

LEGISLATIVE BILL 856

Approved by the Governor April 18, 2022

Introduced by Day, 49; Blood, 3.

A BILL FOR AN ACT relating to the Aging and Disability Resource Center Act; to amend sections 68-1114, 68-1117, and 68-1119, Reissue Revised Statutes of Nebraska; to define a term; to provide for partnering organizations as prescribed; to change provisions relating to reimbursement for services; to harmonize provisions; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 68-1114, Reissue Revised Statutes of Nebraska, is amended to read:

68-1114 For purposes of the Aging and Disability Resource Center Act:

(1) Aging and disability resource center means a community-based entity established to provide information about long-term care services and support and to facilitate access to options counseling to assist eligible individuals and their representatives in identifying the most appropriate services to meet their long-term care needs;

(2) Area agency on aging has the meaning found in section 81-2208;

(3) Center for independent living has the definition found in 29 U.S.C. 796a, as such section existed on January 1, 2018;

(4) Department means the State Unit on Aging of the Division of Medicaid and Long-Term Care of the Department of Health and Human Services or any successor agency designated by the state to fulfill the responsibilities of section 305(a)(1) of the federal Older Americans Act of 1965, 42 U.S.C. 3025(a)(1), as such section existed on January 1, 2018;

(5) Eligible individual means a person who has lost, never acquired, or has one or more conditions that affect his or her ability to perform basic activities of daily living that are necessary to live independently;

(6) Options counseling means a service that assists an eligible individual in need of long-term care and his or her representatives to make informed choices about the services and settings which best meet his or her long-term care needs and that uses uniform data and information collection and encourages the widest possible use of community-based options to allow an eligible individual to live as independently as possible in the setting of his or her choice;

(7) Partnering organization means an organization specializing in serving aging persons or persons with disabilities that has agreed to provide the services described in the Aging and Disability Resource Center Act;

(8) ~~(7)~~ Representative means a person designated as a legal guardian, designated by a power of attorney or a health care power of attorney, or chosen by law, by a court, or by an eligible individual seeking services, but use of the term representative shall not be construed to disqualify an individual who retains all legal and personal autonomy;

(9) ~~(8)~~ Uniform assessment means a single standardized tool used to assess a defined population at a specific time; and

(10) ~~(9)~~ University Center for Excellence in Developmental Disability Education, Research and Service means the federally designated University Center for Excellence in Developmental Disability Education, Research and Service of the Munroe-Meyer Institute at the University of Nebraska Medical Center.

Sec. 2. Section 68-1117, Reissue Revised Statutes of Nebraska, is amended to read:

68-1117 (1) ~~An~~ If the department awards funding for aging and disability resource centers pursuant to section 68-1115, an area agency on aging or partnering organization receiving such funding pursuant to section 68-1115, may work in shall establish a partnership with one or more partnering lead organizations that specialize in serving persons with congenital and acquired disabilities to provide services as described in subsection (2) of section 68-1116, including, but not limited to, centers for independent living and the University Center for Excellence in Developmental Disability Education, Research and Service, for the purpose of developing an aging and disability resource center plan. After consultation with a collaboration of organizations providing advocacy, protection, and safety for aging persons and persons with congenital and acquired disabilities, the partnership may submit to the department an aging and disability resource center plan. The plan shall specify how organizations currently serving eligible individuals will be engaged in the process of delivery of services through the aging and disability resource center. The plan shall indicate how resources will be utilized by the collaborating organizations to fulfill the responsibilities of an aging and disability resource center.

(2) Two or more area agencies on aging or partnering organizations may develop a joint aging and disability resource center plan to serve all or a portion of their planning-and-service areas. A joint plan shall provide information on how the services described in section 68-1116 will be provided in the counties to be served by the aging and disability resource center.

(3) A partnering organization may: (a) Contract with an area agency on aging for the purpose of providing services pursuant to this section; or (b) contract with the department for the purpose of providing services pursuant to this section.

Sec. 3. Section 68-1119, Reissue Revised Statutes of Nebraska, is amended to read:

68-1119 The department shall reimburse each area agency on aging operating an aging and disability resource center on a schedule agreed to by the department and the area agency on aging. If a partnering organization has contracted with the department for the purpose of providing services described in the Aging and Disability Resource Center Act, the department shall reimburse the partnering organization on a schedule agreed to by the department and the partnering organization. Such reimbursement shall be made from (1) state funds appropriated by the Legislature, (2) federal funds allocated to the department for the purpose of establishing and operating aging and disability resource centers, and (3) other funds as available.

Sec. 4. Original sections 68-1114, 68-1117, and 68-1119, Reissue Revised Statutes of Nebraska, are repealed.