request. The hearing shall be in accordance with
24 the Administrative Procedure Act. The assignment shall be held in
25 abeyance pending the outcome of the hearing. The department shall
26 notify the individual and the commissioner of its decision within
27 fifteen days of the date the hearing is held; and

1 (B) If the support obligation is based on a foreign
2 support order entered pursuant to section 43-1729 and the
3 individual requests a hearing, the county attorney or authorized
4 attorney shall apply the procedures described in sections 43-1732
5 to 43-1742;

6 (iv) (A) If no hearing is requested by the individual
7 under this subsection or pursuant to a notice sent under section
8 43-1720, (B) if after a hearing under this subsection or section
9 43-1721 the Department of Health and Human Services determines that
10 the assignment should go into effect, (C) in cases in which the
11 court has ordered income withholding for child support pursuant to
12 subsection (1) of section 43-1718.01, or (D) in cases in which the
13 court has ordered income withholding for child support pursuant to
14 section 43-1718.02 and the case subsequently becomes one in which
15 child support collection services are being provided under Title
16 IV-D of the federal Social Security Act, as amended, the Department
17 of Health and Human Services shall certify to the commissioner
18 the amount to be withheld for child support obligations from the
19 individual's unemployment compensation. Such amount shall not in
20 any case exceed the maximum amount permitted to be withheld under
21 section 303(b) of the federal Consumer Credit Protection Act, 15
22 U.S.C. 1673(b) (2) (A) and (B), and the amount withheld to satisfy an
23 arrearage of child support when added to the amount withheld to pay
24 current support shall not exceed such maximum amount;

25 (v) The collection system shall comply with the
26 requirements of Title III and Title IV-D of the federal Social
27 Security Act, as amended;

1 (vi) The collection system shall be in addition to and
2 not in substitution for or derogation of any other available
3 remedy; and

4 (vii) The Department of Health and Human Services and the
5 commissioner shall adopt and promulgate rules and regulations to
6 carry out subdivision (2)(g) of this section.

7 (h) For purposes of this subsection, the term child
8 support obligations shall include only obligations which are being
9 enforced pursuant to a plan described in section 454 of the federal
10 Social Security Act which has been approved by the Secretary of
11 Health and Human Services under Part D of Title IV of the federal
12 Social Security Act.

13 (i) For purposes of this subsection, the term legal
14 process shall mean any writ, order, summons, or other similar
15 process in the nature of garnishment, which:

16 (i) Is issued by a court of competent jurisdiction of
17 any state, territory, or possession of the United States or an
18 authorized official pursuant to order of such a court of competent
19 jurisdiction or pursuant to state law. For purposes of this
20 subdivision, the chief executive officer of the Department of
21 Health and Human Services shall be deemed an authorized official
22 pursuant to order of a court of competent jurisdiction or pursuant
23 to state law; and

24 (ii) Is directed to, and the purpose of which is
25 to compel, the commissioner to make a payment for unemployment
26 compensation otherwise payable to an individual in order to satisfy
27 a legal obligation of such individual to provide child support.

1 (j) Nothing in this subsection shall be construed to
2 authorize withholding from unemployment compensation of any support
3 obligation other than child support obligations.

4 (3) (a) An individual filing a new claim for unemployment
5 compensation shall, at the time of filing such claim, disclose
6 whether or not he or she owes an uncollected overissuance,
7 as defined in ~~section 13(e)(1) of the federal Food Stamp Act~~
8 ~~of 1977, of food stamp~~ 7 U.S.C. 2022(c)(1) as such section
9 existed on January 1, 2009, of Supplemental Nutrition Assistance
10 Program benefits, if not otherwise known or disclosed to the
11 state ~~feed stamp~~ Supplemental Nutrition Assistance Program agency.
12 The commissioner shall notify the state ~~feed stamp~~ Supplemental
13 Nutrition Assistance Program agency enforcing such obligation of
14 any individual disclosing that he or she owes an uncollected
15 overissuance whom the commissioner determines is eligible for
16 unemployment compensation.

17 (b) The commissioner shall deduct and withhold from any
18 unemployment compensation payable to an individual who owes an
19 uncollected overissuance (i) the amount specified by the individual
20 to the commissioner to be deducted and withheld under this
21 subsection, (ii) the amount, if any, determined pursuant to an
22 agreement submitted to the state ~~feed stamp~~ Supplemental Nutrition
23 Assistance Program agency under ~~section 13(e)(3)(A) of the federal~~
24 ~~Food Stamp Act of 1977,~~ 7 U.S.C. 2022(c)(3)(A) as such section
25 existed on January 1, 2009, or (iii) any amount otherwise required
26 to be deducted and withheld from unemployment compensation pursuant
27 to ~~section 13(e)(3)(B) of such federal act.~~ 7 U.S.C. 2022(c)(3)(B)

1 as such section existed on January 1, 2009.

2 (c) Any amount deducted and withheld under this
3 subsection shall be paid by the commissioner to the state ~~feed~~
4 ~~stamp~~ Supplemental Nutrition Assistance Program agency.

5 (d) Any amount deducted and withheld under subdivision
6 (b) of this subsection shall be treated for all purposes as if it
7 were paid to the individual as unemployment compensation and paid
8 by such individual to the state ~~feed stamp~~ Supplemental Nutrition
9 Assistance Program agency as repayment of the individual's
10 uncollected overissuance.

11 (e) For purposes of this subsection, unemployment
12 compensation means any compensation payable under the Employment
13 Security Law, including amounts payable by the commissioner
14 pursuant to an agreement under any federal law providing
15 for compensation, assistance, or allowances with respect to
16 unemployment.

17 (f) This subsection applies only if arrangements have
18 been made for reimbursement by the state ~~feed stamp~~ Supplemental
19 Nutrition Assistance Program agency for the administrative costs
20 incurred by the commissioner under this subsection which are
21 attributable to the repayment of uncollected overissuances to the
22 state ~~feed stamp~~ Supplemental Nutrition Assistance Program agency.

23 Sec. 5. Section 68-717, Revised Statutes Cumulative
24 Supplement, 2008, is amended to read:

25 68-717 The Department of Health and Human Services shall
26 assume the responsibility for all public assistance, including
27 aid to families with dependent children, emergency assistance,

1 assistance to the aged, blind, or disabled, medically handicapped
2 children's services, commodities, ~~feed stamps~~, the Supplemental
3 Nutrition Assistance Program, and medical assistance.

4 Sec. 6. Section 68-901, Revised Statutes Cumulative
5 Supplement, 2008, is amended to read:

6 68-901 Sections 68-901 to 68-956 and section 11 of this
7 act shall be known and may be cited as the Medical Assistance Act.

8 Sec. 7. Section 68-906, Revised Statutes Cumulative
9 Supplement, 2008, is amended to read:

10 68-906 For purposes of paying medical assistance under
11 the Medical Assistance Act and sections 68-1002 and 68-1006, the
12 State of Nebraska accepts and assents to all applicable provisions
13 of Title XIX and Title XXI of the federal Social Security Act.
14 Any reference in the Medical Assistance Act to the federal Social
15 Security Act or other acts or sections of federal law shall be to
16 such federal acts or sections as they existed on January 1, 2008-
17 2009.

18 Sec. 8. Section 68-908, Revised Statutes Cumulative
19 Supplement, 2008, is amended to read:

20 68-908 (1) The department shall administer the medical
21 assistance program.

22 (2) The department may (a) enter into contracts and
23 interagency agreements, (b) adopt and promulgate rules and
24 regulations, (c) adopt fee schedules, (d) apply for and implement
25 waivers and managed care plans for eligible recipients, and (e)
26 perform such other activities as necessary and appropriate to carry
27 out its duties under the Medical Assistance Act.

1 (3) The department shall maintain the confidentiality
2 of information regarding applicants for or recipients of medical
3 assistance and such information shall only be used for purposes
4 related to administration of the medical assistance program and the
5 provision of such assistance or as otherwise permitted by federal
6 law.

7 (4) (a) The department shall prepare a ~~biennial~~ an annual
8 summary and analysis of the medical assistance program for
9 legislative and public review, including, but not limited to,
10 a description of eligible recipients, covered services, provider
11 reimbursement, program trends and projections, program budget and
12 expenditures, the status of implementation of the Medicaid Reform
13 Plan, and recommendations for program changes.

14 (b) The department shall provide a draft report of such
15 summary and analysis to the Medicaid Reform Council no later
16 than ~~October 1 of each even-numbered~~ September 15 of each year.
17 The council shall conduct a public meeting no later than October
18 ~~15 1 of such~~ each year to discuss and receive public comment
19 regarding such report. The council shall provide any comments and
20 recommendations regarding such report in writing to the department
21 ~~and the committee~~ no later than November 1 of ~~such~~ each year. The
22 department shall submit a final report of such summary and analysis
23 to the Governor, the Legislature, and the council no later than
24 December 1 of ~~such year.~~ each year. Such final report shall include
25 a response to each specific comment provided by the council.

26 Sec. 9. Section 68-934, Revised Statutes Cumulative
27 Supplement, 2008, is amended to read:

1 68-934 Sections 68-934 to 68-947 and section 11 of this
2 act shall be known and may be cited as the False Medicaid Claims
3 Act.

4 Sec. 10. Section 68-940, Revised Statutes Cumulative
5 Supplement, 2008, is amended to read:

6 68-940 (1) In determining the amount of any penalties or
7 damages awarded under the False Medicaid Claims Act, the following
8 shall be taken into account:

9 (a) The nature of claims and the circumstances under
10 which they were presented;

11 (b) The degree of culpability and history of prior
12 offenses of the person presenting the claims;

13 (c) Coordination of the total penalties and damages
14 arising from the same claims, goods, or services, whether based on
15 state or federal statute; and

16 (d) Such other matters as justice requires.

17 (2) (a) Any person who presents a false medicaid claim is
18 subject to civil liability as provided in section 68-936, except
19 when the court finds that:

20 (i) The person committing the violation of the False
21 Medicaid Claims Act furnished officials of the state responsible
22 for investigating violations of the act with all information known
23 to such person about the violation within thirty days after the
24 date on which the defendant first obtained the information;

25 (ii) Such person fully cooperated with any state
26 investigation of such violation; and

27 (iii) At the time such person furnished the state with

1 the information about the violation, no criminal prosecution, civil
2 action, or administrative action had commenced under the act with
3 respect to such violation and the person did not have actual
4 knowledge of the existence of an investigation into such violation.

5 (b) The court may assess not more than two times the
6 amount of the false medicaid claims submitted because of the action
7 of a person coming within the exception under subdivision (2)(a)
8 of this section, and such person is also liable for the state's
9 costs and attorney's fees for a civil action brought to recover any
10 penalty or damages.

11 (3) Amounts recovered under the False Medicaid Claims Act
12 shall be remitted to the State Treasurer for credit to the Health
13 and Human Services Cash Fund, except that (a) amounts recovered
14 for the state's costs and attorney's fees pursuant to subdivision
15 (2)(b) of this section and sections 68-936 and 68-939 shall be
16 remitted to the State Treasurer for credit to the State Medicaid
17 Fraud Control Unit Cash Fund and (b) the State Treasurer shall
18 distribute civil penalties in accordance with Article VII, section
19 5, of the Constitution of Nebraska.

20 Sec. 11. The State Medicaid Fraud Control Unit Cash Fund
21 is created. The fund shall be maintained by the Department of
22 Justice and administered by the Attorney General. The fund shall
23 consist of any recovery for the state's costs and attorney's fees
24 received pursuant to subdivision (2)(b) of section 68-940 and
25 sections 68-936 and 68-939, except criminal penalties, whether such
26 recovery is by way of verdict, judgment, compromise, or settlement
27 in or out of court, or other final disposition of any case or

1 controversy under such subdivision or sections. Money in the fund
2 shall be used to pay the salaries and related expenses of the
3 Department of Justice for the state medicaid fraud control unit.
4 Any money in the fund available for investment shall be invested
5 by the state investment officer pursuant to the Nebraska Capital
6 Expansion Act and the Nebraska State Funds Investment Act.

7 Sec. 12. Section 68-948, Revised Statutes Cumulative
8 Supplement, 2008, is amended to read:

9 68-948 (1) The Medicaid Reform Council is established.
10 The council shall consist of ten persons appointed by the
11 ~~chairperson of the committee,~~ in consultation with the ~~committee,~~
12 the Governor. The chairperson of the Health and Human Services
13 Committee of the Legislature or his or her designee shall serve
14 as a nonvoting, ex officio member of the council. ~~and the~~
15 ~~department.~~ The council shall include, but not be limited to, at
16 least one representative from each of the following: Providers,
17 recipients of medical assistance, advocates for such recipients,
18 business representatives, insurers, and elected officials. The
19 ~~chairperson of the committee~~ Governor shall appoint the chairperson
20 of the council. Members of the council may be reimbursed for their
21 actual and necessary expenses as provided in sections 81-1174 to
22 81-1177.

23 (2) The council shall (a) oversee and ~~support~~ advise
24 the department regarding implementation of reforms to the medical
25 assistance program, including, but not limited to, reforms such as
26 those contained in the Medicaid Reform Plan, (b) ~~conduct at least~~
27 ~~two~~ public meetings annually at least quarterly and other meetings

1 at the call of the chairperson of the council, in consultation
2 with the department, ~~and the chairperson of the committee,~~ and (c)
3 provide comments and recommendations to the department regarding
4 the administration of the medical assistance program and any
5 proposed changes to such program.

6 ~~(3) The Medicaid Reform Council and this section~~
7 ~~terminate on June 30, 2010.~~

8 (3) The department shall provide the council with any
9 reports, data, analysis, or other such information upon which the
10 department relied, which provided a basis for the department's
11 proposed reforms, or which the department otherwise intends to
12 present to the council at least two weeks prior to the quarterly
13 meeting.

14 (4) Beginning June 30, 2010, the terms of the existing
15 members of the council shall be extended as follows: One-half
16 of the members shall serve for two-year terms and one-half of
17 the members shall serve for four-year terms as determined by the
18 Governor. Thereafter all members shall serve for four-year terms.
19 Members may be reappointed at the discretion of the Governor.
20 Appointments to the council occurring as a result of replacement of
21 an existing member at the expiration of the member's term or due to
22 resignation of an existing member shall be made by the Governor.

23 Sec. 13. Section 68-1016, Revised Statutes Cumulative
24 Supplement, 2008, is amended to read:

25 68-1016 The chief executive officer of the Department of
26 Health and Human Services, or his or her designated representative,
27 shall provide for granting an opportunity for a fair hearing to

1 any individual whose claim for assistance to the aged, blind, or
2 disabled, aid to dependent children, emergency assistance, medical
3 assistance, commodities, or ~~feed stamp~~ Supplemental Nutrition
4 Assistance Program benefits is denied, is not granted in full,
5 or is not acted upon with reasonable promptness. An appeal shall
6 be taken by filing with the department a written notice of
7 appeal setting forth the facts on which the appeal is based. The
8 department shall thereupon, in writing, notify the appellant of the
9 time and place for hearing which shall be not less than one week
10 nor more than six weeks from the date of such notice. Hearings
11 shall be before the duly authorized agent of the department. On the
12 basis of evidence adduced, the duly authorized agent shall enter a
13 final order on such appeal, which order shall be transmitted to the
14 appellant.

15 Sec. 14. Section 68-1017, Revised Statutes Cumulative
16 Supplement, 2008, is amended to read:

17 68-1017 Any person, including vendors and providers
18 of medical assistance and social services, who, by means of a
19 willfully false statement or representation, or by impersonation
20 or other device, obtains or attempts to obtain, or aids or
21 abets any person to obtain or to attempt to obtain (1) an
22 assistance certificate of award to which he or she is not entitled,
23 (2) any commodity, any foodstuff, any food coupon, any ~~feed~~
24 ~~stamp~~ Supplemental Nutrition Assistance Program coupon, electronic
25 benefit, or electronic benefit card, or any payment to which
26 such individual is not entitled or a larger payment than that
27 to which he or she is entitled, (3) any payment made on behalf

1 of a recipient of medical assistance or social services, or (4)
2 any other benefit administered by the Department of Health and
3 Human Services, or who violates any statutory provision relating to
4 assistance to the aged, blind, or disabled, aid to dependent
5 children, social services, or medical assistance, commits an
6 offense and shall upon conviction be punished as follows: (a)
7 If the aggregate value of all funds or other benefits obtained or
8 attempted to be obtained is less than five hundred dollars, the
9 person so convicted shall be guilty of a Class III misdemeanor; or
10 (b) if the aggregate value of all funds and other benefits obtained
11 or attempted to be obtained is five hundred dollars or more, the
12 person so convicted shall be guilty of a Class IV felony.

13 Sec. 15. Section 68-1017.01, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 68-1017.01 (1) A person commits an offense if he or she
16 knowingly uses, alters, or transfers any ~~feed stamp~~ Supplemental
17 Nutrition Assistance Program coupons, electronic benefits, or
18 electronic benefit cards or any authorizations to participate
19 in the ~~feed stamp program~~ Supplemental Nutrition Assistance Program
20 in any manner not authorized by law. An offense under this
21 subsection shall be a Class III misdemeanor if the value of
22 the Supplemental Nutrition Assistance Program coupons, electronic
23 benefits, electronic benefit cards, or authorizations is less than
24 five hundred dollars and shall be a Class IV felony if the value is
25 five hundred dollars or more.

26 (2) A person commits an offense if he or she knowingly
27 (a) possesses any ~~feed stamp~~ Supplemental Nutrition Assistance

1 Program coupons, electronic benefits, or electronic benefit cards
2 or any authorizations to participate in the ~~feed stamp program~~
3 Supplemental Nutrition Assistance Program when such individual is
4 not authorized by law to possess them, (b) redeems ~~feed stamp~~
5 Supplemental Nutrition Assistance Program coupons, electronic
6 benefits, or electronic benefit cards when he or she is not
7 authorized by law to redeem them, or (c) redeems ~~feed stamp~~
8 Supplemental Nutrition Assistance Program coupons, electronic
9 benefits, or electronic benefit cards for purposes not authorized
10 by law. An offense under this subsection shall be a Class III
11 misdemeanor if the value of the Supplemental Nutrition Assistance
12 Program coupons, electronic benefits, electronic benefit cards, or
13 authorizations is less than five hundred dollars and shall be a
14 Class IV felony if the value is five hundred dollars or more.

15 (3) A person commits an offense if he or she knowingly
16 possesses blank authorizations to participate in the ~~feed stamp~~
17 ~~program~~ Supplemental Nutrition Assistance Program when such
18 possession is not authorized by law. An offense under this
19 subsection shall be a Class IV felony.

20 (4) When any ~~feed stamp~~ Supplemental Nutrition Assistance
21 Program coupons, electronic benefits, or electronic benefit cards
22 or any authorizations to participate in the ~~feed stamp program~~
23 Supplemental Nutrition Assistance Program of various values are
24 obtained in violation of this section pursuant to one scheme or
25 a continuing course of conduct, whether from the same or several
26 sources, such conduct may be considered as one offense, and the
27 values aggregated in determining the grade of the offense.

1 Sec. 16. Section 68-1017.02, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 68-1017.02 (1)(a) The Department of Health and Human
4 Services shall apply for and utilize to the maximum extent
5 possible, within limits established by the Legislature, any and
6 all appropriate options available to the state under the federal
7 ~~feed stamp program~~ Supplemental Nutrition Assistance Program and
8 regulations adopted under such program to maximize the number of
9 Nebraska residents being served under such program within such
10 limits. The department shall seek to maximize federal funding for
11 such program and minimize the utilization of General Funds for
12 such program and shall employ the personnel necessary to determine
13 the options available to the state and issue the report to the
14 Legislature required by subdivision (b) of this subsection.

15 (b) The department shall report annually to the Health
16 and Human Services Committee of the Legislature by December 1
17 on efforts by the department to carry out the provisions of
18 this subsection. Such report shall provide the committee with all
19 necessary and appropriate information to enable the committee to
20 conduct a meaningful evaluation of such efforts. Such information
21 shall include, but not be limited to, a clear description of
22 various options available to the state under the federal ~~feed~~
23 ~~stamp program~~, Supplemental Nutrition Assistance Program, the
24 department's evaluation of and any action taken by the department
25 with respect to such options, the number of persons being served
26 under such program, and any and all costs and expenditures
27 associated with such program.

1 (c) The Health and Human Services Committee of the
2 Legislature, after receipt and evaluation of the report required in
3 subdivision (b) of this subsection, shall issue recommendations to
4 the department on any further action necessary by the department to
5 meet the requirements of this section.

6 (2)(a) Within the limits specified in this subsection,
7 the State of Nebraska opts out of the provision of the federal
8 Personal Responsibility and Work Opportunity Reconciliation Act of
9 1996, as such act existed on ~~July 18, 2008~~, January 1, 2009, that
10 eliminates eligibility for ~~feed stamps~~ the Supplemental Nutrition
11 Assistance Program for any person convicted of a felony involving
12 the possession, use, or distribution of a controlled substance.

13 (b) A person shall be ineligible for ~~feed stamp~~
14 Supplemental Nutrition Assistance Program benefits under this
15 subsection if he or she (i) has had three or more felony
16 convictions for the possession or use of a controlled substance
17 or (ii) has been convicted of a felony involving the sale or
18 distribution of a controlled substance or the intent to sell or
19 distribute a controlled substance. A person with one or two felony
20 convictions for the possession or use of a controlled substance
21 shall only be eligible to receive ~~feed stamp~~ Supplemental Nutrition
22 Assistance Program benefits under this subsection if he or she is
23 participating in or has completed a state-licensed or nationally
24 accredited substance abuse treatment program since the date of
25 conviction. The determination of such participation or completion
26 shall be made by the treatment provider administering the program.

27 Sec. 17. Section 68-1070, Revised Statutes Cumulative

1 Supplement, 2008, is amended to read:

2 68-1070 (1) If the following non-United-States citizens
3 meet the income and other requirements for participation in the
4 medical assistance program established pursuant to the Medical
5 Assistance Act, in the program for financial assistance pursuant to
6 section 43-512, in the ~~feed stamp program~~ Supplemental Nutrition
7 Assistance Program administered by the State of Nebraska pursuant
8 to the federal Food ~~Stamp~~ and Nutrition Act of 2008 as the act
9 existed on January 1, 2009, or in the program for assistance to the
10 aged, blind, and disabled, such persons shall be eligible for such
11 program or benefits:

12 (a) Non-United-States citizens lawfully admitted,
13 regardless of the date entry was granted, into the United States
14 for permanent residence;

15 (b) Refugees admitted under section 207 of the federal
16 Immigration and Naturalization Act, non-United-States citizens
17 granted asylum under section 208 of such federal act, and
18 non-United-States citizens whose deportation is withheld under
19 section 243(h) of such federal act, regardless of the date of entry
20 into the United States; and

21 (c) Individuals for whom coverage is mandated under
22 federal law.

23 (2) Individuals eligible for ~~feed stamp~~ assistance the
24 Supplemental Nutrition Assistance Program under this section shall
25 receive any ~~feed stamp~~ Supplemental Nutrition Assistance Program
26 coupons or electronic benefits or a state voucher which can be used
27 only for food products authorized under the federal Food ~~Stamp~~ and

1 Nutrition Act of 2008 as the act existed on January 1, 2009, in the
2 amount of the ~~feed stamp~~ Supplemental Nutrition Assistance Program
3 benefit for which this individual was otherwise eligible but for
4 the citizenship provisions of Public Law 104-193, 110 Stat. 2105
5 (1996).

6 (3) The income and resources of any individual who
7 assists a non-United-States citizen to enter the United States
8 by signing an affidavit of support shall be deemed available
9 in determining the non-United-States citizen's eligibility for
10 assistance until the non-United-States citizen becomes a United
11 States citizen.

12 Sec. 18. Section 68-1713, Revised Statutes Cumulative
13 Supplement, 2008, is amended to read:

14 68-1713 (1) The Department of Health and Human Services
15 shall implement the following policies:

16 (a) Permit Work Experience in Private for-Profit
17 Enterprises;

18 (b) Permit Job Search;

19 (c) Permit Employment to be Considered a Program
20 Component;

21 (d) Make Sanctions More Stringent to Emphasize
22 Participant Obligations;

23 (e) Alternative Hearing Process;

24 (f) Permit Adults in Two-Parent Households to Participate
25 in Activities Based on Their Self-Sufficiency Needs;

26 (g) Eliminate Exemptions for Individuals with Children
27 Between the Ages of 12 Weeks and Age Six;

1 (h) Providing Poor Working Families with Transitional
2 Child Care to Ease the Transition from Welfare to Self-Sufficiency;

3 (i) Provide Transitional Health Care for 12 Months After
4 Termination of ADC if funding for such transitional medical
5 assistance is available under Title XIX of the federal Social
6 Security Act, as amended, as described in section 68-906;

7 (j) Require Adults to Ensure that Children in the Family
8 Unit Attend School;

9 (k) Encourage Minor Parents to Live with Their Parents;

10 (l) Establish a Resource Limit of \$4,000 for a single
11 individual and \$6,000 for two or more individuals for ADC;

12 (m) Exclude the Value of One Vehicle Per Family When
13 Determining ADC Eligibility;

14 (n) Exclude the Cash Value of Life Insurance Policies in
15 Calculating Resources for ADC;

16 (o) Establish ~~Feed Stamps~~ the Supplemental Nutrition
17 Assistance Program as a Continuous Benefit with Eligibility
18 Reevaluated with Yearly Redeterminations;

19 (p) Establish a Budget the Gap Methodology Whereby
20 Countable Earned Income is Subtracted from the Standard of the
21 Need and Payment is Based on the Difference or Maximum Payment
22 Level, Whichever is Less. That this Gap be Established at a Level
23 that Encourages Work but at Least at a Level that Ensures that
24 Those Currently Eligible for ADC do not Lose Eligibility Because of
25 the Adoption of this Methodology;

26 (q) Adopt an Earned Income Disregard of Twenty Percent of
27 Gross Earnings in the ADC Program and One Hundred Dollars in the

1 Related Medical Assistance Program;

2 (r) Disregard Financial Assistance Received Intended for
3 Books, Tuition, or Other Self-Sufficiency Related Use;

4 (s) Culture: Eliminate the 100-Hour Rule, The Quarter of
5 Work Requirement, and The 30-Day Unemployed/Underemployed Period
6 for ADC-UP Eligibility; and

7 (t) Make ADC a Time-Limited Program.

8 (2) The Department of Health and Human Services shall (a)
9 apply for a waiver to allow for a sliding-fee schedule for the
10 population served by the caretaker relative program or (b) pursue
11 other public or private mechanisms, to provide for transitional
12 health care benefits to individuals and families who do not
13 qualify for cash assistance. It is the intent of the Legislature
14 that transitional health care coverage be made available on a
15 sliding-scale basis to individuals and families with incomes up to
16 one hundred eighty-five percent of the federal poverty level if
17 other health care coverage is not available.

18 Sec. 19. Section 71-401, Revised Statutes Cumulative
19 Supplement, 2008, is amended to read:

20 71-401 Sections 71-401 to 71-459 and section 20 of this
21 act shall be known and may be cited as the Health Care Facility
22 Licensure Act.

23 Sec. 20. A health care facility or a health care
24 practitioner facility, upon written request of a patient or
25 a patient's representative, shall provide an itemized billing
26 statement, including diagnostic codes, without charge to the
27 patient or patient's representative. Such itemized billing

1 statement shall be provided within fourteen days after the request.

2 Sec. 21. Section 71-531, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 71-531 ~~(1)~~ (1)(a) No person may be tested for the
5 presence of the human immunodeficiency virus infection unless he or
6 she has given written informed consent for the performance of such
7 test. ~~A parent of a minor child or a judicially appointed guardian~~
8 ~~may give such consent.~~ The written informed consent shall provide
9 an explanation of human immunodeficiency virus infection and the
10 meaning of both positive and negative test results.

11 (b) If a person signs a general consent form for the
12 performance of medical tests or procedures which informs the person
13 that a test for the presence of the human immunodeficiency virus
14 infection may be performed and that the person may refuse to have
15 such test performed, the signing of an additional consent for
16 the specific purpose of consenting to a test related to human
17 immunodeficiency virus is not required during the time in which the
18 general consent form is in effect.

19 (2) If a person is unable to provide consent, the
20 person's legal representative may provide consent. If the person's
21 legal representative cannot be located or is unavailable, a health
22 care provider may authorize the test when the test results are
23 necessary for diagnostic purposes to provide appropriate medical
24 care.

25 ~~(2) The written informed consent shall provide:~~

26 ~~(a) An explanation of the test, including the test's~~
27 ~~purposes, potential uses, and limitations, and the meaning of both~~

1 ~~positive and negative results;~~

2 ~~(b) An explanation of the nature of the human~~
3 ~~immunodeficiency virus and acquired immunodeficiency syndrome,~~
4 ~~including the relationship between the test results and the~~
5 ~~diseases which are part of the syndrome;~~

6 ~~(c) An explanation of the procedures to be followed,~~
7 ~~including the fact that the test is entirely voluntary; and~~

8 ~~(d) Information concerning behavioral patterns known to~~
9 ~~expose a person to the possibility of contracting the human~~
10 ~~immunodeficiency virus and the methods for minimizing the risk of~~
11 ~~exposure.~~

12 (3) A person seeking a human immunodeficiency virus test
13 shall have the right to remain anonymous. A health care provider
14 shall confidentially refer such person to a site which provides
15 anonymous testing.

16 (4) This section shall not apply to:

17 (a) The performance by a health care provider or a health
18 facility of a human immunodeficiency virus test when the health
19 care provider or health facility procures, processes, distributes,
20 or uses a human body part for a purpose specified under the Uniform
21 Anatomical Gift Act and such test is necessary to assure medical
22 acceptability of such gift for the purposes intended;

23 (b) The performance by a health care provider or a health
24 facility of a human immunodeficiency virus test when such test is
25 performed with the consent and written authorization of the person
26 being tested and such test is for insurance underwriting purposes,
27 written information about the human immunodeficiency virus is

1 provided, including, but not limited to, the identification and
2 reduction of risks, the person is informed of the result of such
3 test, and when the result is positive, the person is referred for
4 posttest counseling;

5 (c) The performance of a human immunodeficiency
6 virus test by licensed medical personnel of the Department of
7 Correctional Services when the subject of the test is committed
8 to such department. Posttest counseling shall be required for
9 the subject if the test is positive. A person committed to
10 the Department of Correctional Services shall be informed by
11 the department (i) if he or she is being tested for the human
12 immunodeficiency virus, (ii) that education shall be provided to
13 him or her about the human immunodeficiency virus, including, but
14 not limited to, the identification and reduction of risks, and
15 (iii) of the test result and the meaning of such result;

16 (d) Human immunodeficiency virus home collection kits
17 licensed by the federal Food and Drug Administration; or

18 (e) The performance of a human immunodeficiency virus
19 test performed pursuant to section 29-2290 or sections 71-507 to
20 71-513 or 71-514.01 to 71-514.05.

21 Sec. 22. Section 71-604.05, Revised Statutes Cumulative
22 Supplement, 2008, is amended to read:

23 71-604.05 (1) The department shall not file (a) a
24 certificate of live birth, (b) a certificate of delayed birth
25 registration for a registrant who is under twenty-five years of
26 age when an application for such certificate is filed, (c) a
27 certificate of live birth filed after adoption of a Nebraska-born

1 person who is under twenty-five years of age or a person born
2 outside of the jurisdiction of the United States, or (d) a
3 certificate of live birth issued pursuant to section 71-628 unless
4 the social security number or numbers issued to the parents are
5 furnished by the person seeking to register the birth. No such
6 certificate may be amended to show paternity unless the social
7 security number of the father is furnished by the person requesting
8 the amendment. The social security number shall not be required if
9 no social security number has been issued to the parent or if the
10 social security number is unknown.

11 (2) Social security numbers (a) shall be recorded on
12 the birth certificate but shall not be considered part of the
13 birth certificate and (b) shall only be used for the purpose of
14 enforcement of child support orders in Nebraska as permitted by
15 Title IV-D of the federal Social Security Act, as amended, or as
16 permitted by section 7(a) of the federal Privacy Act of 1974, as
17 amended.

18 (3) The department may release data to the Social
19 Security Administration which is necessary to obtain a social
20 security number and which is contained on the birth certificate
21 of any individual who has applied for or is receiving medicaid or
22 ~~feed stamp~~ Supplemental Nutrition Assistance Program benefits. The
23 department shall make such data available only for the purpose of
24 obtaining a social security number for the individual.

25 (4) The department shall provide to the Social Security
26 Administration each parent's name and social security number
27 collected in the birth certification process as required by the

1 federal Taxpayer Relief Act of 1997.

2 Sec. 23. Section 71-5309, Revised Statutes Cumulative
3 Supplement, 2008, is amended to read:

4 71-5309 (1) The director shall adopt and promulgate
5 minimum necessary rules and regulations governing the
6 qualifications of operators of public water systems. In
7 adopting such rules and regulations, the director shall give
8 consideration to the levels of training and experience which are
9 required, in the opinion of the director, to insure to the greatest
10 extent possible that the public water systems shall be operated
11 in such a manner that (a) maximum efficiency can be attained, (b)
12 interruptions in service will not occur, (c) chemical treatment of
13 the water will be adequate to maintain purity and safety, and (d)
14 harmful materials will not enter the public water system.

15 (2) The director may require, by rule and regulation,
16 that the applicant for a license successfully pass an examination
17 on the subject of operation of a public water system. The rules and
18 regulations, and any tests so administered, may set out different
19 requirements for public water systems based on one or more of
20 the following: Physical size of the facilities, number of persons
21 served, system classification, source of water, treatment technique
22 and purpose, and distribution complexity, so long as the criteria
23 set forth in this section are followed.

24 (3) An applicant for a license as a public water system
25 operator under the Nebraska Safe Drinking Water Act who previously
26 held a license or certification as a public water system operator
27 under the act and whose license or certification expired two years

1 or more prior to the date of application shall take the examination
2 required to be taken by an applicant for an initial license under
3 the act. The department's review of the application for licensure
4 by an applicant under this subsection shall include the results of
5 such examination and the applicant's experience and training. The
6 department may by rules and regulations establish requirements for
7 relicensure under the act which are more stringent for applicants
8 whose license is expired or has been revoked or suspended than
9 those for applicants for initial licensure.

10 Sec. 24. Section 81-2270, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 81-2270 Services identified by care plans for those not
13 eligible for services provided through the home and community-based
14 waiver for the aged and disabled may be purchased with funds
15 appropriated through ~~sections 81-2265 to 81-2271,~~ section 81-2235
16 based on a sliding-fee scale. The Department of Health and Human
17 Services shall adopt and promulgate rules and regulations to
18 establish procedures and standards to ~~implement this section of the~~
19 ~~pilot project for preadmission screening.~~

20 Sec. 25. Section 81-2271, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 81-2271 The Department of Health and Human Services shall
23 adopt and promulgate rules and regulations to establish procedures
24 and standards to implement the intent of sections ~~81-2265~~ 81-2268
25 to 81-2271.

26 Sec. 26. Section 81-3119, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 81-3119 The Health and Human Services Cash Fund is
2 created and shall consist of funds from contracts, grants, gifts,
3 or fees. On or before July 15, 2008, one million dollars shall
4 be transferred from the Health and Human Services Cash Fund to
5 the Rural Health Professional Incentive Fund. On July 9, 2009,
6 two hundred fifteen thousand dollars shall be transferred from the
7 Health and Human Services Cash Fund to the State Medicaid Fraud
8 Control Unit Cash Fund. Any money in the Health and Human Services
9 Cash Fund available for investment shall be invested by the state
10 investment officer pursuant to the Nebraska Capital Expansion Act
11 and the Nebraska State Funds Investment Act.

12 Sec. 27. Section 83-1209, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 83-1209 To carry out the policies and purposes of the
15 Developmental Disabilities Services Act, the director shall:

16 (1) Ensure effective management by (a) determining
17 whether applicants are eligible for specialized services, (b)
18 authorizing service delivery for eligible persons, (c) ensuring
19 that services are available, accessible, and coordinated, (d)
20 ensuring that eligible persons have their needs assessed by a team
21 process, have individual program plans developed by a team process
22 to address assessed needs, which plans incorporate the input of
23 the individual and the family, and have services delivered in
24 accordance with the program plan, (e) having the amount of funding
25 for specialized services determined by an objective assessment
26 process, as developed in subsection (3) of section 83-1216,
27 (f) providing information and referral services to persons with

1 developmental disabilities and their families, (g) promoting the
2 development of pilot projects of high quality, cost-efficient
3 services provided by specialized programs, and (h) administering
4 the Beatrice State Developmental Center;

5 (2) Ensure a coordinated statewide response by (a)
6 developing a comprehensive and integrated statewide plan for
7 specialized services to persons with developmental disabilities
8 in conjunction with state and local officials, designated advocates
9 for such persons, service providers, and the general public, (b)
10 reporting biennially to the Legislature, the Governor, service
11 providers, and the public on persons served and progress made
12 toward meeting requirements of the plan, and (c) creating a
13 statewide registry of persons eligible for specialized services;

14 (3) Ensure specialized services which are efficient and
15 individualized by (a) developing a written policy which ensures the
16 adequate and equitable distribution of fiscal resources based upon
17 a consistent rationale for reimbursement that allows funding to
18 follow service recipients as their service needs change and which
19 also includes a plan for funding shortfalls and (b) administering
20 all state and federal funds as may be allowed by law; ~~used by~~
21 ~~specialized programs in the state;~~

22 (4) Ensure maximum quality of services by (a) developing
23 a due process mechanism for resolution of disputes, (b)
24 coordinating the development of review teams designed to enhance
25 the quality of specialized services, (c) developing certification
26 and accreditation requirements for service providers, (d) providing
27 technical assistance to local service providers, and (e) providing

1 eligible persons, their families, and the designated protection
2 and advocacy system authorized pursuant to the Developmental
3 Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C.
4 15001 et seq., with copies of all reports resulting from surveys
5 of providers of specialized services conducted as part of the
6 certification and accreditation process; and

7 (5) Establish and staff a developmental disabilities
8 division which shall assist in carrying out the policies and
9 purposes of the Developmental Disabilities Services Act.

10 Sec. 28. Section 83-1211, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 83-1211 A person receiving specialized services from
13 a local specialized program which receives financial assistance
14 through the department shall be responsible for the cost of such
15 services in the same manner as are persons receiving ~~care~~ services
16 at the Beatrice State Developmental Center. Provisions of law in
17 effect on September 6, 1991, or enacted after such date relating to
18 the responsibility of such persons and their relatives for the cost
19 of and determination of ability to pay for services at the center
20 shall also apply to persons receiving services from specialized
21 programs.

22 Sec. 29. Section 83-1213, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 83-1213 (1) The department shall ~~establish~~ a provide
25 for the establishment of at least one quality review team for
26 each developmental disability ~~region-~~ service area designated by
27 the department. Each team shall consist of at least four members

1 ~~appointed by the director~~ and shall include at least one person
2 with a developmental disability, at least one parent or other
3 close relative of a person with a developmental disability, and
4 at least one person who is neither a person with a developmental
5 disability nor a close relative of such a person. No employee
6 of any governmental agency or instrumentality or any specialized
7 program shall be eligible to be appointed to a team. ~~Members~~
8 ~~shall be chosen from~~ The department shall consider nominations
9 ~~submitted by~~ for such teams from advocacy groups, providers,
10 elected officials, or other groups or by persons interested in
11 developmental disability services who are located in the service
12 area of the developmental disability region. where such team is
13 established.

14 (2) For each quality review team, one member shall be
15 appointed for a term of one year, one member for a term of two
16 years, one member for a term of three years, and one member for a
17 term of four years with the director designating the expiration of
18 the initial term of office of each member. Thereafter, successors
19 shall serve for terms of four years. In case of a vacancy, a
20 successor shall be appointed for the unexpired term. Members of
21 each quality review team shall be reimbursed by the department for
22 their actual and necessary expenses incurred in the performance of
23 their official duties as provided in sections 81-1174 to 81-1177.

24 ~~(3)~~ (3)(a) Each quality review team shall ~~(a)~~ conduct
25 an annual quality-of-life survey of persons with developmental
26 disabilities receiving services in a developmental disability
27 region and of their families, guardians, and designated advocates,

1 ~~(b) receive, investigate, and hear complaints from persons~~
2 ~~with developmental disabilities and their families, guardians,~~
3 ~~and designated advocates, and (c) make recommendations to the~~
4 ~~developmental disability region. (i) conduct onsite visits of~~
5 ~~persons with developmental disabilities receiving residential~~
6 ~~services funded in whole or in part by the department, (ii) assess~~
7 ~~the quality of life of such persons receiving such services, (iii)~~
8 ~~make recommendations to improve the quality of such services on~~
9 ~~behalf of such persons, and (iv) perform such advisory or other~~
10 ~~duties as provided or approved in rules and regulations adopted and~~
11 ~~promulgated by the department.~~

12 (b) In making quality of life assessments of persons
13 receiving such services, the quality review team shall consider the
14 extent to which such persons (i) are able to exercise choice and
15 control regarding the type and provider of services they receive
16 and the daily activities in which they are engaged, (ii) are
17 treated with respect and dignity by their service providers, (iii)
18 have access to necessary services, equipment, and support, and (iv)
19 are able to participate in activities and events that maximize
20 community integration and inclusion.

21 (4) Each quality review team shall provide quarterly and
22 annual written reports to the department and service providers of
23 visits conducted and assessments completed under this section.

24 Sec. 30. Section 83-1217, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 83-1217 The department shall contract for specialized
27 services and shall only contract with specialized programs

1 which meet certification and accreditation requirements. Assisted
2 services provided under this section through community-based
3 developmental disability programs shall be reimbursed on a daily
4 rate basis, including such services provided to eligible recipients
5 under the medical assistance program established in section 68-903
6 upon approval for such reimbursement from the federal Centers for
7 Medicare and Medicaid Services. The department shall apply to the
8 federal Centers for Medicare and Medicaid Services for approval
9 of any necessary waiver amendments to permit such reimbursement
10 no later than September 1, 2009, and shall begin reimbursing such
11 services on a daily rate basis no later than ninety days after such
12 approval. In order to be certified, each specialized program shall:

- 13 (1) Have an internal quality assurance process;
- 14 (2) Have a program evaluation component;
- 15 (3) Have a complaint mechanism for persons with
16 developmental disabilities and their families;
- 17 (4) Have a process to ensure direct and open
18 communication with the department;
- 19 (5) Develop, implement, and regularly evaluate a plan to
20 ensure retention of quality employees and prevent staff turnover;
- 21 (6) Have measures to enhance staff training and
22 development;
- 23 (7) Be governed by a local governing board or have an
24 advisory committee, the membership of which consists of (a) county
25 commissioners or other locally elected officials, (b) persons with
26 developmental disabilities or members of their families, and (c)
27 persons who are not elected officials, persons with developmental

1 disabilities, or family members of persons with developmental
2 disabilities. At least one-third of the membership shall be persons
3 with developmental disabilities or members of their families. No
4 more than one-third of the membership shall be elected officials,
5 and no more than one-third of the membership shall be persons who
6 are not elected officials, persons with developmental disabilities,
7 or family members of persons with developmental disabilities;

8 (8) Meet accreditation standards developed by the
9 department;

10 (9) Require a criminal history record information check
11 of all employees hired on or after September 13, 1997, who work
12 directly with clients receiving services and who are not licensed
13 or certified as members of their profession; and

14 (10) Meet any other certification requirements developed
15 by the department to further the purposes of the Developmental
16 Disabilities Services Act.

17 Sec. 31. Section 83-1217.02, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 83-1217.02 Each employee subject to the criminal history
20 record information check requirements of subdivision (9) of section
21 83-1217 and section 83-1217.01 shall file a complete set of his
22 or her legible fingerprints with the department. The department
23 shall transmit such fingerprints to the Nebraska State Patrol
24 which shall transmit a copy of the applicant's fingerprints to the
25 Identification Division of the Federal Bureau of Investigation for
26 a national criminal history record information check.

27 The national criminal history record information

1 check shall include information concerning the employee from
2 federal repositories of such information and repositories of
3 such information in other states if authorized by federal law.
4 The division shall issue a report containing the results of
5 the national criminal history record information check to the
6 department.

7 The Nebraska State Patrol shall undertake a search
8 for Nebraska criminal history record information concerning the
9 employee. The Nebraska State Patrol shall issue a report to the
10 department which contains the results of the criminal history
11 record information check conducted by the Nebraska State Patrol.

12 The department shall issue copies of the reports ~~to the~~
13 ~~employee and~~ to the employer listed by the employee.

14 Criminal history record information subject to federal
15 confidentiality requirements shall remain confidential and may be
16 released only upon the written authorization by the employee.

17 The department, in cooperation with the Nebraska State
18 Patrol, shall adopt and promulgate rules and regulations to carry
19 out this section. Such rules and regulations shall provide that the
20 decision to initiate, continue, or terminate the employment of the
21 employee is and shall remain that of the employer.

22 Sec. 32. Section 85-2104, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 85-2104 A student who is applying to take one or more
25 courses for credit from a qualified postsecondary educational
26 institution is eligible for the Access College Early Scholarship
27 Program if:

1 (1) Such student or the student's parent or legal
2 guardian is eligible to receive:

3 (a) Supplemental Security Income;

4 (b) ~~Feed stamps;~~ Supplemental Nutrition Assistance
5 Program benefits;

6 (c) Free or reduced-price lunches under United States
7 Department of Agriculture child nutrition programs;

8 (d) Aid to families with dependent children; or

9 (e) Assistance under the Special Supplemental Nutrition
10 Program for Women, Infants, and Children; or

11 (2) The student or the student's parent or legal guardian
12 has experienced an extreme hardship.

13 Sec. 33. (1) Prescription drugs or devices which have
14 been dispensed pursuant to a valid prescription and delivered
15 to a Department of Correctional Services facility, a criminal
16 detention facility, a juvenile detention facility, or a jail for
17 administration to a prisoner or detainee held at such facility or
18 jail, but which are not administered to such prisoner or detainee,
19 may be returned to the dispensing pharmacy under contract with
20 the facility or jail for credit or for relabeling and redispensing
21 and administration to another prisoner or detainee held at such
22 facility or jail pursuant to a valid prescription as provided in
23 this section.

24 (2)(a) The decision to accept return of a dispensed
25 prescription drug or device for credit or for relabeling and
26 redispensing rests solely with the pharmacist at the contracting
27 pharmacy.

1 (b) A dispensed prescription drug or device shall be
2 properly stored and in the control of the facility or jail at all
3 times prior to the return of the drug or device for credit or for
4 relabeling and redispensing. The drug or device shall be returned
5 in the original and unopened labeled container dispensed by the
6 pharmacist with the tamper-evident seal intact, and the container
7 shall bear the expiration date or calculated expiration date and
8 lot number of the drug or device.

9 (c) A prescription drug or device shall not be returned
10 or relabeled and redispensed under this section if the drug
11 or device is a controlled substance or if the relabeling and
12 redispensing is otherwise prohibited by law.

13 (3) For purposes of this section:

14 (a) Administration has the definition found in section
15 38-2807;

16 (b) Calculated expiration date has the definition found
17 in subdivision (3)(a) of section 71-2421;

18 (c) Criminal detention facility has the definition found
19 in section 83-4,125;

20 (d) Department of Correctional Services facility has the
21 definition of facility found in section 83-170;

22 (e) Dispense or dispensing has the definition found in
23 section 38-2817;

24 (f) Jail has the definition found in section 47-117;

25 (g) Juvenile detention facility has the definition found
26 in section 83-4,125;

27 (h) Prescription has the definition found in section

1 38-2840; and

2 (i) Prescription drug or device has the definition found
3 in section 38-2841.

4 (4) The Jail Standards Board, in consultation with
5 the Board of Pharmacy, shall adopt and promulgate rules and
6 regulations relating to the return of dispensed prescription drugs
7 or devices for credit, relabeling, or redispensing under this
8 section, including, but not limited to, rules and regulations
9 relating to (a) education and training of persons authorized
10 to administer the prescription drug or device to a prisoner or
11 detainee, (b) the proper storage and protection of the drug or
12 device consistent with the directions contained on the label or
13 written drug information provided by the pharmacist for the drug or
14 device, (c) limits on quantity to be dispensed, (d) transferability
15 of drugs or devices for prisoners or detainees between facilities,
16 (e) container requirements, (f) establishment of a drug formulary,
17 and (g) fees for the dispensing pharmacy to accept the returned
18 drug or device.

19 (5) Any person or entity which exercises reasonable care
20 in accepting, distributing, or dispensing prescription drugs or
21 devices under this section or rules and regulations adopted and
22 promulgated under this section shall be immune from civil or
23 criminal liability or professional disciplinary action of any kind
24 for any injury, death, or loss to person or property relating to
25 such activities.

26 Sec. 34. Sections 1, 2, 3, 4, 5, 12, 13, 14, 15, 16,
27 17, 18, 19, 20, 22, 23, 24, 25, 27, 28, 29, 31, 32, 33, 36, and

1 37 of this act become operative three calendar months after the
2 adjournment of this legislative session. The other sections of this
3 act become operative on their effective date.

4 Sec. 35. Original sections 71-531, 81-3119, and 83-1217,
5 Reissue Revised Statutes of Nebraska, and sections 68-901, 68-906,
6 68-908, 68-934, and 68-940, Revised Statutes Cumulative Supplement,
7 2008, are repealed.

8 Sec. 36. Original sections 32-310, 38-2893, 38-2894,
9 68-1017.01, 81-2270, 81-2271, 83-1209, 83-1211, 83-1213,
10 83-1217.02, and 85-2104, Reissue Revised Statutes of Nebraska,
11 and sections 48-647, 68-717, 68-948, 68-1016, 68-1017, 68-1017.02,
12 68-1070, 68-1713, 71-401, 71-604.05, and 71-5309, Revised Statutes
13 Cumulative Supplement, 2008, are repealed.

14 Sec. 37. The following sections are outright repealed:
15 Sections 71-2049, 81-2265, and 81-2267, Reissue Revised Statutes of
16 Nebraska.

17 Sec. 38. Since an emergency exists, this act takes effect
18 when passed and approved according to law.