

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 417

Introduced by Riepe, 12.

Read first time January 13, 2017

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to public health and welfare; to amend
2 sections 13-308, 28-372, 28-712, 28-712.01, 38-101, 38-123, 43-296,
3 43-4331, 68-949, 71-6038, 71-6039.06, 71-6603, 81-2210, 81-2273,
4 81-2274, 81-2275, 81-2279, 81-2281, 81-2283, 83-1212.01, and
5 83-1213, Reissue Revised Statutes of Nebraska, and sections 68-908,
6 68-909, 71-806, 71-810, 71-1904, 71-3405, and 71-6039, Revised
7 Statutes Cumulative Supplement, 2016; to eliminate references to
8 nursing assistants; to provide for nurse aides in certain health
9 care facilities as prescribed; to change and eliminate provisions
10 relating to alternative responses under the Child Protection and
11 Family Safety Act; to change provisions relating to providing notice
12 to credential holders under the Uniform Credentialing Act; to change
13 and eliminate reporting requirements under the Medical Assistance
14 Act; to rename the Nebraska Senior Companion Volunteer Program Act;
15 to change the purpose of the act; to eliminate the Nebraska Senior
16 Companion Volunteer Program; to change and eliminate benefits for
17 and restrictions on senior volunteers; to change and eliminate
18 provisions relating to application for and use of grant funds and
19 funding by municipal corporations; to provide for a quality
20 assurance plan relating to services for persons with developmental
21 disabilities; to eliminate quality review teams; to eliminate
22 certain reporting requirements and provisions relating to regional
23 center occupancy rates and data systems; to provide for standards

1 for peer services for behavioral health services; to harmonize
2 provisions; to provide operative dates; to repeal the original
3 sections; to outright repeal sections 81-2233, 81-2276, 81-2277,
4 81-2278, and 81-2280, Reissue Revised Statutes of Nebraska; and to
5 declare an emergency.

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

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

3 13-308 Any municipal corporation may contract with any person and
4 provide funds for home-delivered meals for the elderly and ~~retired~~ senior
5 volunteer programs.

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

8 28-372 (1) When any physician, psychologist, physician assistant,
9 nurse, nurse aide ~~nursing assistant~~, other medical, developmental
10 disability, or mental health professional, law enforcement personnel,
11 caregiver or employee of a caregiver, operator or employee of a sheltered
12 workshop, owner, operator, or employee of any facility licensed by the
13 department, or human services professional or paraprofessional not
14 including a member of the clergy has reasonable cause to believe that a
15 vulnerable adult has been subjected to abuse, neglect, or exploitation or
16 observes such adult being subjected to conditions or circumstances which
17 reasonably would result in abuse, neglect, or exploitation, he or she
18 shall report the incident or cause a report to be made to the appropriate
19 law enforcement agency or to the department. Any other person may report
20 abuse, neglect, or exploitation if such person has reasonable cause to
21 believe that a vulnerable adult has been subjected to abuse, neglect, or
22 exploitation or observes such adult being subjected to conditions or
23 circumstances which reasonably would result in abuse, neglect, or
24 exploitation.

25 (2) Such report may be made by telephone, with the caller giving his
26 or her name and address, and, if requested by the department, shall be
27 followed by a written report within forty-eight hours. To the extent
28 available the report shall contain: (a) The name, address, and age of the
29 vulnerable adult; (b) the address of the caregiver or caregivers of the
30 vulnerable adult; (c) the nature and extent of the alleged abuse,
31 neglect, or exploitation or the conditions and circumstances which would

1 reasonably be expected to result in such abuse, neglect, or exploitation;
2 (d) any evidence of previous abuse, neglect, or exploitation, including
3 the nature and extent of the abuse, neglect, or exploitation; and (e) any
4 other information which in the opinion of the person making the report
5 may be helpful in establishing the cause of the alleged abuse, neglect,
6 or exploitation and the identity of the perpetrator or perpetrators.

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

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

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

17 Sec. 3. Section 28-712, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 28-712 (1) The department, in consultation with the Nebraska
20 Children's Commission, may implement the ~~shall develop an~~ alternative
21 response program implementation plan ~~implementation plan~~ in accordance with this section and
22 sections 28-710.01 and 28-712.01. The alternative response program may
23 ~~implementation plan shall~~ include the provision of concrete supports and
24 voluntary services, including, but not limited to: Meeting basic needs,
25 including food and clothing assistance; housing assistance;
26 transportation assistance; child care assistance; and mental health and
27 substance abuse services. ~~When the alternative response implementation~~
28 ~~plan has been developed, the department may begin using alternative~~
29 ~~response in up to five alternative response demonstration project~~
30 ~~locations that are designated by the department.~~

31 ~~The department shall provide a report of an evaluation on the status~~

1 ~~of alternative response implementation pursuant to subsection (2) of this~~
2 ~~section to the commission and electronically to the Legislature by~~
3 ~~November 15, 2015. The commission shall provide feedback on the report to~~
4 ~~the department before December 15, 2015. The department may begin using~~
5 ~~alternative response in up to five additional alternative response~~
6 ~~demonstration project locations on or after January 1, 2016. The~~
7 ~~department shall provide a report of another evaluation done pursuant to~~
8 ~~subsection (2) of this section to the commission and electronically to~~
9 ~~the Legislature by November 15, 2016. The department may continue using~~
10 ~~alternative response until July 1, 2017. Continued use of alternative~~
11 ~~response thereafter shall require approval of the Legislature.~~

12 ~~For purposes of this section, demonstration project location means~~
13 ~~any geographic region, including, but not limited to, a city, a township,~~
14 ~~a village, a county, a group of counties, or a group of counties and~~
15 ~~cities, townships, or villages.~~

16 ~~(2) The department shall contract with an independent entity to~~
17 ~~evaluate the alternative response demonstration projects. The evaluation~~
18 ~~shall include, but not be limited to:~~

19 ~~(a) The screening process used to determine which cases shall be~~
20 ~~assigned to alternative response;~~

21 ~~(b) The number and proportion of repeat child abuse and neglect~~
22 ~~allegations within a specified period of time following initial intake;~~

23 ~~(c) The number and proportion of substantiated child abuse and~~
24 ~~neglect allegations within a specified period of time following initial~~
25 ~~intake;~~

26 ~~(d) The number and proportion of families with any child entering~~
27 ~~out-of-home care within a specified period of time following initial~~
28 ~~intake;~~

29 ~~(e) Changes in child and family well-being in the domains of~~
30 ~~behavioral and emotional functioning and physical health and development~~
31 ~~as measured by a standardized assessment instrument to be selected by the~~

1 department;

2 ~~(f) The number and proportion of families assigned to the~~
3 ~~alternative response track who are reassigned to a traditional response;~~
4 ~~and~~

5 ~~(g) A cost analysis that will examine, at a minimum, the costs of~~
6 ~~the key elements of services received.~~

7 ~~(2) (3)~~ The department shall provide to the Nebraska Children's
8 Commission regular updates on:

9 ~~(a) The alternative response implementation plan, including the~~
10 ~~development of the alternative response interview protocols of children;~~

11 ~~(a) (b)~~ The status of the alternative response program
12 implementation;

13 ~~(c) Inclusion of child welfare stakeholders, service providers, and~~
14 ~~other community partners, including families, for feedback and~~
15 ~~recommendations on the alternative response implementation plan;~~

16 ~~(b) (d)~~ Any findings or recommendations made by the independent
17 evaluator, including costs; and

18 ~~(c) (e)~~ Any alternative response programmatic modifications. ; ~~and~~

19 ~~(f) The status of the adoption and promulgation of rules and~~
20 ~~regulations.~~

21 ~~(3) (4)~~ The department shall adopt and promulgate rules and
22 regulations to carry out this section and sections 28-710.01 and
23 28-712.01. Such rules and regulations shall include, but not be limited
24 to, provisions on the transfer of cases from alternative response to
25 traditional response; notice to families subject to a comprehensive
26 assessment and served through alternative response of the alternative
27 response process and their rights, including the opportunity to challenge
28 agency determinations; and the provision of services through alternative
29 response; ~~the collection, sharing, and reporting of data; and the~~
30 ~~alternative response ineligibility criteria.~~

31 ~~Whenever the department proposes to change the alternative response~~

1 ~~ineligibility criteria, public notice of the changes shall be given. The~~
2 ~~department shall provide public notice and time for public comment by~~
3 ~~publishing the proposed changes on its web site at least sixty days prior~~
4 ~~to the public hearing on such regulation changes.~~

5 ~~The department shall provide a copy of the proposed rules and~~
6 ~~regulations to the Nebraska Children's Commission no later than October~~
7 ~~1, 2014.~~

8 Sec. 4. Section 28-712.01, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 28-712.01 (1) This section applies to the alternative response
11 program demonstration projects designated under section 28-712.

12 (2) The Review, Evaluate, and Decide Team shall convene to review
13 intakes pursuant to the department's rules, regulations, and policies, to
14 evaluate the information, and to determine assignment for alternative
15 response or traditional response. The team shall utilize consistent
16 criteria to review the severity of the allegation of child abuse or
17 neglect, access to the perpetrator, vulnerability of the child, family
18 history including previous reports, parental cooperation, parental or
19 caretaker protective factors, and other information as deemed necessary.
20 At the conclusion of the review, the intake shall be assigned to either
21 traditional response or alternative response. Decisions of the team shall
22 be made by consensus. If the team cannot come to consensus, the intake
23 shall be assigned for a traditional response.

24 (3) In the case of an alternative response, the department shall
25 complete a comprehensive assessment. The department shall transfer the
26 case being given alternative response to traditional response if the
27 department determines that a child is unsafe. Upon completion of the
28 comprehensive assessment, if it is determined that the child is safe,
29 participation in services offered to the family receiving an alternative
30 response is voluntary, the case shall not be transferred to traditional
31 response based upon the family's failure to enroll or participate in such

1 services, and the subject of the report shall not be entered into the
2 central registry of child protection cases maintained pursuant to section
3 28-718.

4 (4) The department shall, by the next working day after receipt of a
5 report of child abuse and neglect, enter into the tracking system of
6 child protection cases maintained pursuant to section 28-715 all reports
7 of child abuse or neglect received under this section that are opened for
8 alternative response and any action taken.

9 (5) The department shall make available to the appropriate
10 investigating law enforcement agency and the county attorney a copy of
11 all reports relative to a case of suspected child abuse or neglect.
12 Aggregate, nonidentifying reports of child abuse or neglect receiving an
13 alternative response shall be made available quarterly to requesting
14 agencies outside the department. Such alternative response data shall
15 include, but not be limited to, the nature of the initial child abuse or
16 neglect report, the age of the child or children, the nature of services
17 offered, the location of the cases, the number of cases per month, and
18 the number of alternative response cases that were transferred to
19 traditional response. No other agency or individual except the office of
20 Inspector General of Nebraska Child Welfare, the Public Counsel, law
21 enforcement agency personnel, and county attorneys shall be provided
22 specific, identifying reports of child abuse or neglect being given
23 alternative response. The office of Inspector General of Nebraska Child
24 Welfare shall have access to all reports relative to cases of suspected
25 child abuse or neglect subject to traditional response and those subject
26 to alternative response. The department and the office shall develop
27 procedures allowing for the Inspector General's review of cases subject
28 to alternative response. The Inspector General shall include in the
29 report pursuant to section 43-4331 a summary of all cases reviewed
30 pursuant to this subsection.

31 Sec. 5. Section 38-101, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 38-101 Sections 38-101 to 38-1,142 and the following practice acts
3 shall be known and may be cited as the Uniform Credentialing Act:

- 4 (1) The Advanced Practice Registered Nurse Practice Act;
- 5 (2) The Alcohol and Drug Counseling Practice Act;
- 6 (3) The Athletic Training Practice Act;
- 7 (4) The Audiology and Speech-Language Pathology Practice Act;
- 8 (5) The Certified Nurse Midwifery Practice Act;
- 9 (6) The Certified Registered Nurse Anesthetist Practice Act;
- 10 (7) The Chiropractic Practice Act;
- 11 (8) The Clinical Nurse Specialist Practice Act;
- 12 (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and
13 Body Art Practice Act;
- 14 (10) The Dentistry Practice Act;
- 15 (11) The Emergency Medical Services Practice Act;
- 16 (12) The Environmental Health Specialists Practice Act;
- 17 (13) The Funeral Directing and Embalming Practice Act;
- 18 (14) The Genetic Counseling Practice Act;
- 19 (15) The Hearing Instrument Specialists Practice Act;
- 20 (16) The Licensed Practical Nurse-Certified Practice Act;
- 21 (17) The Massage Therapy Practice Act;
- 22 (18) The Medical Nutrition Therapy Practice Act;
- 23 (19) The Medical Radiography Practice Act;
- 24 (20) The Medicine and Surgery Practice Act;
- 25 (21) The Mental Health Practice Act;
- 26 (22) The Nurse Practice Act;
- 27 (23) The Nurse Practitioner Practice Act;
- 28 (24) The Nursing Home Administrator Practice Act;
- 29 (25) The Occupational Therapy Practice Act;
- 30 (26) The Optometry Practice Act;
- 31 (27) The Perfusion Practice Act;

- 1 (28) The Pharmacy Practice Act;
- 2 (29) The Physical Therapy Practice Act;
- 3 (30) The Podiatry Practice Act;
- 4 (31) The Psychology Practice Act;
- 5 (32) The Respiratory Care Practice Act;
- 6 (33) The Surgical First Assistant Practice Act;
- 7 (34) The Veterinary Medicine and Surgery Practice Act; and
- 8 (35) The Water Well Standards and Contractors' Practice Act.

9 If there is any conflict between any provision of sections 38-101 to
10 ~~38-1,142 38-1,139 and 38-1,141~~ and any provision of a practice act, the
11 provision of the practice act shall prevail.

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

15 Sec. 6. Section 38-123, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 38-123 (1) The department shall establish and maintain a record of
18 all credentials issued pursuant to the Uniform Credentialing Act. The
19 record shall contain identifying information for each credential holder
20 and the credential issued pursuant to the act.

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

22 (a) The record information shall include:

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

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

25 (iii) The school and date of graduation;

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

28 (v) The type of credential issued, the date the credential was
29 issued, the identifying name and number assigned to the credential, and
30 the basis on which the credential was issued;

31 (vi) The status of the credential; and

1 (vii) A description of any disciplinary action against the
2 credential, including, but not limited to, the type of disciplinary
3 action, the effective date of the disciplinary action, and a description
4 of the basis for any such disciplinary action;

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

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

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

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

14 (a) The record information shall include:

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

16 (ii) The type of credential issued, the date the credential was
17 issued, the identifying name and number assigned to the credential, and
18 the basis on which the credential was issued;

19 (iii) The status of the credential; and

20 (iv) A description of any disciplinary action against the
21 credential, including, but not limited to, the type of disciplinary
22 action, the effective date of the disciplinary action, and a description
23 of the basis for any such disciplinary action;

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

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

29 (d) The record is a public record.

30 (4) Except as otherwise specifically provided, if ~~If~~ the department
31 is required to provide notice or notify an applicant or credential holder

1 under the Uniform Credentialing Act, such requirements shall be satisfied
2 by ~~sending mailing~~ a written notice to such applicant or credential
3 holder at his or her last address of record.

4 Sec. 7. Section 43-296, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 43-296 All associations receiving juveniles under the Nebraska
7 Juvenile Code shall be subject to the same visitation, inspection, and
8 supervision by the Department of Health and Human Services as are public
9 charitable institutions of this state, and it shall be the duty of the
10 department to pass annually upon the fitness of every such association as
11 may receive or desire to receive juveniles under the provisions of such
12 code. ~~Every such association shall annually, on or before September 15,~~
13 ~~make a report to the department showing its condition, management, and~~
14 ~~competency to adequately care for such juveniles as are or may be~~
15 ~~committed to it and such other facts as the department may require. Upon~~
16 ~~receiving such report, the department shall provide an electronic copy of~~
17 ~~such report to the Health and Human Services Committee of the Legislature~~
18 ~~on or before September 15 of 2012, 2013, and 2014.~~ Upon the department
19 being satisfied that such association is competent and has adequate
20 facilities to care for such juveniles, it shall issue to such association
21 a certificate to that effect, which certificate shall continue in force
22 for one year unless sooner revoked by the department. No juvenile shall
23 be committed to any such association which has not received such a
24 certificate within the fifteen months immediately preceding the
25 commitment. The court may at any time require from any association
26 receiving or desiring to receive juveniles under the provisions of the
27 Nebraska Juvenile Code such reports, information, and statements as the
28 judge shall deem proper and necessary for his or her action, and the
29 court shall in no case be required to commit a juvenile to any
30 association whose standing, conduct, or care of juveniles or ability to
31 care for the same is not satisfactory to the court.

1 Sec. 8. Section 43-4331, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-4331 On or before September 15 of each year, the Inspector
4 General shall provide to the Health and Human Services Committee of the
5 Legislature, the Judiciary Committee of the Legislature, the Supreme
6 Court, and the Governor a summary of reports and investigations made
7 under the Office of Inspector General of Nebraska Child Welfare Act for
8 the preceding year. The summary provided to the committees shall be
9 provided electronically. The summaries shall detail recommendations and
10 the status of implementation of recommendations and may also include
11 recommendations to the committees regarding issues discovered through
12 investigation, audits, inspections, and reviews by the office that will
13 increase accountability and legislative oversight of the Nebraska child
14 welfare system, improve operations of the department, the juvenile
15 services division, the commission, and the Nebraska child welfare system,
16 or deter and identify fraud, abuse, and illegal acts. Such summary shall
17 include summaries of alternative response cases under the alternative
18 response program ~~demonstration projects~~ implemented in accordance with
19 sections 28-710.01, 28-712, and 28-712.01 reviewed by the Inspector
20 General. The summaries shall not contain any confidential or identifying
21 information concerning the subjects of the reports and investigations.

22 Sec. 9. Section 68-908, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 68-908 (1) The department shall administer the medical assistance
25 program.

26 (2) The department may (a) enter into contracts and interagency
27 agreements, (b) adopt and promulgate rules and regulations, (c) adopt fee
28 schedules, (d) apply for and implement waivers and managed care plans for
29 services for eligible recipients, including services under the Nebraska
30 Behavioral Health Services Act, and (e) perform such other activities as
31 necessary and appropriate to carry out its duties under the Medical

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

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

15 (4) (4)(a) The department shall prepare an annual summary and
16 analysis of the medical assistance program for legislative and public
17 review. The department shall submit a report of such summary and analysis
18 to the Governor and the Legislature electronically no later than December
19 1 of each year , including, but not limited to, a description of eligible
20 recipients, covered services, provider reimbursement, program trends and
21 projections, program budget and expenditures, the status of
22 implementation of the Medicaid Reform Plan, and recommendations for
23 program changes.

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

1 ~~later than December 1 of each year. The report submitted to the~~
2 ~~Legislature shall be submitted electronically. Such final report shall~~
3 ~~include a response to each written recommendation provided by the~~
4 ~~council.~~

5 Sec. 10. Section 68-909, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 68-909 (1) All contracts, agreements, rules, and regulations
8 relating to the medical assistance program as entered into or adopted and
9 promulgated by the department prior to July 1, 2006, and all provisions
10 of the medicaid state plan and waivers adopted by the department prior to
11 July 1, 2006, shall remain in effect until revised, amended, repealed, or
12 nullified pursuant to law.

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

25 (3) The Medicaid Reform Council, no later than thirty days after the
26 date of receipt of any report under subsection (2) of this section, may
27 conduct a public meeting to receive public comment regarding such report.
28 The council shall promptly provide any comments and recommendations
29 regarding such report in writing to the department. Such comments and
30 recommendations shall be advisory only and shall not be binding on the
31 department, but the department shall promptly provide a written response

1 to such comments or recommendations to the council.

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

10 Sec. 11. Section 68-949, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 68-949 (1) It is the intent of the Legislature that the department
13 implement reforms to the medical assistance program such as those
14 contained in the Medicaid Reform Plan, including (a) an incremental
15 expansion of home and community-based services for aged persons and
16 persons with disabilities consistent with such plan, (b) an increase in
17 care coordination or disease management initiatives to better manage
18 medical assistance expenditures on behalf of high-cost recipients with
19 multiple or chronic medical conditions, and (c) other reforms as deemed
20 necessary and appropriate by the department, in consultation with the
21 committee and the Medicaid Reform Council.

22 (2) ~~(2)(a)~~ The department shall develop recommendations based on a
23 comprehensive analysis of various options available to the state under
24 applicable federal law for the provision of medical assistance to persons
25 with disabilities who are employed, including persons with a medically
26 improved disability, to enhance and replace current eligibility
27 provisions contained in subdivision (8) of section 68-915.

28 ~~(b) The department shall provide a draft report of such~~
29 ~~recommendations to the committee and the Medicaid Reform Council no later~~
30 ~~than October 1, 2008. The council shall conduct a public meeting no later~~
31 ~~than October 15, 2008, to discuss and receive public comment regarding~~

1 ~~such report. The council shall provide any comments and recommendations~~
2 ~~regarding such report in writing to the department and the committee no~~
3 ~~later than November 1, 2008. The department shall provide a final report~~
4 ~~of such recommendations to the Governor, the committee, and the council~~
5 ~~no later than December 1, 2008.~~

6 (3) ~~(3)(a)~~ The department shall develop recommendations for further
7 modification or replacement of the defined benefit structure of the
8 medical assistance program. Such recommendations shall be consistent with
9 the public policy in section 68-905 and shall consider the needs and
10 resources of low-income Nebraska residents who are eligible or may become
11 eligible for medical assistance, the experience and outcomes of other
12 states that have developed and implemented such changes, and other
13 relevant factors as determined by the department.

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

23 Sec. 12. Section 71-806, Revised Statutes Cumulative Supplement,
24 2016, is amended to read:

25 71-806 (1) The division shall act as the chief behavioral health
26 authority for the State of Nebraska and shall direct the administration
27 and coordination of the public behavioral health system, including, but
28 not limited to: (a) Administration and management of the division,
29 regional centers, and any other facilities and programs operated by the
30 division; (b) integration and coordination of the public behavioral
31 health system; (c) comprehensive statewide planning for the provision of

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

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

24 Sec. 13. Section 71-810, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 71-810 (1) The division shall encourage and facilitate the statewide
27 development and provision of an appropriate array of community-based
28 behavioral health services and continuum of care for the purposes of (a)
29 providing greater access to such services and improved outcomes for
30 consumers of such services and (b) reducing the necessity and demand for
31 regional center behavioral health services.

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

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

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

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

31 ~~(6) When the occupancy of the licensed psychiatric hospital beds of~~

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

10 ~~(7) The division, in consultation with each regional behavioral~~
11 ~~health authority, shall establish and maintain a data and information~~
12 ~~system for all persons receiving state-funded behavioral health services~~
13 ~~under the Nebraska Behavioral Health Services Act. Information maintained~~
14 ~~by the division shall include, but not be limited to, (a) the number of~~
15 ~~persons receiving regional center services, (b) the number of persons~~
16 ~~ordered by a mental health board to receive inpatient or outpatient~~
17 ~~treatment and receiving regional center services, (c) the number of~~
18 ~~persons ordered by a mental health board to receive inpatient or~~
19 ~~outpatient treatment and receiving community-based services, (d) the~~
20 ~~number of persons voluntarily admitted to a regional center and receiving~~
21 ~~regional center services, (e) the number of persons waiting to receive~~
22 ~~regional center services, (f) the number of persons waiting to be~~
23 ~~transferred from a regional center to community-based services or other~~
24 ~~regional center services, (g) the number of persons discharged from a~~
25 ~~regional center who are receiving community-based services or other~~
26 ~~regional center services, and (h) the number of persons admitted to~~
27 ~~behavioral health crisis centers. Each regional behavioral health~~
28 ~~authority shall provide such information as requested by the division and~~
29 ~~necessary to carry out this subsection. The division shall submit reports~~
30 ~~of such information to the Governor and the Legislature on a quarterly~~
31 ~~basis beginning July 1, 2005, in a format which does not identify any~~

1 ~~person by name, address, county of residence, social security number, or~~
2 ~~other personally identifying characteristic. The report submitted to the~~
3 ~~Legislature shall be submitted electronically.~~

4 (6) (8) The provisions of this section are self-executing and
5 require no further authorization or other enabling legislation.

6 Sec. 14. Section 71-1904, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 71-1904 (1) The department shall adopt and promulgate rules and
9 regulations pursuant to sections 71-1901 to 71-1906.01 for (a) the proper
10 care and protection of children by licensees under such sections, (b) the
11 issuance, suspension, and revocation of licenses to provide foster care,
12 (c) the issuance, suspension, and revocation of probationary licenses to
13 provide foster care, (d) the issuance, suspension, and revocation of
14 provisional licenses to provide foster care, (e) the provision of
15 training in foster care, which training shall be directly related to the
16 skills necessary to care for children in need of out-of-home care,
17 including, but not limited to, abused, neglected, dependent, and
18 delinquent children, and (f) the proper administration of sections
19 71-1901 to 71-1906.01.

20 (2) The department may issue a waiver for any licensing standard not
21 related to children's safety for a relative home that is pursuing
22 licensure. Such waivers shall be granted on a case-by-case basis upon
23 assessment by the department based upon the best interests of the child.
24 A relative home that receives a waiver pursuant to this subsection shall
25 be considered fully licensed for purposes of federal reimbursement under
26 the federal Fostering Connections to Success and Increasing Adoptions Act
27 of 2008, Public Law 110-351. ~~The department shall submit electronically~~
28 ~~an annual report to the Health and Human Services Committee of the~~
29 ~~Legislature on the number of waivers granted under this subsection and~~
30 ~~the total number of children placed in relative homes. For 2013 and 2014,~~
31 ~~the department shall provide the report electronically to the Health and~~

1 ~~Human Services Committee of the Legislature on or before September 15.~~

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

13 Sec. 15. Section 71-3405, Revised Statutes Cumulative Supplement,
14 2016, is amended to read:

15 71-3405 For purposes of the Child and Maternal Death Review Act:

16 (1) Child means a person from birth to eighteen years of age;

17 (2) Investigation of child death means a review of existing records
18 and other information regarding the child from relevant agencies,
19 professionals, and providers of medical, dental, prenatal, and mental
20 health care. The records to be reviewed may include, but not be limited
21 to, medical records, coroner's reports, autopsy reports, social services
22 records, records of alternative response cases under the alternative
23 response program demonstration ~~projects~~ implemented in accordance with
24 sections 28-710.01, 28-712, and 28-712.01, educational records, emergency
25 and paramedic records, and law enforcement reports;

26 (3) Investigation of maternal death means a review of existing
27 records and other information regarding the woman from relevant agencies,
28 professionals, and providers of medical, dental, prenatal, and mental
29 health care. The records to be reviewed may include, but not be limited
30 to, medical records, coroner's reports, autopsy reports, social services
31 records, educational records, emergency and paramedic records, and law

1 enforcement reports;

2 (4) Maternal death means the death of a woman during pregnancy or
3 the death of a postpartum woman;

4 (5) Postpartum woman means a woman during the period of time
5 beginning when the woman ceases to be pregnant and ending one year after
6 the woman ceases to be pregnant;

7 (6) Preventable child or maternal death means the death of any child
8 or pregnant or postpartum woman which reasonable medical, social, legal,
9 psychological, or educational intervention may have prevented.
10 Preventable child or maternal death includes, but is not limited to, the
11 death of a child or pregnant or postpartum woman from (a) intentional and
12 unintentional injuries, (b) medical misadventures, including untoward
13 results, malpractice, and foreseeable complications, (c) lack of access
14 to medical care, (d) neglect and reckless conduct, including failure to
15 supervise and failure to seek medical care for various reasons, and (e)
16 preventable premature birth;

17 (7) Reasonable means taking into consideration the condition,
18 circumstances, and resources available; and

19 (8) Team means the State Child and Maternal Death Review Team.

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

22 71-6038 For purposes of sections 71-6038 to 71-6042:

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

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

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

1 registered or practical nurse;

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

5 (5) Paid dining assistant means any person employed by a nursing
6 home for the purpose of aiding a licensed registered or practical nurse
7 through the feeding of residents other than a nurse aide ~~nursing~~
8 ~~assistant~~ or a licensed registered or practical nurse.

9 Sec. 17. Section 71-6039, Revised Statutes Cumulative Supplement,
10 2016, is amended to read:

11 71-6039 (1) No person shall act as a nurse aide ~~nursing assistant~~ in
12 a facility or a distinct part of a facility that provides care as defined
13 in section 71-405, 71-406, 71-409, 71-412, 71-416, 71-417, 71-418,
14 71-419, 71-420, 71-421, 71-422, 71-424, 71-426, 71-427, or 71-429 ~~nursing~~
15 ~~home~~ unless such person:

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

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

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

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

29 (b) If a person registered as a nurse aide ~~nursing assistant~~ becomes
30 licensed as a registered nurse or licensed practical nurse, his or her
31 registration as a nurse aide ~~nursing assistant~~ becomes null and void as

1 of the date of licensure.

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

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

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

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

29 Sec. 18. Section 71-6039.06, Reissue Revised Statutes of Nebraska,
30 is amended to read:

31 71-6039.06 Nurse aides ~~Nursing assistants~~ and paid dining

1 assistants are eligible to participate in the Licensee Assistance Program
2 as prescribed by section 38-175.

3 Sec. 19. Section 71-6603, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 71-6603 On and after September 6, 1991, no person shall act as a
6 home health aide unless such person:

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

8 (2) Is of good moral character;

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

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

16 (5) Meets one of the following qualifications:

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

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

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

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

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

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

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

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

6 Sec. 20. Section 81-2210, Reissue Revised Statutes of Nebraska, is
7 amended to read:

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

18 Sec. 21. Section 81-2273, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 81-2273 Sections 81-2273 to 81-2283 shall be known and may be cited
21 as the Nebraska Senior ~~Companion~~ Volunteer Program Act.

22 Sec. 22. Section 81-2274, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 81-2274 The purpose of the Nebraska Senior ~~Companion~~ Volunteer
25 Program Act is to provide volunteer community service opportunities for
26 to low-income older persons following priorities outlined in the federal
27 Older Americans Act of 1965, as the act existed on January 1, 2017 for
28 the benefit of frail elderly persons with special needs.

29 Sec. 23. Section 81-2275, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 81-2275 For purposes of the Nebraska Senior ~~Companion~~ Volunteer

1 Program Act:

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

4 ~~(2) Direct service contractor means any public or private nonprofit~~
5 ~~organization that (a) is not currently receiving federal funding for the~~
6 ~~federal senior companion program and (b) demonstrates the ability to~~
7 ~~provide the services specified in section 81-2277;~~

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

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

18 Sec. 24. Section 81-2279, Reissue Revised Statutes of Nebraska, is
19 amended to read:

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

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

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

1 81-2281 (1) The department shall make annual grants in an amount not
2 to exceed twenty-five ~~forty~~ thousand dollars ~~to direct service~~
3 ~~contractors and shall give preference to applications for grants to~~
4 ~~provide in-home services.~~

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

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

9 ~~(2)~~ (4) As a condition to receiving a grant, an applicant shall
10 obtain at least ten percent matching funds from a local sources
11 ~~governmental or other source.~~

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

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

17 Sec. 26. Section 81-2283, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 81-2283 The department shall adopt and promulgate rules and
20 regulations to carry out the Nebraska Senior ~~Companion~~ Volunteer Program
21 Act.

22 Sec. 27. Section 83-1212.01, Reissue Revised Statutes of Nebraska,
23 is amended to read:

24 83-1212.01 (1) There is hereby created the Advisory Committee on
25 Developmental Disabilities. The advisory committee shall consist of a
26 representative of a statewide advocacy organization for persons with
27 developmental disabilities and their families and not more than fifteen
28 additional members, at least one-third of whom shall be persons with
29 developmental disabilities, at least one-third of whom shall be families
30 of persons with developmental disabilities, and no more than one-third of
31 whom shall be elected officials or interested community persons.

1 (2) The members shall be appointed by the Governor for staggered
2 terms of three years. Any vacancy shall be filled by the Governor for the
3 remainder of the term. One of the members shall be designated as
4 chairperson by the Governor. Members shall be reimbursed for their actual
5 and necessary expenses as provided in sections 81-1174 to 81-1177.

6 (3) The advisory committee shall advise the department regarding all
7 aspects of the funding and delivery of services to persons with
8 developmental disabilities.

9 (4) The advisory committee shall (a) provide sufficient oversight to
10 ensure that persons placed in the custody of the department under the
11 Developmental Disabilities Court-Ordered Custody Act are receiving the
12 least restrictive treatment and services necessary and (b) oversee the
13 implementation of the quality assurance plan described in section
14 83-1213.

15 Sec. 28. Section 83-1213, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 83-1213 ~~(1)~~ The department shall develop a quality assurance plan
18 to promote and monitor quality relating to services for persons with
19 developmental disabilities. Such plan may rely on internally or
20 externally developed performance and outcome measures. Such plan shall
21 lead to continual learning and adjustments and improvements to the system
22 of such services provide for the establishment of at least one quality
23 review team for each developmental disability service area designated by
24 the department. Each team shall consist of at least four members and
25 shall include at least one person with a developmental disability, at
26 least one parent or other close relative of a person with a developmental
27 disability, and at least one person who is neither a person with a
28 developmental disability nor a close relative of such a person. No
29 employee of any governmental agency or instrumentality or any specialized
30 program shall be eligible to be appointed to a team. The department shall
31 consider nominations for such teams from advocacy groups, providers,

1 ~~elect~~ officials, ~~or other groups or by persons interested in~~
2 ~~developmental disability services who are located in the service area~~
3 ~~where such team is established.~~

4 ~~(2) Members of each quality review team shall be reimbursed by the~~
5 ~~department for their actual and necessary expenses as provided in~~
6 ~~sections 81-1174 to 81-1177.~~

7 ~~(3)(a) Each quality review team shall (i) conduct onsite visits of~~
8 ~~persons with developmental disabilities receiving residential services~~
9 ~~funded in whole or in part by the department, (ii) assess the quality of~~
10 ~~life of such persons receiving such services, (iii) make recommendations~~
11 ~~to improve the quality of such services on behalf of such persons, and~~
12 ~~(iv) perform such advisory or other duties as provided or approved in~~
13 ~~rules and regulations adopted and promulgated by the department.~~

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

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

25 Sec. 29. Sections 1, 2, 5, 6, 7, 9, 10, 11, 12, 13, 14, 16, 17, 18,
26 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, and 32 of this act become
27 operative three calendar months after the adjournment of this legislative
28 session. The other sections of this act become operative on their
29 effective date.

30 Sec. 30. Original sections 13-308, 28-372, 38-101, 38-123, 43-296,
31 68-949, 71-6038, 71-6039.06, 71-6603, 81-2210, 81-2273, 81-2274, 81-2275,

1 81-2279, 81-2281, 81-2283, 83-1212.01, and 83-1213, Reissue Revised
2 Statutes of Nebraska, and sections 68-908, 68-909, 71-806, 71-810,
3 71-1904, and 71-6039, Revised Statutes Cumulative Supplement, 2016, are
4 repealed.

5 Sec. 31. Original sections 28-712, 28-712.01, and 43-4331, Reissue
6 Revised Statutes of Nebraska, and section 71-3405, Revised Statutes
7 Cumulative Supplement, 2016, are repealed.

8 Sec. 32. The following sections are outright repealed: Sections
9 81-2233, 81-2276, 81-2277, 81-2278, and 81-2280, Reissue Revised Statutes
10 of Nebraska.

11 Sec. 33. Since an emergency exists, this act takes effect when
12 passed and approved according to law.