

**ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017**  
**COMMITTEE STATEMENT (CORRECTED)**  
**LB333**

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**Hearing Date:** Wednesday January 25, 2017  
**Committee On:** Health and Human Services  
**Introducer:** Riepe  
**One Liner:** Eliminate an independent review of denial of aid to the disabled

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 5 Senators Erdman, Kolterman, Linehan, Riepe, Williams  
**Nay:** 2 Senators Crawford, Howard  
**Absent:**  
**Present Not Voting:**

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**Verbal Testimony:**

<b>Proponents:</b> Senator Merv Riepe Doug Weinberg	<b>Representing:</b> Introducer DHHS
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<b>Opponents:</b> Vincent Litwinowicz	<b>Representing:</b> Self
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<b>Neutral:</b>	<b>Representing:</b>
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**Summary of purpose and/or changes:**

LB 333 amends NE Rev. Stat. Sect. 68-1005 to increase eligibility requirements for individuals determined to be disabled. Eliminates the mandate for the Department of Health and Human Services to perform an independent medical review if the Social Security Administration has denied benefits to an individual on the basis of the duration of the individual's disability.

**SECTION BY SECTION:**

Section 1: Amends NE Rev. Stat. Sect. 68-1005 to increase eligibility requirements for individuals determined to be disabled. Eliminates the mandate for DHHS to perform an independent medical review if the Social Security Administration has denied benefits to an individual on the basis of the duration of the individual.

Section 2: Repeal Section 68-1005.

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**Explanation of amendments:**

AM 1022 is a white copy amendment and includes provisions of LB 333, LB 417 and LB 495.

Section (1): Amends Section 68-1005 to allow county board to provide individual medical services or maintenance support based on ability described in Section 68-1005.

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Section (2): Amends Section 71-1107 to update the definition of "developmental disability" within the Developmental Disability Court-Ordered Custody Act.

Section (3): Amends Section 71-1108.01 to update the definition of "intellectual disability" within the Developmental Disability Court-Ordered Custody Act.

Section (4): Amends Section 83-1201 to add additional section to the Developmental Disabilities Services Act.

Section (5): Amends Section 83-1202 to strike "to maximum extent possible" from intent language. Strikes priorities of the state from intent language.

Section (6): Amends Section 83-1209 to change director's requirements from coordinating quality review teams to coordinating the development and implementation of a quality management and improvement plan.

Section (7): Amends Section 83-1212.01 to add representative of a statewide protection and advocacy organization for persons with developmental disabilities and their family, a representative of the Nebraska Planning Council on Developmental Disabilities, a representative of the University Center for Excellence in Developmental Disability Education Research and Service. Mandates at least 51% of the members be persons with developmental disabilities and family members of persons with developmental disabilities. Adds the advisory committee oversee the design and implementation of the quality management and improvement plan. Mandates the Department of Health and Human Services inform the advisory committee of proposed systemic changes to services for persons with developmental disabilities at least thirty days prior to implementation of changes. If circumstances do not allow the Director to provide notice, the Director shall notify as soon as possible.

Section (8): Amends Section 83-1216 to mandate the Department of Health and Human Services to administer the Medicaid home and community-based services waivers upon application approval by the Centers for Medicare and Medicaid Services (CMS). Adds July 1, 2019 for services for eligible high school graduates in accordance with the Developmental Disabilities Services Act. Adds language that services shall be approved by CMS. Strikes intent language regarding services for eligible individuals. Adds intent language to maximize federal funding.

Lists priorities of funding for the state under Section 4:

The first priority funding is for the needs of persons with developmental disabilities in immediate crisis due to caregiver death, homelessness, or a threat to the life and safety of the person.

The second priority funding is for the needs of persons with developmental disabilities shall be for persons that have resided in an institutional setting for a period of at least twelve consecutive months and who are requesting community-based services.

The third priority funding is for the needs of persons with developmental disabilities shall be for serving wards of the department or persons placed under the supervision of the Office of Probation Administration.

The fourth priority funding is for the needs of persons with developmental disabilities shall be for servicing persons transitioning from the education system upon age twenty-one to maintain skills and receive the day services and support necessary to pursue economic self-sufficiency.

The fifth priority funding is for the needs of persons with developmental disabilities shall be for serving all other persons by date of application.

Section (9): Mandates the Department with the assistance and support of the advisory committee develop and implement a quality management and improvement plan. Provides purpose of plan. Mandates the plan reflect national provider best practices. Mandates and provides requirements for qualitative and quantitative assessment for plan. Mandates plan include recommendations for improvements to types and delivery of services. Mandates Department provide plan to Legislature by September 30, 2017. Mandates report on December 30, 2017, March 30, 2018 and every September 30 following.

Section (10): Operative dates.

Section (11): Repeal Section 83-1209.

Section (12): Repeal Section 68-1005 and 83-1212.01.

Section (13): Repeal Sections 83-1202, 83-1216, 71-1107, 71-1108.01 and 83-1201.

Section (14): Repeal Section 83-1213.

Section (15): Repeal Section 71-1113.

Section (16): Emergency clause.

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Merv Riepe, Chairperson