

AMENDMENTS TO LB320

(Amendments to E and R amendments, ER60)

Introduced by Bolz, 29.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Sections 1 to 9 of this act shall be known and may be
4 cited as the Aging and Disability Resource Center Demonstration Project
5 Act.

6 Sec. 2. The Legislature finds that:

7 (1) The state should anticipate and prepare for significant growth
8 in the number of older Nebraskans and the future needs of persons with
9 disabilities, both of which will require costly long-term care services;

10 (2) The state should improve access to existing services and support
11 for persons with disabilities;

12 (3) The state should provide a streamlined approach to identify the
13 needs of older Nebraskans and persons with disabilities through uniform
14 assessments and a single point of contact; and

15 (4) Nebraskans would benefit from statewide public information
16 campaigns to educate older Nebraskans, persons with disabilities, and
17 their caregivers on the availability of services and support.

18 Sec. 3. The purpose of the Aging and Disability Resource Center
19 Demonstration Project Act is to evaluate the feasibility of establishing
20 aging and disability resource centers statewide to provide information
21 about long-term care services and support available in the home and
22 community for older Nebraskans or persons with disabilities, family
23 caregivers, and persons who request information or assistance on behalf
24 of others and to assist eligible individuals to access the most
25 appropriate public and private resources to meet their long-term care
26 needs.

1 Sec. 4. For purposes of the Aging and Disability Resource Center
2 Demonstration Project Act:

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

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

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

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

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

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

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

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

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

8 Sec. 5. The department shall award grants for three aging and
9 disability resource 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 6 of this act and release a request for proposals
13 within sixty days after the operative date of this section.

14 Sec. 6. The aging and disability resource center demonstration
15 projects shall be established to evaluate the feasibility of establishing
16 aging and disability resource centers statewide as a means of promoting
17 appropriate, effective, and efficient use of long-term care resources.
18 The aging and disability resource center demonstration projects shall
19 operate through June 30, 2018. Each aging and disability resource center
20 demonstration project shall provide one or more of the following
21 services:

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

26 (2) Assistance in accessing and applying for public benefits
27 programs;

28 (3) Options counseling;

29 (4) A convenient point of entry to the range of publicly supported
30 long-term care programs for an eligible individual;

31 (5) A process for identifying unmet service needs in communities and

1 developing recommendations to respond to those unmet needs;

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

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

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

11 Sec. 7. (1) Within sixty days after the release date of a request
12 for proposals under section 5 of this act, an area agency on aging, after
13 consultation with a collaboration of organizations that serve aging
14 persons and persons with disabilities, including, but not limited to,
15 centers for independent living and the University Center for Excellence
16 in Developmental Disability Education, Research and Service, and with
17 other organizations, including, but not limited to, organizations
18 providing advocacy, protection, and safety for aging persons and persons
19 with disabilities, may submit to the department a proposal to establish
20 an aging and disability resource center demonstration project. The
21 proposal shall specify how organizations currently serving eligible
22 individuals will be engaged in the process of delivery of services
23 through the aging and disability resource center demonstration project.
24 The proposal shall be developed in consultation with eligible individuals
25 and their representatives. The proposal shall indicate how resources will
26 be utilized by the collaborating organizations to fulfill the
27 responsibilities of an aging and disability resource center demonstration
28 project.

29 (2) Two or more area agencies on aging may develop a joint proposal
30 to establish an aging and disability resource center demonstration
31 project to serve all or a portion of their planning-and-service areas. A

1 joint proposal shall provide information on how the services described in
2 section 6 of this act will be provided in the counties to be served by
3 the aging and disability resource center demonstration project described
4 in the joint proposal.

5 Sec. 8. Within thirty days after receipt of a proposal developed
6 pursuant to subsection (1) or (2) of section 7 of this act, the
7 department shall review the proposal and determine whether the proposal
8 is eligible for funding. The department shall select three proposals for
9 funding. The department shall enter into a contract with an independent
10 institution having experience in evaluating aging and disability programs
11 for an evaluation of the aging and disability resource center
12 demonstration projects. The contract shall require that a report
13 evaluating the demonstration projects be presented to the Clerk of the
14 Legislature prior to December 1 of 2016, 2017, and 2018.

15 Sec. 9. The department shall reimburse each area agency on aging
16 operating an aging and disability resource center demonstration project
17 on a schedule agreed to by the department and the area agency on aging.
18 Such reimbursement shall be made from (1) state funds appropriated by the
19 Legislature, (2) federal funds allocated to the department for the
20 purpose of establishing and operating aging and disability resource
21 centers, and (3) other funds as available.

22 Sec. 10. Section 68-1107, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 68-1107 (1) The Aging Nebraskans Task Force is created. The purposes
25 purpose of the task force are (a) is to develop and facilitate
26 implementation of a statewide strategic plan for addressing the needs of
27 the aging population in the state and (b) to develop a state plan
28 regarding individuals with Alzheimer's or related disorders as provided
29 in section 13 of this act. The task force shall provide a forum for
30 collaboration among state, local, community, public, and private
31 stakeholders in long-term care programs.

1 (2)(a) The executive committee of the task force shall include as
2 voting members the chairperson of the Health and Human Services Committee
3 of the Legislature, a member of the Appropriations Committee of the
4 Legislature appointed by the Executive Board of the Legislative Council,
5 a member of the Health and Human Services Committee of the Legislature
6 appointed by the Executive Board of the Legislative Council, a member of
7 the Legislature's Planning Committee appointed by the Executive Board of
8 the Legislative Council, and an at-large member appointed by the
9 Executive Board of the Legislative Council. The voting members of the
10 executive committee shall choose a chairperson and vice-chairperson from
11 among the voting members.

12 (b) The chief executive officer of the Department of Health and
13 Human Services or his or her designee and the Chief Justice of the
14 Supreme Court or his or her designee shall be nonvoting, ex officio
15 members of the executive committee of the task force.

16 (c) The remaining four members of the task force shall be nonvoting
17 members appointed by the executive committee of the task force through an
18 application and selection process, representing stakeholders in the long-
19 term care system and may include a representative of the Division of
20 Medicaid and Long-Term Care Advisory Committee on Aging, representatives
21 of health care providers, elder law attorneys, representatives of the
22 long-term care ombudsman program, health care economists, geriatric
23 specialists, family caregivers of seniors in at-home care, providers of
24 services to the elderly, seniors currently or previously in institutional
25 care, and aging advocacy organizations.

26 (3) The executive committee of the task force shall advise the task
27 force regarding the interaction among the three branches of government
28 related to long-term care programs and services. The members of the
29 executive committee shall each represent his or her own branch of
30 government, and no member of the executive committee shall participate in
31 actions that could be deemed to be the exercise of the duties and

1 prerogatives of another branch of government or that improperly delegate
2 the powers and duties of any branch of government to another branch of
3 government.

4 (4) The task force shall work with administrators of area agencies
5 on aging, nursing home and assisted-living residence providers,
6 hospitals, rehabilitation centers, managed care companies, senior citizen
7 centers, community stakeholders, advocates for elder services and
8 programs, the Center for Public Affairs Research of the College of Public
9 Affairs and Community Service at the University of Nebraska at Omaha, and
10 seniors statewide to establish effective community collaboration for
11 informed decisionmaking that supports the provisions of effective and
12 efficient long-term care services.

13 (5) The task force shall create a statewide strategic plan for long-
14 term care services in Nebraska which shall consider, but not be limited
15 to:

16 (a) Promotion of independent living through provision of long-term
17 care services and support that enable an individual to live in the
18 setting of his or her choice;

19 (b) Provision of leadership to support sound fiscal management of
20 long-term care budgets so that Nebraska will be able to meet the
21 increasing demand for long-term care services as a growing portion of the
22 state's population reaches the age of eighty years;

23 (c) Expedited creation of workforce development and training
24 programs specific to the needs of and in response to Nebraska's growing
25 aging population;

26 (d) The identification of gaps in the service delivery system that
27 contribute to the inefficient and ineffective delivery of services; and

28 (e) Development of a process for evaluating the quality of
29 residential and home and community-based long-term care services and
30 support.

31 Sec. 11. Section 68-1108, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 68-1108 (1) On or before December 15, 2014, the Aging Nebraskans
3 Task Force shall present electronically to the Legislature a report of
4 recommendations for the statewide strategic plan described in section
5 68-1107. The Department of Health and Human Services shall also annually
6 report electronically to the Legislature the percentage growth of
7 medicaid spending for people over sixty-five years of age for no fewer
8 than five years following acceptance of the application to the State
9 Balancing Incentive Payments Program pursuant to section 81-3138.

10 (2) The task force shall develop a state plan as provided in section
11 13 of this act and electronically deliver the state plan to the Governor
12 and the Legislature on or before December 15, 2016. The task force shall
13 make a presentation of the state plan to the Health and Human Services
14 Committee of the Legislature on or before December 15, 2016.

15 Sec. 12. Section 68-1109, Revised Statutes Cumulative Supplement,
16 2014, is amended to read:

17 68-1109 The Aging Nebraskans Task Force terminates on January 1,
18 2017 ~~June 30, 2016~~, unless extended by the Legislature.

19 Sec. 13. (1) The Aging Nebraskans Task Force shall develop a state
20 plan regarding individuals with Alzheimer's and related disorders. The
21 task force shall work with the chief executive officer of the Department
22 of Health and Human Services, the Public Guardian, the area agencies on
23 aging, organizations advocating for patients and caregivers for patients
24 with Alzheimer's or related disorders, the law enforcement community,
25 patients with Alzheimer's or related disorders, caregivers for patients
26 with Alzheimer's or related disorders, client advocacy organizations,
27 health care provider advocacy organizations, private health care
28 providers, and community-based health professionals.

29 (2) The task force shall:

30 (a) Assess the current and future impact of Alzheimer's and related
31 disorders on residents of the state;

1 (b) Determine the existing services and resources in the state that
2 address the needs of individuals with Alzheimer's and related disorders
3 and their families and caregivers; and

4 (c) Develop recommendations to respond to escalating needs for the
5 services and resources described in subdivision (b) of this subsection.

6 (3) In fulfilling the duties described in subsection (1) of this
7 section, the task force shall examine:

8 (a) Trends and needs in the state relating to populations with
9 Alzheimer's or related disorders, including (i) the state's role in the
10 provision of long-term care, (ii) family caregiver support, (iii) the
11 provision of early-stage diagnoses, assistance, support, and medical
12 services, (iv) younger onset of Alzheimer's or related disorders, (v)
13 ethnic populations at higher risk, and (vi) risk reduction;

14 (b) Existing services, resources, and capacity available to
15 individuals with Alzheimer's or related disorders, including:

16 (i) The type, cost, availability, and adequacy of services,
17 including, (A) home and community-based resources, (B) respite care, (C)
18 residential long-term care, and (D) geriatric-psychiatric units for
19 individuals with associated behavioral disorders;

20 (ii) Dementia-specific training requirements for individuals who are
21 employed to provide care to individuals with Alzheimer's or related
22 disorders;

23 (iii) Quality of care measures for services delivered across the
24 continuum of care;

25 (iv) The capacity of public safety and law enforcement to respond to
26 individuals with Alzheimer's or related disorders; and

27 (v) State support to institutions of higher learning for research on
28 Alzheimer's or related disorders;

29 (c) The need for state policy or action in order to provide clear,
30 coordinated services and support to individuals with Alzheimer's or
31 related disorders and their families and caregivers; and

1 (d) Strategies to identify gaps in services.

2 Sec. 14. Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of this act become
3 operative three calendar months after the adjournment of this legislative
4 session. The other sections of this act become operative on their
5 effective date.

6 Sec. 15. Original sections 68-1107, 68-1108, and 68-1109, Revised
7 Statutes Cumulative Supplement, 2014, are repealed.

8 Sec. 16. Since an emergency exists, this act takes effect when
9 passed and approved according to law.