

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 902

Introduced by Howard, 9; Gloor, 35.

Read first time January 12, 2010

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to assisted-living facilities; to amend section
2 71-5905, Reissue Revised Statutes of Nebraska; to provide
3 for an information form; and to repeal the original
4 section.

5 Be it enacted by the people of the State of Nebraska,

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

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

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

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

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

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

21 (3) The department shall establish a form to be submitted
22 annually by each assisted-living facility that provides information
23 about the practices of the assisted-living facility. The department
24 shall compile and publish information for each assisted-living
25 facility in a uniform format. The assisted-living facility shall

1 provide such published information to all applicants for admission
2 or their authorized representative prior to application for
3 admission. The form shall, at a minimum, collect information about:
4 (a) The services provided by the assisted-living
5 facility;
6 (b) The number of staff employed by the assisted-living
7 facility;
8 (c) The charges for services provided by the
9 assisted-living facility;
10 (d) Whether or not the assisted-living facility accepts
11 medicaid-eligible recipients;
12 (e) The circumstances under which a resident would be
13 required to leave the assisted-living facility;
14 (f) The process for developing and updating a resident
15 service agreement; and
16 (g) Any other information specified by the department.
17 Sec. 2. Original section 71-5905, Reissue Revised
18 Statutes of Nebraska, is repealed.