

LEGISLATIVE BILL 818

Approved by the Governor April 12, 1993

Introduced by Health and Human Services Committee:

Wesely, 26, Chairperson; Byars, 30; Day, 19;
Dierks, 40; Horgan, 4; Vrtiska, 1

AN ACT relating to Nebraska Community Aging Services Act; to amend sections 81-2213 and 81-2224, Revised Statutes Supplement, 1992; to change provisions relating to submission of plans and budgets; to provide an additional source for state reimbursement of area agency on aging costs; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 81-2213, Revised Statutes Supplement, 1992, be amended to read as follows:

81-2213. There is hereby created the Department on Aging which shall have the following powers and duties:

(1) To develop, approve, and submit to the Governor a two-year, three-year, or four-year state plan on aging, as determined by the department, for purposes of administering grant funds allocated to the state under the Older Americans Act, as now or hereafter amended, or administering state funds allocated to the Nebraska Community Aging Services Act;

(2) To cooperate with similar departments, commissions, or councils in the federal government and in other states;

(3) To adopt and promulgate rules, regulations, and bylaws governing its procedure and activities and as necessary to carry out the policies of the department and the policies prescribed by the Administration on Aging pursuant to the Older Americans Act, as now or hereafter amended;

(4) To create committees to aid in the discharge of its powers and duties;

(5) To cooperate with and assist other state and local governmental agencies and officials on matters relating to services for older individuals;

(6) To divide the state into planning-and-service areas as provided in section 71-5002 for mental health regions, except that Regions III and V may each be divided into two planning-and-service areas with boundaries as established by the department for planning-and-service areas in existence in those regions on July 1, 1982;

(7) To establish minimum standards for program operations and to adopt and promulgate rules and regulations for the performance of area agencies on aging and for any services provided by such area agencies on aging which are funded in whole or in part under

the Nebraska Community Aging Services Act or the Older Americans Act, as now or hereafter amended;

(8) To require the submission of a one-year and a five-year area plan and budget by each area agency on aging or agency seeking designation as an area agency on aging. Such plans and budgets shall be submitted ~~by July 1~~ sixty days prior to the start of each fiscal year in accordance with the uniform area plan format and other instructions issued by the department;

(9) To review and approve a one-year and a five-year area plan and budget for the support of each area agency on aging and the provision of eligible activities and services as defined in section 81-2222;

(10) To adopt and submit to the Legislature a community aging services budget;

(11) To review the performance of each area agency on aging and, based on the department-approved area plan and budget, to determine the continued designation or the withdrawal of the designation of an area agency on aging receiving or requesting resources through the state or under the Nebraska Community Aging Services Act or the Older Americans Act, as now or hereafter amended. After consultation with the director of the area agency on aging and the governing unit of the area agency on aging, the department may withdraw a designation when it can be shown that federal or state laws, rules, or regulations have not been complied with, state or federal funds are not being expended for the purposes for which they were intended, or older individuals are not receiving appropriate services within available resources. Withdrawal of a designation may be appealed to the director. Upon withdrawal of a designation, the department may temporarily perform all or part of the functions and responsibilities of the area agency on aging, may designate another agency to perform such functions and responsibilities identified by the department until the designation of a new area agency on aging, and, when deemed necessary, may temporarily deliver services to assure continuity;

(12) To conduct continuing studies and analyses of the problems faced by older individuals within the state and develop such recommendations for administrative or legislative action as appear necessary;

(13) To develop grants and plans, enter into contracts, accept gifts, grants, and federal funds, and do all things necessary and proper to discharge these powers and duties;

(14) To accept and administer any other programs or resources delegated, designated, assigned, or awarded to the department from public or private sources;

(15) To report and make recommendations to the Governor and the Legislature on the activities of the department and the committee and improvements or additional resources needed to promote the general welfare of older individuals in Nebraska. Each member of the Legislature shall receive a copy of the report; ~~and~~ ~~By October 1, 1991,~~ ~~the department shall submit to the Legislature a report outlining the~~

~~current status of priority and funding within the area agencies on aging with regard to older individuals with the greatest economic need and the greatest social need; and~~

(16) Such other powers and duties necessary to effectively implement the Nebraska Community Aging Services Act.

Sec. 2. That section 81-2224, Revised Statutes Supplement, 1992, be amended to read as follows:

81-2224. The department shall reimburse each designated area agency on aging for seventy-five percent of the actual cost of providing eligible activities and services as defined in section 81-2222. Such reimbursement shall be made from (1) state funds appropriated by the Legislature, ~~and~~ (2) federal funds allocated to the department, including federal funds allocated under the Older Americans Act, as now or hereafter amended, and (3) other funds as available. The payments shall be made by the department on or before the twentieth day of each month. If state funds appropriated, ~~or~~ federal funds allocated, or other funds available are insufficient to finance the department-approved plan and budget for each designated area agency on aging, the reimbursement to each area agency on aging shall be proportionately reduced. If an area agency on aging chooses to exceed the budget approved by the department, costs in excess of the approved budget shall not be reimbursed by the department.

Sec. 3. That original sections 81-2213 and 81-2224, Revised Statutes Supplement, 1992, are repealed.