

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 148
FINAL READING
(SECOND)

Introduced by Byars, 30; Thompson, 14; Schimek, 27

Read first time January 7, 1999

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health care; to state findings; to establish
2 the Nebraska Lifespan Respite Services Program; and to
3 provide for community lifespan respite services programs.
4 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Legislature finds that:

2 (1) Supporting the efforts of families and caregivers to
3 care for individuals at home is efficient, cost-effective, and
4 humane. Families receiving occasional respite services are less
5 likely to request admission of an individual to a nursing home,
6 foster care, or other out-of-home care at public expense;

7 (2) Respite services reduce family and caregiver stress,
8 enhance family and caregiver coping ability, and strengthen family
9 and caregiver ability to meet the challenging demands of caring for
10 family members;

11 (3) Respite services reduce the risk of abuse and neglect
12 of children, senior citizens, and other vulnerable groups; and

13 (4) Coordinated, noncategorical respite services must be
14 available locally to provide reliable respite services when needed
15 by families and caregivers regardless of where they live in
16 Nebraska.

17 Sec. 2. For purposes of sections 1 to 9 of this act:

18 (1) Caregiver means an individual providing ongoing care
19 for an individual unable to care for himself or herself;

20 (2) Community lifespan respite services program means a
21 noncategorical respite services program that:

22 (a) Is operated by a community-based private nonprofit or
23 for-profit agency or a public agency that provides respite
24 services;

25 (b) Receives funding through the Nebraska Lifespan
26 Respite Services Program established under section 3 of this act;

27 (c) Serves an area in one or more of the six regional
28 services areas of the department;

1 (d) Acts as a single local source for respite services
2 information and referral; and

3 (e) Facilitates access to local respite services;

4 (3) Department means the Department of Health and Human
5 Services;

6 (4) Noncategorical care means care without regard to the
7 age, type of special needs, or other status of the individual
8 receiving care;

9 (5) Provider means an individual or agency selected by a
10 family or caregiver to provide respite services to an individual
11 with special needs;

12 (6) Respite care means the provision of short-term relief
13 to primary caregivers from the demands of ongoing care for an
14 individual with special needs; and

15 (7) Respite services includes:

16 (a) Recruiting and screening of paid and unpaid respite
17 care providers;

18 (b) Identifying local training resources and organizing
19 training opportunities for respite care providers;

20 (c) Matching of families and caregivers with providers
21 and other types of respite care;

22 (d) Linking families and caregivers with payment
23 resources;

24 (e) Identifying, coordinating, and developing community
25 resources for respite services;

26 (f) Quality assurance and evaluation; and

27 (g) Assisting families and caregivers to identify respite
28 care needs and resources.

1 Sec. 3. The Director of Health and Human Services shall
2 establish the Nebraska Lifespan Respite Services Program to develop
3 and encourage statewide coordination of respite services and to
4 work with community-based private nonprofit or for-profit agencies,
5 public agencies, and interested citizen groups in the establishment
6 of community lifespan respite services programs. The Nebraska
7 Lifespan Respite Services Program shall:

8 (1) Provide policy and program development support,
9 including, but not limited to, data collection and outcome
10 measures;

11 (2) Identify and promote resolution of local and
12 state-level policy concerns;

13 (3) Provide technical assistance to community lifespan
14 respite services programs;

15 (4) Develop and distribute respite services information;

16 (5) Promote the exchange of information and coordination
17 among state and local governments, community lifespan respite
18 services programs, agencies serving individuals unable to care for
19 themselves, families, and respite care advocates to encourage
20 efficient provision of respite services and reduce duplication of
21 effort;

22 (6) Ensure statewide access to community lifespan respite
23 services programs; and

24 (7) Monitor and evaluate implementation of community
25 lifespan respite services programs.

26 Sec. 4. (1) The department, through the Nebraska
27 Lifespan Respite Services Program, shall coordinate the
28 establishment of community lifespan respite services programs. The

1 program shall accept proposals submitted in the form and manner
2 required by the program from community-based private nonprofit or
3 for-profit agencies or public agencies that provide respite
4 services to operate community lifespan respite services programs.
5 According to criteria established by the department, the Nebraska
6 Lifespan Respite Services Program shall designate and fund agencies
7 described in this section to operate community lifespan respite
8 services programs.

9 (2) The Director of Health and Human Services shall
10 create the position of program specialist for the Nebraska Lifespan
11 Respite Services Program to administer the program.

12 Sec. 5. Each community lifespan respite services program
13 established pursuant to section 4 of this act shall:

14 (1) Involve key local individuals and agencies in the
15 community lifespan respite services program planning process; and

16 (2) Create an advisory committee to advise the community
17 lifespan respite services program on how the program may best serve
18 the needs of families and caregivers of individuals unable to care
19 for themselves. Other members shall include respite services
20 providers, representatives of local service agencies, consumers,
21 and other community representatives. Committee membership shall
22 represent senior citizens, individuals with special needs, and
23 families at risk of abuse and neglect.

24 Sec. 6. Respite services made available through the
25 Nebraska Lifespan Respite Services Program shall:

26 (1) Include a flexible array of respite care options
27 responsive to family and caregiver needs and available before
28 families and caregivers are in a crisis;

1 (2) Be sensitive to the unique needs, strengths, and
2 cultural values of an individual, family, or caregiver;

3 (3) Offer the most efficient access to an array of
4 coordinated respite services that are built on existing community
5 support and services;

6 (4) Be driven by community strengths, needs, and
7 resources; and

8 (5) Use a variety of funds and resources, including, but
9 not limited to:

10 (a) Family or caregiver funds;

11 (b) Private and volunteer resources;

12 (c) Public funds; and

13 (d) Exchange of care among families or caregivers.

14 Sec. 7. The department shall adopt and promulgate rules
15 and regulations for the operation and administration of the
16 Nebraska Lifespan Respite Services Program, including, but not
17 limited to:

18 (1) Criteria, procedures, and timelines for designation
19 of the community-based private nonprofit or for-profit agencies or
20 public agencies that will receive funding to provide respite
21 services under community lifespan respite services programs; and

22 (2) A requirement that each community lifespan respite
23 services program publicize the telephone number and address where
24 families and caregivers may contact the program.

25 Sec. 8. The department shall establish at least six
26 community lifespan respite services programs in Nebraska on or
27 before July 1, 2000.

28 Sec. 9. The Nebraska Lifespan Respite Services Program

1 may use the funds appropriated to the program for the following
2 purposes:

3 (1) The purposes established in sections 3 and 4 of this
4 act;

5 (2) Costs related to developing provider recruitment and
6 training, information and referral, outreach, and other components
7 of the provision of respite services;

8 (3) One-time-only startup costs related to the
9 establishment of the community lifespan respite services program;
10 and

11 (4) Minimum administrative costs for operating the
12 Nebraska Lifespan Respite Services Program.