

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIRST LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 1027**

Introduced by Coash, 27.

Read first time January 20, 2010

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Developmental Disabilities Services Act;  
2 to amend section 83-1217, Revised Statutes Supplement,  
3 2009; to change provisions relating to reimbursement for  
4 certain services pursuant to a waiver; and to repeal the  
5 original section.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 83-1217, Revised Statutes Supplement,  
2 2009, is amended to read:

3           83-1217 The department shall contract for specialized  
4 services and shall only contract with specialized programs  
5 which meet certification and accreditation requirements. Assisted  
6 services provided under this section through community-based  
7 developmental disability programs shall be reimbursed on a daily  
8 rate basis, including such services provided to eligible recipients  
9 under the medical assistance program established in section 68-903  
10 upon approval for such reimbursement from the federal Centers for  
11 Medicare and Medicaid Services. The department shall apply to the  
12 federal Centers for Medicare and Medicaid Services for approval  
13 of any necessary waiver amendments to permit such reimbursement  
14 no later than September 1, 2009, and shall begin reimbursing such  
15 services on a daily rate basis no later than ~~ninety days~~ six months  
16 after such approval. In order to be certified, each specialized  
17 program shall:

- 18           (1) Have an internal quality assurance process;
- 19           (2) Have a program evaluation component;
- 20           (3) Have a complaint mechanism for persons with  
21 developmental disabilities and their families;
- 22           (4) Have a process to ensure direct and open  
23 communication with the department;
- 24           (5) Develop, implement, and regularly evaluate a plan to  
25 ensure retention of quality employees and prevent staff turnover;

1           (6) Have measures to enhance staff training and  
2 development;

3           (7) Be governed by a local governing board or have an  
4 advisory committee, the membership of which consists of (a) county  
5 commissioners or other locally elected officials, (b) persons with  
6 developmental disabilities or members of their families, and (c)  
7 persons who are not elected officials, persons with developmental  
8 disabilities, or family members of persons with developmental  
9 disabilities. At least one-third of the membership shall be persons  
10 with developmental disabilities or members of their families. No  
11 more than one-third of the membership shall be elected officials,  
12 and no more than one-third of the membership shall be persons who  
13 are not elected officials, persons with developmental disabilities,  
14 or family members of persons with developmental disabilities;

15           (8) Meet accreditation standards developed by the  
16 department;

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

21           (10) Meet any other certification requirements developed  
22 by the department to further the purposes of the Developmental  
23 Disabilities Services Act.

24           Sec. 2. Original section 83-1217, Revised Statutes  
25 Supplement, 2009, is repealed.