

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1004

Introduced by Bolz, 29.

Read first time January 16, 2018

Committee:

1 A BILL FOR AN ACT relating to the Aging and Disability Resource Center
2 Demonstration Project Act; to amend sections 68-1111, 68-1113,
3 68-1114, 68-1115, 68-1116, 68-1117, 68-1118, and 68-1119, Revised
4 Statutes Cumulative Supplement, 2016; to rename the act; to provide
5 for establishment of aging and disability resource centers; to
6 eliminate references to aging and disability resource center
7 demonstration projects; to harmonize provisions; to repeal the
8 original sections; and to declare an emergency.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-1111, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 68-1111 Sections 68-1111 to 68-1119 shall be known and may be cited
4 as the Aging and Disability Resource Center ~~Demonstration Project~~ Act.

5 Sec. 2. Section 68-1113, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 68-1113 The purpose of the Aging and Disability Resource Center
8 ~~Demonstration Project Act is to evaluate the feasibility of establishing~~
9 ~~aging and disability resource centers statewide~~ to provide information
10 about long-term care services and support available in the home and
11 community for older Nebraskans or persons with disabilities, family
12 caregivers, and persons who request information or assistance on behalf
13 of others and to assist eligible individuals to access the most
14 appropriate public and private resources to meet their long-term care
15 needs.

16 It is the intent of the Legislature that aging and disability
17 resource centers serve as an ongoing component of Nebraska's long-term
18 care continuum and that aging and disability resource center sites
19 coordinate and establish contractual provider partnerships as necessary
20 with organizations specializing in serving aging persons and persons with
21 disabilities to provide the services described in the act.

22 Sec. 3. Section 68-1114, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 68-1114 For purposes of the Aging and Disability Resource Center
25 ~~Demonstration Project~~ Act:

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

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

1 (3) Center for independent living has the definition found in 29
2 U.S.C. 796a, as such section existed on January 1, 2018 ~~2015~~;

3 (4) Department means the State Unit on Aging of the Division of
4 Medicaid and Long-Term Care of the Department of Health and Human
5 Services or any successor agency designated by the state to fulfill the
6 responsibilities of section 305(a)(1) of the federal Older Americans Act
7 of 1965, 42 U.S.C 3025(a)(1), as such section existed on January 1, 2018
8 ~~2015~~;

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

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

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

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

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

1 Sec. 4. Section 68-1115, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 68-1115 The department shall adopt criteria for evaluating plans to
4 operate an aging and disability resource center based on the requirements
5 in section 68-1116 within sixty days after the effective date of this
6 act. The department shall award funding grants for ~~three~~ aging and
7 disability resource centers. The department shall pursue federal matching
8 funds as applicable and allocate such funds to the aging and disability
9 resource centers ~~center demonstration projects~~. The department shall
10 ~~adopt criteria for evaluating proposals to operate an aging and~~
11 ~~disability resource center demonstration project based on the~~
12 ~~requirements in section 68-1116 and release a request for proposals~~
13 ~~within sixty days after August 30, 2015.~~

14 Sec. 5. Section 68-1116, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 68-1116 (1) The aging and disability resource centers ~~center~~
17 ~~demonstration projects shall be established to evaluate the feasibility~~
18 ~~of establishing aging and disability resource centers statewide as a~~
19 means of promoting appropriate, effective, and efficient use of long-term
20 care resources. ~~The aging and disability resource center demonstration~~
21 ~~projects shall operate through June 30, 2018.~~

22 (2) Each aging and disability resource center ~~demonstration project~~
23 shall provide one or more of the following services:

24 (a) ~~(1)~~ Comprehensive information on the full range of available
25 public and private long-term care programs, options, financing, service
26 providers, and resources within a community, including information on the
27 availability of integrated long-term care;

28 (b) Options counseling;

29 (c) ~~(2)~~ Assistance in accessing and applying for public benefits
30 programs;

31 ~~(3) Options counseling;~~

1 (d) ~~(4)~~ A convenient point of entry to the range of publicly
2 supported long-term care programs for an eligible individual;

3 (e) ~~(5)~~ A process for identifying unmet service needs in communities
4 and developing recommendations to respond to those unmet needs;

5 (f) ~~(6)~~ Facilitation of person-centered transition support to assure
6 that an eligible individual is able to find the services and support that
7 are most appropriate to his or her need;

8 (g) ~~(7)~~ Mobility management to promote the appropriate use of public
9 transportation services by a person who does not own or is unable to
10 operate an automobile; and

11 (h) ~~(8)~~ A home care provider registry that will provide a person who
12 needs home care with the names of home care providers and information
13 about his or her rights and responsibilities as a home care consumer.

14 Sec. 6. Section 68-1117, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 68-1117 (1) ~~An~~ Within sixty days after the release date of a request
17 ~~for proposals under section 68-1115, an area agency on aging shall~~
18 establish a contractual provider partnership with one or more lead
19 organizations that specialize in serving , after consultation with a
20 ~~collaboration of organizations that serve aging persons and persons with~~
21 congenital and acquired disabilities to provide services as described in
22 subsection (2) of section 68-116, including, but not limited to, centers
23 for independent living and the University Center for Excellence in
24 Developmental Disability Education, Research and Service, for the purpose
25 of developing an aging and disability resource center plan. After
26 consultation with a collaboration of and with other organizations,
27 ~~including, but not limited to,~~ organizations providing advocacy,
28 protection, and safety for aging persons and persons with congenital and
29 acquired disabilities, the partnership may submit to the department a
30 ~~proposal to establish~~ an aging and disability resource center plan
31 ~~demonstration project.~~ The plan proposal shall specify how organizations

1 currently serving eligible individuals will be engaged in the process of
2 delivery of services through the aging and disability resource center
3 ~~demonstration project. The proposal shall be developed in consultation~~
4 ~~with eligible individuals and their representatives.~~ The plan proposal
5 shall indicate how resources will be utilized by the partnership and
6 collaborating organizations to fulfill the responsibilities of an aging
7 and disability resource center ~~demonstration project.~~

8 (2) Two or more area agencies on aging and their partner lead
9 organizations may develop a joint ~~proposal to establish an~~ aging and
10 disability resource center plan demonstration project to serve all or a
11 portion of their planning-and-service areas. A joint plan proposal shall
12 provide information on how the services described in section 68-1116 will
13 be provided in the counties to be served by the aging and disability
14 resource center ~~demonstration project described in the joint proposal.~~

15 Sec. 7. Section 68-1118, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 68-1118 The department shall provide ~~Within thirty days after~~
18 ~~receipt of a proposal developed pursuant to subsection (1) or (2) of~~
19 ~~section 68-1117, the department shall review the proposal and determine~~
20 ~~whether the proposal is eligible for funding. The department shall select~~
21 ~~three proposals for funding. The department shall enter into a contract~~
22 ~~with an independent institution having experience in evaluating aging and~~
23 ~~disability programs for an evaluation of the aging and disability~~
24 ~~resource center demonstration projects. The contract shall require that a~~
25 report evaluating the aging and disability resource centers demonstration
26 projects be presented to the Clerk of the Legislature prior to December
27 1, of 2016, 2017, and 2018, and each December 1 thereafter.

28 Sec. 8. Section 68-1119, Revised Statutes Cumulative Supplement,
29 2016, is amended to read:

30 68-1119 The department shall reimburse each area agency on aging and
31 contracted provider partner lead organizations described in section

1 68-1117 operating an aging and disability resource center ~~demonstration~~
2 ~~project~~ on a schedule agreed to by the department and the area agency on
3 aging and contracted provider partner lead organizations. Such
4 reimbursement shall be made from (1) state funds appropriated by the
5 Legislature, (2) federal funds allocated to the department for the
6 purpose of establishing and operating aging and disability resource
7 centers, and (3) other funds as available.

8 Sec. 9. Original sections 68-1111, 68-1113, 68-1114, 68-1115,
9 68-1116, 68-1117, 68-1118, and 68-1119, Revised Statutes Cumulative
10 Supplement, 2016, are repealed.

11 Sec. 10. Since an emergency exists, this act takes effect when
12 passed and approved according to law.