

LEGISLATIVE BILL 801

Approved by the Governor June 9, 1993

Introduced by Wesely, 26; Baack, 47; Dierks, 40; Haberman, 44;
Hall, 7; Moore, 24; Rasmussen, 20; Warner, 25;
Wehrbein, 2; Will, 8; Bernard-Stevens, 42

AN ACT relating to nursing facilities; to state intent; to provide for a pilot project and a statewide project for preadmission screening; to provide powers and duties for the Department of Social Services, the Department on Aging, and the Department of Public Institutions; to provide for the purchase of services identified by care plans; and to provide operative dates.

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

Section 1. It is the intent of the Legislature that the Department of Social Services shall amend its current medicaid waiver to provide any federal funding which may be available for the purpose of a pilot project for preadmission screening and that the Department of Social Services shall contract with the Department on Aging to develop and implement such a pilot preadmission screening project.

Sec. 2. The Department on Aging, through its care management units, shall coordinate with the Department of Social Services and any other appropriate state agencies to establish a pilot project to prevent premature institutionalization of nursing facility medicaid-eligible applicants sixty-five years of age and older through preadmission screening. The Department on Aging shall examine the preadmission screening process utilized by the Department of Public Institutions and shall utilize such process as is appropriate. The agencies shall determine an urban and a rural area for demonstration of the project. The pilot project shall be targeted toward areas of Nebraska with high nursing facility utilization. The Department of Social Services shall use the preadmission screening services of the pilot project in the demonstration areas.

This section shall terminate on June 30, 1995.

Sec. 3. The Department on Aging shall evaluate the pilot project for the effectiveness of using medicaid funds, any savings of those funds realized which can be used to serve the ever-growing number of frail and vulnerable older individuals in Nebraska, and the effectiveness of preadmission screening and care management to divert individuals from nursing facility admission who do not need that level of care.

Sec. 4. Services identified by care plans for those eligible for medical assistance whose care needs are appropriate for nursing facilities but whose needs can be met outside a nursing facility may be purchased with medicaid waiver funds available through the home and community-based waiver for the aged and disabled administered by the

Department of Social Services.

Sec. 5. The Department on Aging, through its care management units, shall coordinate with the Department of Social Services, the Department of Public Institutions, and other appropriate state agencies to establish a statewide project to prevent premature institutionalization of nursing facility applicants sixty-five years of age and older through preadmission screening. Such screenings shall be required for all applicants who will be eligible for medicaid within one year of application. In any case in which a determination has not been made within forty-eight hours, the nursing facility applicant shall be deemed appropriate for nursing home admission, notwithstanding that a preadmission screening has not been done. The Department of Social Services shall use the preadmission screening services of the project.

Sec. 6. Services identified by care plans for those not eligible for services provided through the home and community-based waiver for the aged and disabled may be purchased with funds appropriated through sections 1 to 7 of this act, based on a sliding-fee scale. The Department on Aging shall adopt and promulgate rules and regulations to establish procedures and standards to implement this section of the pilot project for preadmission screening.

Sec. 7. The Department of Social Services, in consultation and coordination with the Department on Aging, shall adopt and promulgate rules and regulations to establish procedures and standards for the Department of Public Institutions, Department of Social Services, and Department on Aging to implement the intent of sections 1 to 7 of this act.

Sec. 8. Section 5 of this act shall become operative July 1, 1995. The other sections of this act shall become operative on their effective date.