

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 845

Introduced by Health and Human Services Committee: Hardin, 48,
Chairperson; Ballard, 21; Hansen, 16; Meyer, 17; Riepe, 12.

Read first time January 08, 2026

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to public health and welfare; to amend
2 sections 81-6,122, 81-2205, 81-2212, and 81-2226, Reissue Revised
3 Statutes of Nebraska, sections 28-712, 71-561, 71-563, 71-564,
4 71-565, 71-566, and 71-567, Revised Statutes Cumulative Supplement,
5 2024, and section 71-814, Revised Statutes Supplement, 2025; to
6 eliminate an advisory committee of the Nebraska Children's
7 Commission; to rename and change provisions relating to the
8 Alzheimer's Disease and Other Dementia Advisory Council; to redefine
9 terms; to change membership; to change provisions relating to
10 findings and recommendations of the advisory council; to change
11 provisions relating to the State Alzheimer's Plan; to create the
12 Aging, Alzheimer's, and Dementia Advisory Council Fund; to rename
13 the State Advisory Committee on Mental Health Services; to eliminate
14 the Division of Medicaid and Long-Term Care Advisory Committee on
15 Aging; to harmonize provisions; to repeal the original sections; and
16 to outright repeal sections 68-1101, 68-1103, 68-1104, and 68-1106,
17 Reissue Revised Statutes of Nebraska, and section 68-1105, Revised
18 Statutes Cumulative Supplement, 2024.
19 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 28-712, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 28-712 (1) Upon receipt of a report pursuant to section 28-711, the
4 department shall determine whether to (a) accept the report for
5 traditional response and an investigation pursuant to section 28-713, (b)
6 accept the report for alternative response pursuant to section 28-712.01,
7 (c) accept the report for screening by the Review, Evaluate, and Decide
8 Team to determine eligibility for alternative response, or (d) classify
9 the report as requiring no further action by the department.

10 ~~(2)(a) The Nebraska Children's Commission shall appoint an advisory~~
11 ~~committee to examine the department's alternative response to reports of~~
12 ~~child abuse or neglect and to make recommendations to the Legislature,~~
13 ~~the department, and the commission regarding (i) the receipt and~~
14 ~~screening of reports of child abuse or neglect by the department, (ii)~~
15 ~~the ongoing use of alternative response, (iii) the ongoing use of~~
16 ~~traditional response, and (iv) the provision of services within~~
17 ~~alternative response and non-court-involved cases to ensure child safety,~~
18 ~~to reduce the risk of child abuse or neglect, and to engage families. The~~
19 ~~advisory committee may request, receive, and review data from the~~
20 ~~department regarding such processes.~~

21 ~~(b) The members of the advisory committee shall include, but not be~~
22 ~~limited to, a representative of (i) the department, (ii) law enforcement~~
23 ~~agencies, (iii) county attorneys or other prosecutors, (iv) the state~~
24 ~~chapter of child advocacy centers as defined in 34 U.S.C. 20302, (v)~~
25 ~~attorneys for parents, (vi) guardians ad litem, (vii) a child welfare~~
26 ~~advocacy organization, (viii) families with experience in the child~~
27 ~~welfare system, (ix) family caregivers, (x) the Foster Care Review~~
28 ~~Office, and (xi) the office of Inspector General of Nebraska Child~~
29 ~~Welfare. Members of the advisory committee shall be appointed for terms~~
30 ~~of two years. The Nebraska Children's Commission shall appoint the~~
31 ~~chairperson of the advisory committee and may fill vacancies on the~~

1 ~~advisory committee as they occur.~~

2 (2) ~~(3)~~ The department shall adopt and promulgate rules and
3 regulations to carry out this section and sections 28-710.01, 28-712.01,
4 and 28-713. Such rules and regulations shall include, but not be limited
5 to, provisions on (a) the transfer of cases from alternative response to
6 traditional response, (b) notice to families subject to a comprehensive
7 assessment and served through alternative response of the alternative
8 response process and their rights, including the opportunity to challenge
9 agency determinations, (c) the provision of services through alternative
10 response, and (d) the collection, sharing, and reporting of data.

11 **Sec. 2.** Section 71-561, Revised Statutes Cumulative Supplement,
12 2024, is amended to read:

13 71-561 Sections 71-561 to 71-567 and section 8 of this act shall be
14 known and may be cited as the Aging, Alzheimer's, and Disease ~~and Other~~
15 Dementia Support Act.

16 **Sec. 3.** Section 71-563, Revised Statutes Cumulative Supplement,
17 2024, is amended to read:

18 71-563 For purposes of the Aging, Alzheimer's, and Disease ~~and Other~~
19 Dementia Support Act:

20 (1) Council means the Aging, Alzheimer's, and Dementia ~~Alzheimer's~~
21 ~~Disease and Other Dementia~~ Advisory Council; and

22 (2) Department means the Department of Health and Human Services.

23 **Sec. 4.** Section 71-564, Revised Statutes Cumulative Supplement,
24 2024, is amended to read:

25 71-564 (1) The Aging, Alzheimer's, and Dementia ~~Alzheimer's Disease~~
26 ~~and Other Dementia~~ Advisory Council is created and shall include:

27 (a) Fifteen ~~Twelve~~ voting members appointed by the Governor. The
28 voting members shall consist of: (i) An individual living with
29 Alzheimer's disease or another dementia or a family member of such an
30 individual; (ii) an individual who is the family caregiver of an
31 individual living with Alzheimer's disease or another dementia; (iii) an

1 individual who is a medical professional with experience diagnosing and
2 treating Alzheimer's disease or other dementia ~~represents nursing homes;~~
3 (iv) an individual who represents assisted-living facilities; (v) an
4 individual who is a representative of a long-term care or community-based
5 aging organization ~~represents providers of adult day care services;~~ (vi)
6 an individual who conducts research related to Alzheimer's disease or
7 other dementia or represents an advocacy organization focused on dementia
8 ~~represents home care providers;~~ (vii) an individual with experience or
9 expertise regarding the needs of individuals with intellectual and
10 developmental disabilities who are aging or living with dementia; and
11 (viii) one representative from each of the eight planning-and-service
12 areas as designated in the Nebraska Community Aging Services Act a
13 ~~medical professional who has experience diagnosing and treating~~
14 ~~Alzheimer's disease;~~ (viii) ~~an individual who conducts research regarding~~
15 ~~Alzheimer's disease or other dementia;~~ (ix) ~~an individual who represents~~
16 ~~a leading, nationwide organization that advocates on behalf of~~
17 ~~individuals living with Alzheimer's disease or other dementia;~~ (x) ~~an~~
18 ~~individual who represents an area agency on aging;~~ (xi) ~~an individual~~
19 ~~representing an organization that advocates for older adults;~~ and (xii)
20 ~~an individual with experience or expertise in the area of the specific~~
21 ~~needs of individuals with intellectual and developmental disabilities and~~
22 ~~Alzheimer's disease or other dementia; and~~

23 (b) Five nonvoting members. The nonvoting members shall consist of:
24 (i) The Director of Public Health or the director's designee; (ii) the
25 Director of Developmental Disabilities Medicaid and Long-Term Care or the
26 director's designee; (iii) the administrator ~~a representative of the~~
27 State Unit on Aging ~~or the administrator's designee of the Division of~~
28 ~~Medicaid and Long-Term Care designated by the Director of Medicaid and~~
29 ~~Long-Term Care;~~ (iv) a representative of the Nebraska Workforce
30 Development Board designated by the board; and (v) the state long-term
31 care ombudsman or the ombudsman's designee.

1 (2) The terms of the initial members shall begin on the date of the
2 first meeting as called by the Director of Public Health and (a) one-
3 third shall serve for two-year terms, (b) one-third shall serve for
4 three-year terms, and (c) one-third shall serve for four-year terms,
5 including the chairperson and vice-chairperson. Thereafter all members
6 shall serve four-year terms. Members may not serve more than two
7 consecutive four-year terms. Vacancies shall be appointed by the Governor
8 in the same manner as described in subdivision (1)(a) of this section.

9 (3) Members of the council shall select the chairperson and vice-
10 chairperson who shall not be employees of the state and may serve in such
11 role for up to four consecutive years. The Director of Public Health or
12 the director's designee shall call and preside over the first meeting
13 until a chairperson is selected. Thereafter, the council shall meet at
14 least quarterly at the call of the chairperson. A majority of the voting
15 members shall constitute a quorum for the conduct of meetings.

16 (4) The council shall hold meetings at least once every calendar
17 quarter.

18 (5) Members shall serve on the council without compensation but
19 shall be compensated for expenses incurred for such service as provided
20 in sections 81-1174 to 81-1177.

21 (6) The department shall provide staff and support to the council as
22 necessary to assist the council in the performance of its duties.

23 **Sec. 5.** Section 71-565, Revised Statutes Cumulative Supplement,
24 2024, is amended to read:

25 71-565 (1) The purpose of the council shall be to examine (a) the
26 needs of aging individuals and individuals living with Alzheimer's
27 disease or other dementia, (b) the services available in the state for
28 those individuals and their family caregivers, and (c) the ability of
29 health care providers and facilities to meet the current and future needs
30 of such individuals.

31 (2) The council shall collaborate with the department and other

1 state departments as needed to gather input on issues and strategies that
2 pertain to aging, Alzheimer's disease, and other dementia and identify
3 proactive approaches on public health, workforce, caregiver support, and
4 care delivery. The council shall monitor analysis, policy development,
5 and program implementation related to aging, Alzheimer's disease, and
6 other dementia.

7 **Sec. 6.** Section 71-566, Revised Statutes Cumulative Supplement,
8 2024, is amended to read:

9 71-566 The council shall consider and make findings and
10 recommendations on the following topics:

11 (1) Trends in the state's Alzheimer's disease and other dementia
12 populations and service needs, including:

13 (a) The state's role in providing or facilitating long-term care,
14 family caregiver support, and assistance to those with early-stage or
15 early-onset Alzheimer's disease or other dementia;

16 (b) The state's policies regarding individuals with Alzheimer's
17 disease or other dementia;

18 (c) The fiscal impact of Alzheimer's disease and other dementia on
19 publicly funded health care programs; and

20 (d) The establishment of a surveillance system to better determine
21 the number of individuals diagnosed with Alzheimer's disease or other
22 dementia and to monitor changes to such numbers;

23 (2) Existing resources, services, and capacity relating to the
24 diagnosis and care of individuals living with Alzheimer's disease or
25 other dementia, including:

26 (a) The type, cost, and availability of dementia care services;

27 (b) The availability of health care workers who can serve people
28 with dementia, including, but not limited to, neurologists,
29 geriatricians, and direct care workers;

30 (c) Dementia-specific training requirements for public and private
31 employees who interact with people living with Alzheimer's disease or

1 other dementia which shall include, but not be limited to, long-term care
2 workers, case managers, adult protective services, law enforcement, and
3 first responders;

4 (d) Home and community-based services, including respite care for
5 individuals exhibiting symptoms of Alzheimer's disease or other dementia
6 and their families;

7 (e) Quality care measures for home and community-based services and
8 residential care facilities; and

9 (f) State-supported Alzheimer's disease and other dementia research
10 conducted at universities located in this state; ~~and~~

11 (3) Policies and strategies that address the following:

12 (a) Increasing public awareness of Alzheimer's disease and other
13 dementia;

14 (b) Educating providers to increase early detection and diagnosis of
15 Alzheimer's disease and other dementia;

16 (c) Improving the health care received by individuals diagnosed with
17 Alzheimer's disease or other dementia;

18 (d) Evaluating the capacity of the health care system in meeting the
19 growing number and needs of those with Alzheimer's disease and other
20 dementia;

21 (e) Increasing the number of health care professionals necessary to
22 treat the growing aging and Alzheimer's disease and dementia populations;

23 (f) Improving services provided in the home and community to delay
24 and decrease the need for institutionalized care for individuals with
25 Alzheimer's disease or other dementia;

26 (g) Improving long-term care, including assisted living, for those
27 with Alzheimer's disease or other dementia;

28 (h) Assisting unpaid Alzheimer's disease or dementia caregivers;

29 (i) Increasing and improving research on Alzheimer's disease and
30 other dementia;

31 (j) Promoting activities to maintain and improve brain health;

1 (k) Improving the collection of data and information related to
2 Alzheimer's disease and other dementia and the resulting public health
3 burdens;

4 (l) Improving public safety and addressing the safety-related needs
5 of those with Alzheimer's disease or other dementia;

6 (m) Addressing legal protections for, and legal issues faced by,
7 individuals with Alzheimer's disease or other dementia; and

8 (n) Improving the ways in which the government evaluates and adopts
9 policies to assist individuals diagnosed with Alzheimer's disease or
10 other dementia and their families; -

11 (4) The collection of facts and statistics and special studies of
12 the conditions and problems pertaining to the employment, health,
13 financial status, recreation, social adjustment, or other conditions and
14 problems relating to the general welfare of aging individuals of the
15 state;

16 (5) State and local agencies serving aging individuals for purposes
17 of coordinating such agencies' activities, and reports from the various
18 state agencies and institutions relating to matters within the
19 jurisdiction of the council;

20 (6) The latest developments of research, studies, and programs being
21 conducted throughout the nation relating to the problems and needs of
22 aging individuals;

23 (7) The mutual exchange of ideas and information relating to aging
24 individuals among federal, state, and local governmental agencies,
25 private organizations, and individuals; and

26 (8) Cooperation with federal, state, and local agencies or private
27 organizations in administering and supervising demonstration programs of
28 services for aging individuals designed to foster continued participation
29 of such individuals in family and community life and to prevent, insofar
30 as possible, the onset of dependency and the need for long-term
31 institutional care.

1 **Sec. 7.** Section 71-567, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 71-567 (1)(a) No later than December 31, 2024, the council shall
4 compile the findings and recommendations ~~under the Alzheimer's Disease~~
5 ~~and Other Dementia Support Act~~ and submit them as a State Alzheimer's
6 Plan to the Legislature and the Governor.

7 (b) No later than December 31, 2028, and every ~~Every~~ four years
8 thereafter, the council shall issue an updated State Alzheimer's Plan
9 addressing the items in sections 71-565 and 71-566 and any other issues
10 the council deems necessary and relevant toward addressing Alzheimer's
11 disease and dementia in Nebraska.

12 (2) By October 1 of each year after the creation of the State
13 Alzheimer's Plan, the council shall electronically submit to the
14 Legislature and the Governor an annual report on the status of
15 implementation of the State Alzheimer's Plan recommendations and any
16 barriers to implementation.

17 **Sec. 8.** The Aging, Alzheimer's, and Dementia Advisory Council Fund
18 is created. The fund shall consist of federal funds and grants or gifts
19 for the purposes authorized by the Aging, Alzheimer's, and Dementia
20 Support Act. Expenditures from the fund shall be subject to any
21 conditions agreed upon for receiving such funds, grants, or gifts. Such
22 funds, grants, or gifts shall be remitted to the State Treasurer for
23 credit to the fund. Any money in the fund available for investment shall
24 be invested by the state investment officer pursuant to the Nebraska
25 Capital Expansion Act and the Nebraska State Funds Investment Act.

26 **Sec. 9.** Section 71-814, Revised Statutes Supplement, 2025, is
27 amended to read:

28 71-814 (1) The State Advisory Committee on Mental Health and
29 Substance Use Services is created. Members of the committee shall have a
30 demonstrated interest and commitment and specialized knowledge,
31 experience, or expertise relating to the provision of mental health

1 services in the State of Nebraska. The committee shall consist of twenty-
2 three members appointed by the Governor as follows: (a) One regional
3 governing board member, (b) one regional administrator, (c) twelve
4 consumers of behavioral health services or their family members, (d) two
5 providers of behavioral health services, (e) two representatives from the
6 State Department of Education, including one representative from the
7 Division of Vocational Rehabilitation of the State Department of
8 Education, (f) three representatives from the Department of Health and
9 Human Services representing mental health, social services, and medicaid,
10 (g) one representative from the Nebraska Commission on Law Enforcement
11 and Criminal Justice, and (h) one representative from the Housing Office
12 of the Community and Rural Development Division of the Department of
13 Economic Development.

14 (2) The committee shall be responsible to the division and shall (a)
15 serve as the state's mental health planning council as required by Public
16 Law 102-321, (b) conduct regular meetings, (c) provide advice and
17 assistance to the division relating to the provision of mental health
18 services and, beginning July 1, 2026, substance use disorder services in
19 the State of Nebraska, including, but not limited to, the development,
20 implementation, provision, and funding of organized peer support
21 services, (d) promote the interests of consumers and their families,
22 including, but not limited to, their inclusion and involvement in all
23 aspects of services design, planning, implementation, provision,
24 education, evaluation, and research, (e) provide reports as requested by
25 the division, and (f) engage in such other activities as directed or
26 authorized by the division.

27 (3) Beginning July 1, 2026, the State Advisory Committee on Mental
28 Health and Substance Use Services shall also perform the duties of the
29 State Advisory Committee on Substance Abuse Services.

30 **Sec. 10.** Section 81-6,122, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 81-6,122 (1) The Department of Health and Human Services shall, in
2 collaboration with the Department of Correctional Services, the
3 Department of Economic Development, the Department of Labor, the
4 Department of Transportation, the Department of Veterans' Affairs, the
5 State Department of Education, the University of Nebraska, and the Equal
6 Opportunity Commission, develop a comprehensive strategic plan for
7 providing services to qualified persons with disabilities in the most
8 integrated community-based settings pursuant to the Olmstead decision.

9 (2) The chief executive officer of the Department of Health and
10 Human Services shall convene a team to:

11 (a) Develop the strategic plan described in subsection (1) of this
12 section;

13 (b) Appoint and convene a stakeholder advisory committee to assist
14 in the review and development of the strategic plan, such committee
15 members to include a representative from the State Advisory Committee on
16 Mental Health and Substance Use Services, the Advisory Committee on
17 Developmental Disabilities, the Nebraska Statewide Independent Living
18 Council, the Nebraska Planning Council on Developmental Disabilities, the
19 Division of Rehabilitation Services in the State Department of Education,
20 the Public Service Commission, the Commission for the Deaf and Hard of
21 Hearing, the Commission for the Blind and Visually Impaired, a housing
22 authority in a city of the first or second class and a housing authority
23 in a city of the primary or metropolitan class, the Assistive Technology
24 Partnership, the protection and advocacy system for Nebraska, an
25 assisted-living organization, the behavioral health regions, mental
26 health practitioners, developmental disability service providers, an
27 organization that advocates for persons with developmental disabilities,
28 an organization that advocates for persons with mental illness, an
29 organization that advocates for persons with brain injuries, and an area
30 agency on aging, and including two persons with disabilities representing
31 self-advocacy organizations, and, at the department's discretion, other

1 persons with expertise in programs serving persons with disabilities;

2 (c) Arrange for consultation with an independent consultant to
3 assist with the continued analysis and revision of the strategic plan and
4 determine whether the benchmarks, deadlines, and timeframes are in
5 substantial compliance with the strategic plan;

6 (d) Provide continuing analysis of the strategic plan and a report
7 on the progress of the strategic plan and changes or revisions to the
8 Legislature by December 15, 2021, and every three years thereafter; and

9 (e) Provide the completed strategic plan to the Legislature and the
10 Governor by December 15, 2019.

11 (3) The reports and completed plan shall be submitted electronically
12 to the Legislature.

13 **Sec. 11.** Section 81-2205, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 81-2205 Council ~~Committee~~ shall mean the Aging, Alzheimer's, and
16 Dementia Advisory Council ~~Division of Medicaid and Long-Term Care~~
17 ~~Advisory Committee on Aging.~~

18 **Sec. 12.** Section 81-2212, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 81-2212 The council ~~In addition to duties enumerated in section~~
21 ~~68-1104, the committee~~ shall advise the department regarding:

22 (1) The state plan on aging as developed and prepared by the
23 department;

24 (2) Policies adopted by the department;

25 (3) The needs of the state's older individuals;

26 (4) The development of the state plan and policies which affect the
27 state's older individuals;

28 (5) Such rules, regulations, and standards as may be adopted by the
29 department; and

30 (6) A community aging services budget for submission to the
31 Legislature by the department.

1 The council ~~committee~~ shall also act as a panel for the hearing and
2 resolution of any appeal requested by an area agency on aging should the
3 department disapprove the area plan and budget or amendments as
4 submitted.

5 **Sec. 13.** Section 81-2226, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 81-2226 In the event of a documented malfeasance on the part of any
8 area agency on aging in the administration of its area plan, and the
9 failure of the governing unit of the area agency to take corrective
10 action within a reasonable time, the department shall, with the advice of
11 the council ~~committee~~, terminate funding to the area agency governing
12 unit by disapproving the area plan for that area agency on aging.

13 **Sec. 14.** Original sections 81-6,122, 81-2205, 81-2212, and 81-2226,
14 Reissue Revised Statutes of Nebraska, sections 28-712, 71-561, 71-563,
15 71-564, 71-565, 71-566, and 71-567, Revised Statutes Cumulative
16 Supplement, 2024, and section 71-814, Revised Statutes Supplement, 2025,
17 are repealed.

18 **Sec. 15.** The following sections are outright repealed: Sections
19 68-1101, 68-1103, 68-1104, and 68-1106, Reissue Revised Statutes of
20 Nebraska, and section 68-1105, Revised Statutes Cumulative Supplement,
21 2024.