

LEGISLATIVE BILL 852

Approved by the Governor June 9, 1997

Introduced by Crosby, 29; Dierks, 40; Lynch, 13; Tyson, 19; Vrtiska, 1; Engel, 17; Maurstad, 30; Robak, 22; Warner, 25; Wehrbein, 2; Jensen, 20

AN ACT relating to the Developmental Disabilities Services Act; to amend sections 83-1201 and 83-1217, Reissue Revised Statutes of Nebraska; to require criminal history record information checks as prescribed; and to repeal the original sections.

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

Section 1. Section 83-1201, Reissue Revised Statutes of Nebraska, is amended to read:

83-1201. Sections 83-1201 to 83-1226 and sections 3 and 4 of this act shall be known and may be cited as the Developmental Disabilities Services Act.

Sec. 2. Section 83-1217, Reissue Revised Statutes of Nebraska, is amended to read:

83-1217. After July 1, 1992, the department shall contract for specialized services and shall only contract with specialized programs which meet certification and accreditation requirements. In order to be certified, each program shall:

(1) Have an internal quality assurance process;

(2) Have a program evaluation component;

(3) Have a complaint mechanism for persons with developmental disabilities and their families;

(4) Have a process to ensure direct and open communication with the department;

(5) Develop, implement, and regularly evaluate a plan to ensure retention of quality employees and prevent staff turnover;

(6) Have measures to enhance staff training and development;

(7) By July 1, 1992, be governed by a local governing board or have an advisory committee, the membership of which consists of (a) county commissioners or other locally elected officials, (b) persons with developmental disabilities or members of their families, and (c) persons who are not elected officials, persons with developmental disabilities, or family members of persons with developmental disabilities. At least one-third of the membership shall be persons with developmental disabilities or members of their families. No more than one-third of the membership shall be elected officials, and no more than one-third of the membership shall be persons who are not elected officials, persons with developmental disabilities, or family members of persons with developmental disabilities;

(8) Meet accreditation standards developed by the department;

(9) Require a criminal history record information check of all employees hired on or after the effective date of this act who work directly with clients receiving services and who are not licensed or certified as members of their profession; and

~~(9)~~ (10) Meet any other certification requirements developed by the department to further the purposes of the Developmental Disabilities Services Act.

Sec. 3. Employees of state-operated services and facilities providing developmental disabilities services shall be subject to the criminal history record information check requirements of subdivision (9) of section 83-1217 and section 4 of this act.

Sec. 4. Each employee subject to the criminal history record information check requirements of subdivision (9) of section 83-1217 and section 3 of this act shall file a complete set of his or her legible fingerprints with the Nebraska State Patrol which shall then undertake a search for criminal history record information, including transmittal of the applicant's fingerprints to the Identification Division of the Federal Bureau of Investigation for a national criminal history record information check. The criminal history record information check shall include information concerning the employee from federal repositories of such information and repositories of such information in other states if authorized by federal law. The Nebraska State Patrol shall issue a report to the employee and to the employer listed by the employee. The report shall include the criminal history record information concerning the employee.

Criminal history record information subject to federal

confidentiality requirements shall remain confidential and may be released only upon the written authorization by the employee.

The department, in cooperation with the Nebraska State Patrol, shall adopt and promulgate rules and regulations to carry out this section.

Sec. 5. Original sections 83-1201 and 83-1217, Reissue Revised Statutes of Nebraska, are repealed.