

E AND R AMENDMENTS TO LB 417

Introduced by Wishart, 27, Chairman Enrollment and Review

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

3 Section 1. Section 13-308, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 13-308 Any municipal corporation may contract with any person and
6 provide funds for home-delivered meals for the elderly and ~~retired~~ senior
7 volunteer programs.

8 Sec. 2. Section 28-372, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 28-372 (1) When any physician, psychologist, physician assistant,
11 nurse, nurse aide ~~nursing assistant~~, other medical, developmental
12 disability, or mental health professional, law enforcement personnel,
13 caregiver or employee of a caregiver, operator or employee of a sheltered
14 workshop, owner, operator, or employee of any facility licensed by the
15 department, or human services professional or paraprofessional not
16 including a member of the clergy has reasonable cause to believe that a
17 vulnerable adult has been subjected to abuse, neglect, or exploitation or
18 observes such adult being subjected to conditions or circumstances which
19 reasonably would result in abuse, neglect, or exploitation, he or she
20 shall report the incident or cause a report to be made to the appropriate
21 law enforcement agency or to the department. Any other person may report
22 abuse, neglect, or exploitation if such person has reasonable cause to
23 believe that a vulnerable adult has been subjected to abuse, neglect, or
24 exploitation or observes such adult being subjected to conditions or
25 circumstances which reasonably would result in abuse, neglect, or
26 exploitation.

27 (2) Such report may be made by telephone, with the caller giving his

1 or her name and address, and, if requested by the department, shall be
2 followed by a written report within forty-eight hours. To the extent
3 available the report shall contain: (a) The name, address, and age of the
4 vulnerable adult; (b) the address of the caregiver or caregivers of the
5 vulnerable adult; (c) the nature and extent of the alleged abuse,
6 neglect, or exploitation or the conditions and circumstances which would
7 reasonably be expected to result in such abuse, neglect, or exploitation;
8 (d) any evidence of previous abuse, neglect, or exploitation, including
9 the nature and extent of the abuse, neglect, or exploitation; and (e) any
10 other information which in the opinion of the person making the report
11 may be helpful in establishing the cause of the alleged abuse, neglect,
12 or exploitation and the identity of the perpetrator or perpetrators.

13 (3) Any law enforcement agency receiving a report of abuse, neglect,
14 or exploitation shall notify the department no later than the next
15 working day by telephone or mail.

16 (4) A report of abuse, neglect, or exploitation made to the
17 department which was not previously made to or by a law enforcement
18 agency shall be communicated to the appropriate law enforcement agency by
19 the department no later than the next working day by telephone or mail.

20 (5) The department shall establish a statewide toll-free number to
21 be used by any person any hour of the day or night and any day of the
22 week to make reports of abuse, neglect, or exploitation.

23 Sec. 3. Section 38-101, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 38-101 Sections 38-101 to 38-1,142 and the following practice acts
26 shall be known and may be cited as the Uniform Credentialing Act:

- 27 (1) The Advanced Practice Registered Nurse Practice Act;
28 (2) The Alcohol and Drug Counseling Practice Act;
29 (3) The Athletic Training Practice Act;
30 (4) The Audiology and Speech-Language Pathology Practice Act;
31 (5) The Certified Nurse Midwifery Practice Act;

- 1 (6) The Certified Registered Nurse Anesthetist Practice Act;
- 2 (7) The Chiropractic Practice Act;
- 3 (8) The Clinical Nurse Specialist Practice Act;
- 4 (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and
- 5 Body Art Practice Act;
- 6 (10) The Dentistry Practice Act;
- 7 (11) The Emergency Medical Services Practice Act;
- 8 (12) The Environmental Health Specialists Practice Act;
- 9 (13) The Funeral Directing and Embalming Practice Act;
- 10 (14) The Genetic Counseling Practice Act;
- 11 (15) The Hearing Instrument Specialists Practice Act;
- 12 (16) The Licensed Practical Nurse-Certified Practice Act;
- 13 (17) The Massage Therapy Practice Act;
- 14 (18) The Medical Nutrition Therapy Practice Act;
- 15 (19) The Medical Radiography Practice Act;
- 16 (20) The Medicine and Surgery Practice Act;
- 17 (21) The Mental Health Practice Act;
- 18 (22) The Nurse Practice Act;
- 19 (23) The Nurse Practitioner Practice Act;
- 20 (24) The Nursing Home Administrator Practice Act;
- 21 (25) The Occupational Therapy Practice Act;
- 22 (26) The Optometry Practice Act;
- 23 (27) The Perfusion Practice Act;
- 24 (28) The Pharmacy Practice Act;
- 25 (29) The Physical Therapy Practice Act;
- 26 (30) The Podiatry Practice Act;
- 27 (31) The Psychology Practice Act;
- 28 (32) The Respiratory Care Practice Act;
- 29 (33) The Surgical First Assistant Practice Act;
- 30 (34) The Veterinary Medicine and Surgery Practice Act; and
- 31 (35) The Water Well Standards and Contractors' Practice Act.

1 If there is any conflict between any provision of sections 38-101 to
2 ~~38-1,142 38-1,139 and 38-1,141~~ and any provision of a practice act, the
3 provision of the practice act shall prevail.

4 The Revisor of Statutes shall assign the Uniform Credentialing Act,
5 including the practice acts enumerated in subdivisions (1) through ~~(33)~~
6 (34) of this section, to articles within Chapter 38.

7 Sec. 4. Section 38-123, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 38-123 (1) The department shall establish and maintain a record of
10 all credentials issued pursuant to the Uniform Credentialing Act. The
11 record shall contain identifying information for each credential holder
12 and the credential issued pursuant to the act.

13 (2) For individual credential holders engaged in a profession:

14 (a) The record information shall include:

15 (i) The name, date and place of birth, and social security number;

16 (ii) The street, rural route, or post office address;

17 (iii) The school and date of graduation;

18 (iv) The name of examination, date of examination, and ratings or
19 grades received, if any;

20 (v) The type of credential issued, the date the credential was
21 issued, the identifying name and number assigned to the credential, and
22 the basis on which the credential was issued;

23 (vi) The status of the credential; and

24 (vii) A description of any disciplinary action against the
25 credential, including, but not limited to, the type of disciplinary
26 action, the effective date of the disciplinary action, and a description
27 of the basis for any such disciplinary action;

28 (b) The record may contain any additional information the department
29 deems appropriate to advance or support the purpose of the Uniform
30 Credentialing Act;

31 (c) The record may be maintained in computer files or paper copies

1 and may be stored on microfilm or in similar form; and

2 (d) The record is a public record, except that social security
3 numbers shall not be public information but may be shared as specified in
4 subsection (5) of section 38-130.

5 (3) For credential holders engaged in a business:

6 (a) The record information shall include:

7 (i) The full name and address of the business;

8 (ii) The type of credential issued, the date the credential was
9 issued, the identifying name and number assigned to the credential, and
10 the basis on which the credential was issued;

11 (iii) The status of the credential; and

12 (iv) A description of any disciplinary action against the
13 credential, including, but not limited to, the type of disciplinary
14 action, the effective date of the disciplinary action, and a description
15 of the basis for any such disciplinary action;

16 (b) The record may contain any additional information the department
17 deems appropriate to advance or support the purpose of the Uniform
18 Credentialing Act;

19 (c) The record may be maintained in computer files or paper copies
20 and may be stored on microfilm or in similar form; and

21 (d) The record is a public record.

22 (4) Except as otherwise specifically provided, if ~~If~~ the department
23 is required to provide notice or notify an applicant or credential holder
24 under the Uniform Credentialing Act, such requirements shall be satisfied
25 by sending mailing ~~a written~~ notice to such applicant or credential
26 holder at his or her last address of record.

27 Sec. 5. Section 43-296, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 43-296 All associations receiving juveniles under the Nebraska
30 Juvenile Code shall be subject to the same visitation, inspection, and
31 supervision by the Department of Health and Human Services as are public

1 charitable institutions of this state, and it shall be the duty of the
2 department to pass annually upon the fitness of every such association as
3 may receive or desire to receive juveniles under the provisions of such
4 code. ~~Every such association shall annually, on or before September 15,~~
5 ~~make a report to the department showing its condition, management, and~~
6 ~~competency to adequately care for such juveniles as are or may be~~
7 ~~committed to it and such other facts as the department may require. Upon~~
8 ~~receiving such report, the department shall provide an electronic copy of~~
9 ~~such report to the Health and Human Services Committee of the Legislature~~
10 ~~on or before September 15 of 2012, 2013, and 2014.~~ Upon the department
11 being satisfied that such association is competent and has adequate
12 facilities to care for such juveniles, it shall issue to such association
13 a certificate to that effect, which certificate shall continue in force
14 for one year unless sooner revoked by the department. No juvenile shall
15 be committed to any such association which has not received such a
16 certificate within the fifteen months immediately preceding the
17 commitment. The court may at any time require from any association
18 receiving or desiring to receive juveniles under the provisions of the
19 Nebraska Juvenile Code such reports, information, and statements as the
20 judge shall deem proper and necessary for his or her action, and the
21 court shall in no case be required to commit a juvenile to any
22 association whose standing, conduct, or care of juveniles or ability to
23 care for the same is not satisfactory to the court.

24 Sec. 6. Section 68-908, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 68-908 (1) The department shall administer the medical assistance
27 program.

28 (2) The department may (a) enter into contracts and interagency
29 agreements, (b) adopt and promulgate rules and regulations, (c) adopt fee
30 schedules, (d) apply for and implement waivers and managed care plans for
31 services for eligible recipients, including services under the Nebraska

1 Behavioral Health Services Act, and (e) perform such other activities as
2 necessary and appropriate to carry out its duties under the Medical
3 Assistance Act. A covered item or service as described in section 68-911
4 that is furnished through a school-based health center, furnished by a
5 provider, and furnished under a managed care plan pursuant to a waiver
6 does not require prior consultation or referral by a patient's primary
7 care physician to be covered. Any federally qualified health center
8 providing services as a sponsoring facility of a school-based health
9 center shall be reimbursed for such services provided at a school-based
10 health center at the federally qualified health center reimbursement
11 rate.

12 (3) The department shall maintain the confidentiality of information
13 regarding applicants for or recipients of medical assistance and such
14 information shall only be used for purposes related to administration of
15 the medical assistance program and the provision of such assistance or as
16 otherwise permitted by federal law.

17 ~~(4) (a)~~ The department shall prepare an annual summary and
18 analysis of the medical assistance program for legislative and public
19 review. The department shall submit a report of such summary and analysis
20 to the Governor and the Legislature electronically no later than December
21 1 of each year , ~~including, but not limited to, a description of eligible~~
22 ~~recipients, covered services, provider reimbursement, program trends and~~
23 ~~projections, program budget and expenditures, the status of~~
24 ~~implementation of the Medicaid Reform Plan, and recommendations for~~
25 ~~program changes.~~

26 ~~(b) The department shall provide a draft report of such summary and~~
27 ~~analysis to the Medicaid Reform Council no later than September 15 of~~
28 ~~each year. The council shall conduct a public meeting no later than~~
29 ~~October 1 of each year to discuss and receive public comment regarding~~
30 ~~such report. The council shall provide any comments and recommendations~~
31 ~~regarding such report in writing to the department no later than November~~

1 ~~1 of each year. The department shall submit a final report of such~~
2 ~~summary and analysis to the Governor, the Legislature, and the council no~~
3 ~~later than December 1 of each year. The report submitted to the~~
4 ~~Legislature shall be submitted electronically. Such final report shall~~
5 ~~include a response to each written recommendation provided by the~~
6 ~~council.~~

7 Sec. 7. Section 68-909, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 68-909 (1) All contracts, agreements, rules, and regulations
10 relating to the medical assistance program as entered into or adopted and
11 promulgated by the department prior to July 1, 2006, and all provisions
12 of the medicaid state plan and waivers adopted by the department prior to
13 July 1, 2006, shall remain in effect until revised, amended, repealed, or
14 nullified pursuant to law.

15 (2) Prior to the adoption and promulgation of proposed rules and
16 regulations under section 68-912 or relating to the implementation of
17 medicaid state plan amendments or waivers, the department shall provide a
18 report to the Governor, the Legislature, and the Medicaid Reform Council
19 no later than December 1 before the next regular session of the
20 Legislature summarizing the purpose and content of such proposed rules
21 and regulations and the projected impact of such proposed rules and
22 regulations on recipients of medical assistance and medical assistance
23 expenditures. The report submitted to the Legislature shall be submitted
24 electronically. Any changes in medicaid copayments in fiscal year 2011-12
25 are exempt from the reporting requirement of this subsection and the
26 requirements of section 68-912.

27 (3) The Medicaid Reform Council, no later than thirty days after the
28 date of receipt of any report under subsection (2) of this section, may
29 conduct a public meeting to receive public comment regarding such report.
30 The council shall promptly provide any comments and recommendations
31 regarding such report in writing to the department. Such comments and

1 recommendations shall be advisory only and shall not be binding on the
2 department, but the department shall promptly provide a written response
3 to such comments or recommendations to the council.

4 (4) The department shall monitor ~~and shall periodically, as~~
5 ~~necessary, but no less than biennially, report to the Governor, the~~
6 ~~Legislature, and the Medicaid Reform Council on the implementation of~~
7 rules and regulations, medicaid state plan amendments, and waivers
8 adopted under the Medical Assistance Act and the effect of such rules and
9 regulations, amendments, or waivers on eligible recipients of medical
10 assistance and medical assistance expenditures. ~~The report submitted to~~
11 ~~the Legislature shall be submitted electronically.~~

12 Sec. 8. Section 68-949, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 68-949 (1) It is the intent of the Legislature that the department
15 implement reforms to the medical assistance program such as those
16 contained in the Medicaid Reform Plan, including (a) an incremental
17 expansion of home and community-based services for aged persons and
18 persons with disabilities consistent with such plan, (b) an increase in
19 care coordination or disease management initiatives to better manage
20 medical assistance expenditures on behalf of high-cost recipients with
21 multiple or chronic medical conditions, and (c) other reforms as deemed
22 necessary and appropriate by the department, in consultation with the
23 committee and the Medicaid Reform Council.

24 (2) ~~(2)(a)~~ The department shall develop recommendations based on a
25 comprehensive analysis of various options available to the state under
26 applicable federal law for the provision of medical assistance to persons
27 with disabilities who are employed, including persons with a medically
28 improved disability, to enhance and replace current eligibility
29 provisions contained in subdivision (8) of section 68-915.

30 ~~(b) The department shall provide a draft report of such~~
31 ~~recommendations to the committee and the Medicaid Reform Council no later~~

1 ~~than October 1, 2008. The council shall conduct a public meeting no later~~
2 ~~than October 15, 2008, to discuss and receive public comment regarding~~
3 ~~such report. The council shall provide any comments and recommendations~~
4 ~~regarding such report in writing to the department and the committee no~~
5 ~~later than November 1, 2008. The department shall provide a final report~~
6 ~~of such recommendations to the Governor, the committee, and the council~~
7 ~~no later than December 1, 2008.~~

8 (3) ~~(3)(a)~~ The department shall develop recommendations for further
9 modification or replacement of the defined benefit structure of the
10 medical assistance program. Such recommendations shall be consistent with
11 the public policy in section 68-905 and shall consider the needs and
12 resources of low-income Nebraska residents who are eligible or may become
13 eligible for medical assistance, the experience and outcomes of other
14 states that have developed and implemented such changes, and other
15 relevant factors as determined by the department.

16 ~~(b) The department shall provide a draft report of such~~
17 ~~recommendations to the committee and the Medicaid Reform Council no later~~
18 ~~than October 1, 2008. The council shall conduct a public meeting no later~~
19 ~~than October 15, 2008, to discuss and receive public comment regarding~~
20 ~~such report. The council shall provide any comments and recommendations~~
21 ~~regarding such report in writing to the department and the committee no~~
22 ~~later than November 1, 2008. The department shall provide a final report~~
23 ~~of such recommendations to the Governor, the committee, and the council~~
24 ~~no later than December 1, 2008.~~

25 Sec. 9. Section 71-806, Revised Statutes Cumulative Supplement,
26 2016, is amended to read:

27 71-806 (1) The division shall act as the chief behavioral health
28 authority for the State of Nebraska and shall direct the administration
29 and coordination of the public behavioral health system, including, but
30 not limited to: (a) Administration and management of the division,
31 regional centers, and any other facilities and programs operated by the

1 division; (b) integration and coordination of the public behavioral
2 health system; (c) comprehensive statewide planning for the provision of
3 an appropriate array of community-based behavioral health services and
4 continuum of care; (d) coordination and oversight of regional behavioral
5 health authorities, including approval of regional budgets and audits of
6 regional behavioral health authorities; (e) development and management of
7 data and information systems; (f) prioritization and approval of all
8 expenditures of funds received and administered by the division,
9 including: The establishment of rates to be paid; reimbursement
10 methodologies for behavioral health services; methodologies to be used by
11 regional behavioral health authorities in determining a consumer's
12 financial eligibility as provided in subsection (2) of section 71-809;
13 and fees and copays to be paid by consumers of such services; (g)
14 cooperation with the department in the licensure and regulation of
15 behavioral health professionals, programs, and facilities; (h)
16 cooperation with the department in the provision of behavioral health
17 services under the medical assistance program; (i) audits of behavioral
18 health programs and services; ~~and~~ (j) promotion of activities in research
19 and education to improve the quality of behavioral health services,
20 recruitment and retention of behavioral health professionals, and access
21 to behavioral health programs and services; and (k) establishment of
22 standards for peer services, including standards for training programs
23 and for training, certification of, and service delivery by individuals.

24 (2) The department shall adopt and promulgate rules and regulations
25 to carry out the Nebraska Behavioral Health Services Act.

26 Sec. 10. Section 71-810, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 71-810 (1) The division shall encourage and facilitate the statewide
29 development and provision of an appropriate array of community-based
30 behavioral health services and continuum of care for the purposes of (a)
31 providing greater access to such services and improved outcomes for

1 consumers of such services and (b) reducing the necessity and demand for
2 regional center behavioral health services.

3 (2) The division may reduce or discontinue regional center
4 behavioral health services only if (a) appropriate community-based
5 services or other regional center behavioral health services are
6 available for every person receiving the regional center services that
7 would be reduced or discontinued, (b) such services possess sufficient
8 capacity and capability to effectively replace the service needs which
9 otherwise would have been provided at such regional center, and (c) no
10 further commitments, admissions, or readmissions for such services are
11 required due to the availability of community-based services or other
12 regional center services to replace such services.

13 (3) The division shall notify the Governor and the Legislature of
14 any intended reduction or discontinuation of regional center services
15 under this section. The notification submitted to the Legislature shall
16 be submitted electronically. Such notice shall include detailed
17 documentation of the community-based services or other regional center
18 services that are being utilized to replace such services.

19 (4) As regional center services are reduced or discontinued under
20 this section, the division shall make appropriate corresponding
21 reductions in regional center personnel and other expenditures related to
22 the provision of such services. All funding related to the provision of
23 regional center services that are reduced or discontinued under this
24 section shall be reallocated and expended by the division for purposes
25 related to the statewide development and provision of community-based
26 services.

27 (5) The division may establish state-operated community-based
28 services to replace regional center services that are reduced or
29 discontinued under this section. The division shall provide regional
30 center employees with appropriate training and support to transition such
31 employees into positions as may be necessary for the provision of such

1 state-operated services.

2 ~~(6) When the occupancy of the licensed psychiatric hospital beds of~~
3 ~~any regional center reaches twenty percent or less of its licensed~~
4 ~~psychiatric hospital bed capacity on March 15, 2004, the division shall~~
5 ~~notify the Governor and the Legislature of such fact. The notification~~
6 ~~submitted to the Legislature shall be submitted electronically. Upon such~~
7 ~~notification, the division, with the approval of a majority of members of~~
8 ~~the Executive Board of the Legislative Council, may provide for the~~
9 ~~transfer of all remaining patients at such center to appropriate~~
10 ~~community-based services or other regional center services pursuant to~~
11 ~~this section and cease the operation of such regional center.~~

12 ~~(7) The division, in consultation with each regional behavioral~~
13 ~~health authority, shall establish and maintain a data and information~~
14 ~~system for all persons receiving state-funded behavioral health services~~
15 ~~under the Nebraska Behavioral Health Services Act. Information maintained~~
16 ~~by the division shall include, but not be limited to, (a) the number of~~
17 ~~persons receiving regional center services, (b) the number of persons~~
18 ~~ordered by a mental health board to receive inpatient or outpatient~~
19 ~~treatment and receiving regional center services, (c) the number of~~
20 ~~persons ordered by a mental health board to receive inpatient or~~
21 ~~outpatient treatment and receiving community-based services, (d) the~~
22 ~~number of persons voluntarily admitted to a regional center and receiving~~
23 ~~regional center services, (e) the number of persons waiting to receive~~
24 ~~regional center services, (f) the number of persons waiting to be~~
25 ~~transferred from a regional center to community-based services or other~~
26 ~~regional center services, (g) the number of persons discharged from a~~
27 ~~regional center who are receiving community-based services or other~~
28 ~~regional center services, and (h) the number of persons admitted to~~
29 ~~behavioral health crisis centers. Each regional behavioral health~~
30 ~~authority shall provide such information as requested by the division and~~
31 ~~necessary to carry out this subsection. The division shall submit reports~~

1 ~~of such information to the Governor and the Legislature on a quarterly~~
2 ~~basis beginning July 1, 2005, in a format which does not identify any~~
3 ~~person by name, address, county of residence, social security number, or~~
4 ~~other personally identifying characteristic. The report submitted to the~~
5 ~~Legislature shall be submitted electronically.~~

6 (6) (8) The provisions of this section are self-executing and
7 require no further authorization or other enabling legislation.

8 Sec. 11. Section 71-1904, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 71-1904 (1) The department shall adopt and promulgate rules and
11 regulations pursuant to sections 71-1901 to 71-1906.01 for (a) the proper
12 care and protection of children by licensees under such sections, (b) the
13 issuance, suspension, and revocation of licenses to provide foster care,
14 (c) the issuance, suspension, and revocation of probationary licenses to
15 provide foster care, (d) the issuance, suspension, and revocation of
16 provisional licenses to provide foster care, (e) the provision of
17 training in foster care, which training shall be directly related to the
18 skills necessary to care for children in need of out-of-home care,
19 including, but not limited to, abused, neglected, dependent, and
20 delinquent children, and (f) the proper administration of sections
21 71-1901 to 71-1906.01.

22 (2) The department may issue a waiver for any licensing standard not
23 related to children's safety for a relative home that is pursuing
24 licensure. Such waivers shall be granted on a case-by-case basis upon
25 assessment by the department based upon the best interests of the child.
26 A relative home that receives a waiver pursuant to this subsection shall
27 be considered fully licensed for purposes of federal reimbursement under
28 the federal Fostering Connections to Success and Increasing Adoptions Act
29 of 2008, Public Law 110-351. ~~The department shall submit electronically~~
30 ~~an annual report to the Health and Human Services Committee of the~~
31 ~~Legislature on the number of waivers granted under this subsection and~~

1 ~~the total number of children placed in relative homes. For 2013 and 2014,~~
2 ~~the department shall provide the report electronically to the Health and~~
3 ~~Human Services Committee of the Legislature on or before September 15.~~

4 (3) The department shall adopt and promulgate rules and regulations
5 establishing new foster home licensing requirements that ensure
6 children's safety, health, and well-being but minimize the use of
7 licensing mandates for nonsafety issues. Such rules and regulations shall
8 provide alternatives to address nonsafety issues regarding housing and
9 provide assistance to families in overcoming licensing barriers,
10 especially in child-specific relative and kinship placements, to maximize
11 appropriate reimbursement under Title IV-E of the federal Social Security
12 Act, as amended, including expanding the use of kinship guardianship
13 assistance payments under 42 U.S.C. 673(d), as such act and section
14 existed on January 1, 2013.

15 Sec. 12. Section 71-6038, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 71-6038 For purposes of sections 71-6038 to 71-6042:

18 (1) Complicated feeding problems include, but are not limited to,
19 difficulty swallowing, recurrent lung aspirations, and tube or parenteral
20 or intravenous feedings;

21 (2) Department means the Department of Health and Human Services;

22 (3) Nurse aide ~~Nursing assistant~~ means any person employed by a
23 facility described in subsection (1) of section 71-6039 ~~nursing home~~ for
24 the purpose of aiding a licensed registered or practical nurse through
25 the performance of nonspecialized tasks related to the personal care and
26 comfort of residents other than a paid dining assistant or a licensed
27 registered or practical nurse;

28 (4) Nursing home means any facility or a distinct part of any
29 facility that provides care as defined in sections 71-420, 71-421,
30 71-422, 71-424, and 71-429; and

31 (5) Paid dining assistant means any person employed by a nursing

1 home for the purpose of aiding a licensed registered or practical nurse
2 through the feeding of residents other than a nurse aide ~~nursing~~
3 ~~assistant~~ or a licensed registered or practical nurse.

4 Sec. 13. Section 71-6039, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 71-6039 (1) No person shall act as a nurse aide ~~nursing assistant~~ in
7 a facility or a distinct part of a facility that provides care as defined
8 in section 71-405, 71-406, 71-409, 71-412, 71-416, 71-417, 71-418,
9 71-419, 71-420, 71-421, 71-422, 71-424, 71-426, 71-427, or 71-429 ~~nursing~~
10 ~~home~~ unless such person:

11 (a) Is at least sixteen years of age and has not been convicted of a
12 crime involving moral turpitude;

13 (b) Is able to speak and understand the English language or a
14 language understood by a substantial portion of the facility ~~nursing home~~
15 residents; and

16 (c) Has successfully completed a basic course of training approved
17 by the department for nurse aides ~~nursing assistants~~ within one hundred
18 twenty days of initial employment in the capacity of a nurse aide ~~nursing~~
19 ~~assistant at any nursing home.~~

20 (2)(a) A registered nurse or licensed practical nurse whose license
21 has been revoked, suspended, or voluntarily surrendered in lieu of
22 discipline may not act as a nurse aide ~~nursing assistant~~ in a facility
23 described in subsection (1) of this section ~~nursing home.~~

24 (b) If a person registered as a nurse aide ~~nursing assistant~~ becomes
25 licensed as a registered nurse or licensed practical nurse, his or her
26 registration as a nurse aide ~~nursing assistant~~ becomes null and void as
27 of the date of licensure.

28 (c) A person listed on the Nurse Aide Registry with respect to whom
29 a finding of conviction has been placed on the registry may petition the
30 department to have such finding removed at any time after one year has
31 elapsed since the date such finding was placed on the registry.

1 (3) The department may prescribe a curriculum for training nurse
2 aides ~~nursing assistants~~ and may adopt and promulgate rules and
3 regulations for such courses of training. The content of the courses of
4 training and competency evaluation programs shall be consistent with
5 federal requirements unless exempted. The department may approve courses
6 of training if such courses of training meet the requirements of this
7 section. Such courses of training shall include instruction on the
8 responsibility of each nurse aide ~~nursing assistant~~ to report suspected
9 abuse or neglect pursuant to sections 28-372 and 28-711. Nursing homes
10 may carry out approved courses of training within the nursing home,
11 except that nursing homes may not conduct the competency evaluation part
12 of the program. The prescribed training shall be administered by a
13 licensed registered nurse.

14 (4) For nurse aides ~~nursing assistants~~ at intermediate care
15 facilities for persons with developmental disabilities, such courses of
16 training shall be no less than twenty hours in duration and shall include
17 at least fifteen hours of basic personal care training and five hours of
18 basic therapeutic and emergency procedure training, and for nurse aides
19 ~~nursing assistants~~ at all nursing homes other than intermediate care
20 facilities for persons with developmental disabilities, such courses
21 shall be no less than seventy-five hours in duration.

22 (5) This section shall not prohibit any facility from exceeding the
23 minimum hourly or training requirements.

24 Sec. 14. Section 71-6039.06, Reissue Revised Statutes of Nebraska,
25 is amended to read:

26 71-6039.06 Nurse aides ~~Nursing assistants~~ and paid dining
27 assistants are eligible to participate in the Licensee Assistance Program
28 as prescribed by section 38-175.

29 Sec. 15. Section 71-6603, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 71-6603 On and after September 6, 1991, no person shall act as a

1 home health aide unless such person:

2 (1) Is at least eighteen years of age;

3 (2) Is of good moral character;

4 (3) Has not been convicted of a crime under the laws of this state
5 or another jurisdiction, the penalty for which is imprisonment for a
6 period of more than one year and which is rationally related to the
7 person's fitness or capacity to act as a home health aide;

8 (4) Is able to speak and understand the English language or the
9 language of the home health agency patient and the home health agency
10 staff member who acts as the home health aide's supervisor;

11 (5) Meets one of the following qualifications:

12 (a) Has successfully completed a home health aide training course
13 which meets the standards described in section 71-6608.01;

14 (b) Is a graduate of a school of nursing;

15 (c) Has been employed by a licensed home health agency as a home
16 health aide II prior to September 6, 1991;

17 (d) Has successfully completed a course in a school of nursing which
18 included practical clinical experience in fundamental nursing skills and
19 has completed a competency evaluation as described in section 71-6608.02;

20 (e) Has successfully completed a basic course of training approved
21 by the department for nurse aides ~~nursing assistants~~ as required by
22 section 71-6039 and has completed a competency evaluation as described in
23 section 71-6608.02;

24 (f) Has been employed by a licensed home health agency as a home
25 health aide I prior to September 6, 1991, and has completed a competency
26 evaluation as described in section 71-6608.02; or

27 (g) Has met the qualifications equal to one of those contained in
28 subdivisions (a) through (f) of this subdivision in another state or
29 territory of the United States; and

30 (6) Has provided to the employing licensed home health agency proof
31 of meeting the requirements of this section.

1 Sec. 16. Section 81-2210, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 81-2210 Community aging services means those activities and services
4 which fulfill the goals of the Nebraska Community Aging Services Act,
5 which are necessary to promote, restore, or support self-sufficiency and
6 independence for older persons, and which include: (1) Congregate
7 activities, including, but not limited to, senior centers, group meals,
8 volunteerism, adult day services, and recreation; and (2) individual
9 services, including, but not limited to, specialized transportation,
10 meals-on-wheels, home handyman services, home health care services, legal
11 services, counseling related to problems of aging or encouraging access
12 to aging services, and senior ~~companion~~ volunteer services.

13 Sec. 17. Section 81-2273, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 81-2273 Sections 81-2273 to 81-2283 shall be known and may be cited
16 as the Nebraska Senior ~~Companion~~ Volunteer Program Act.

17 Sec. 18. Section 81-2274, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 81-2274 The purpose of the Nebraska Senior ~~Companion~~ Volunteer
20 Program Act is to provide volunteer community service opportunities for
21 to low-income older persons following priorities outlined in the federal
22 Older Americans Act of 1965, as the act existed on January 1, 2017 for
23 the benefit of frail elderly persons with special needs.

24 Sec. 19. Section 81-2275, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 81-2275 For purposes of the Nebraska Senior ~~Companion~~ Volunteer
27 Program Act:

28 (1) Department means the Department of Health and Human Services;
29 and

30 ~~(2) Direct service contractor means any public or private nonprofit~~
31 ~~organization that (a) is not currently receiving federal funding for the~~

1 ~~federal senior companion program and (b) demonstrates the ability to~~
2 ~~provide the services specified in section 81-2277;~~

3 ~~(3) Frail elderly means a person who (a) is sixty years of age or~~
4 ~~older, (b) has a physical, mental, or emotional health limitation, and~~
5 ~~(c) needs assistance to achieve and maintain independent living; and~~

6 ~~(2) (4) Senior companion volunteer means an individual who (a) is~~
7 ~~sixty years of age or older, (b) has an annual income not exceeding one~~
8 ~~hundred twenty five percent of the federal poverty level, (c) is~~
9 ~~determined by a physical examination to be capable, with or without~~
10 ~~reasonable accommodation, of serving adults with special needs without~~
11 ~~detriment to himself or herself or the persons served, and (d) provides~~
12 ~~companion services at least four hours a day, four days a week.~~

13 Sec. 20. Section 81-2279, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 81-2279 (1) A senior volunteer may ~~Senior companion volunteers~~
16 ~~providing companion services pursuant to the Nebraska Senior Companion~~
17 ~~Volunteer Program Act shall receive (a) (1) transportation expenses for~~
18 ~~transportation to and from their residences and the place where services~~
19 ~~are to be rendered, (b) (2) one free meal when reasonably available~~
20 ~~during each day that services are rendered, and (c) (3)(a) accident and~~
21 ~~liability insurance, (b) an annual physical examination, and (c) a~~
22 ~~nontaxable hourly stipend of two dollars and fifty-five cents per hour.~~

23 (2) A senior volunteer shall receive motor vehicle accident and
24 liability insurance coverage.

25 Sec. 21. Section 81-2281, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 81-2281 (1) The department shall make annual grants in an amount not
28 to exceed twenty-five ~~fifty~~ thousand dollars ~~to direct service~~
29 ~~contractors and shall give preference to applications for grants to~~
30 ~~provide in-home services.~~

31 ~~(2) Applications shall be made on forms provided by the department.~~

1 ~~(3) No grant shall be approved for any applicant who has received~~
2 ~~federal funding to provide services under any federal senior companion~~
3 ~~program.~~

4 (2) ~~(4)~~ As a condition to receiving a grant, an applicant shall
5 obtain at least ten percent matching funds from a local sources
6 ~~governmental or other source.~~

7 ~~(5) Grants shall be for a period of twenty-four months and shall not~~
8 ~~be used as matching funds but solely to carry out the requirements of the~~
9 ~~Nebraska Senior Companion Volunteer Program Act.~~

10 ~~(6) No person paid from grant funds shall replace any staff member~~
11 ~~of the grantee.~~

12 Sec. 22. Section 81-2283, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 81-2283 The department shall adopt and promulgate rules and
15 regulations to carry out the Nebraska Senior Companion Volunteer Program
16 Act.

17 Sec. 23. Original sections 13-308, 28-372, 38-101, 38-123, 43-296,
18 68-949, 71-6038, 71-6039.06, 71-6603, 81-2210, 81-2273, 81-2274, 81-2275,
19 81-2279, 81-2281, and 81-2283, Reissue Revised Statutes of Nebraska, and
20 sections 68-908, 68-909, 71-806, 71-810, 71-1904, and 71-6039, Revised
21 Statutes Cumulative Supplement, 2016, are repealed.

22 Sec. 24. The following sections are outright repealed: Sections
23 81-2233, 81-2276, 81-2277, 81-2278, and 81-2280, Reissue Revised Statutes
24 of Nebraska.

25 2. On page 1, strike lines 2 through 23 and insert "sections 13-308,
26 28-372, 38-101, 38-123, 43-296, 68-949, 71-6038, 71-6039.06, 71-6603,
27 81-2210, 81-2273, 81-2274, 81-2275, 81-2279, 81-2281, and 81-2283,
28 Reissue Revised Statutes of Nebraska, and sections 68-908, 68-909,
29 71-806, 71-810, 71-1904, and 71-6039, Revised Statutes Cumulative
30 Supplement, 2016; to eliminate references to nursing assistants; to
31 provide for nurse aides in certain health care facilities as prescribed;

1 to change provisions relating to providing notice to credential holders
2 under the Uniform Credentialing Act; to change and eliminate reporting
3 requirements under the Medical Assistance Act; to provide for standards
4 for peer services for and eliminate obsolete provisions of behavioral
5 health services; to rename the Nebraska Senior Companion Volunteer
6 Program Act; to change the purpose of the act; to eliminate the Nebraska
7 Senior Companion Volunteer Program; to change and eliminate benefits for
8 and restrictions on senior volunteers; to change and eliminate provisions
9 relating to application for and use of grant funds and funding by
10 municipal corporations; to eliminate certain reporting requirements and
11 provisions relating to foster care licensing, regional center occupancy
12 rates, and data systems; to harmonize provisions; to repeal the original
13 sections; and to outright repeal sections 81-2233, 81-2276, 81-2277,
14 81-2278, and 81-2280, Reissue Revised Statutes of Nebraska."

15 3. On page 2, strike lines 1 through 5.