

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 181

Introduced by Bolz, 29.

Read first time January 11, 2019

Committee:

- 1 A BILL FOR AN ACT relating to the Department of Health and Human
- 2 Services; to provide for a study of long-term care sustainability;
- 3 to impose a moratorium on changes to long-term care under the
- 4 Medical Assistance Act; and to state intent to appropriate funds.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Legislature finds that underfunding of the medical
2 assistance program under the Medical Assistance Act has resulted in a
3 growing financial chasm between the amount of money a service provider is
4 reimbursed under the program and the actual cost of providing care.
5 Combined with workforce shortages, the continued ability of long-term
6 care providers to serve beneficiaries of the medical assistance program
7 is increasingly at risk.

8 The Legislature also recognizes that aging Nebraskans have made
9 contributions throughout their lifetimes to the state and country and
10 deserve to receive the care they need in recognition of this service.

11 Sec. 2. (1) On or before December 31, 2019, the Department of
12 Health and Human Services shall study and report to the Appropriations
13 Committee of the Legislature on statewide access to long-term care. The
14 department shall contract with an independent, Nebraska-based entity with
15 proven expertise in (a) data analysis and projections of future trends,
16 (b) community planning, (c) innovative practices and best practices in
17 long-term care services, and (d) the development of a long-term care
18 sustainability plan. The department and contracted entity shall study the
19 needs of Nebraska's aging population for facility-based and home and
20 community-based long-term care services in close proximity to familial
21 and social support systems and shall make reasonable recommendations,
22 supported by data, on changes to the policy and funding of long-term care
23 services under the Medical Assistance Act.

24 (2) The department and the contracted entity shall:

25 (a) Review and summarize existing data sources;

26 (b) Provide the committee with a detailed analysis and projection of
27 Nebraska's demographic trends by age, availability of informal long-term
28 care support systems, economic status, and geography;

29 (c) Provide the committee with a detailed analysis of long-term care
30 workforce needs and current and projected future availability of workers
31 by geographic region;

1 (d) Provide the committee with a detailed analysis of the current
2 and projected future needs of aging Nebraskans and current gaps in
3 facility-based and home and community-based long-term care services in
4 all areas of the state and factors contributing to such gaps;

5 (e) Provide the committee with a detailed analysis of state
6 regulations and processes that impede the flexibility for nursing
7 facilities to provide home and community-based long-term care services
8 when there is an identified community need;

9 (f) Provide the committee with a detailed analysis of the financial
10 stability of long-term care providers that accept participants in the
11 medical assistance program, especially nursing facilities, and
12 contributing factors;

13 (g) Make recommendations to the committee for increased regulatory
14 flexibility to allow a skilled nursing facility to provide home and
15 community-based long-term care services to meet community needs and for
16 strategic consolidation of facilities and services to use long-term care
17 workforce resources more effectively;

18 (h) Identify changes to reimbursement under the medical assistance
19 program to sustain access to long-term care services across the state;
20 and

21 (i) Create a financially sustainable five-year plan for ensuring
22 that aging Nebraskans continue to have access to long-term care services
23 they need in close proximity to their familial and social support
24 systems.

25 (3) A status update on the report shall be delivered electronically
26 to the Appropriations Committee of the Legislature by December 31, 2019.
27 The final report shall be delivered electronically to the Appropriations
28 Committee of the Legislature by December 1, 2020.

29 Sec. 3. To ensure the safety and well-being of vulnerable
30 populations and to prevent further loss of long-term care service
31 providers, the Department of Health and Human Services shall not make

1 changes to long-term care services provided under the Medical Assistance
2 Act until the report provided under section 2 of this act has been
3 reviewed and analyzed and a thoughtful, strategic, and fiscally
4 responsive sustainability plan is implemented by the department.

5 Sec. 4. There is included in the appropriation by the One Hundred
6 Sixth Legislature, First Session, to the Department of Health and Human
7 Services, Agency 25, Program 348, Medical Assistance, \$XX,XXX from the
8 Nursing Facility Penalty Cash Fund for FY2019-20, to aid in carrying out
9 the provisions of this act.