

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 856

Introduced by Day, 49.

Read first time January 06, 2022

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Aging and Disability Resource Center
- 2 Act; to amend sections 68-1114, 68-1117, and 68-1119, Reissue
- 3 Revised Statutes of Nebraska; to define a term; to change provisions
- 4 relating to reimbursement for services; to harmonize provisions; and
- 5 to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-1114, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 68-1114 For purposes of the Aging and Disability Resource Center
4 Act:

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

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

11 (3) Center for independent living has the definition found in 29
12 U.S.C. 796a, as such section existed on January 1, 2018;

13 (4) Department means the State Unit on Aging of the Division of
14 Medicaid and Long-Term Care of the Department of Health and Human
15 Services or any successor agency designated by the state to fulfill the
16 responsibilities of section 305(a)(1) of the federal Older Americans Act
17 of 1965, 42 U.S.C. 3025(a)(1), as such section existed on January 1,
18 2018;

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

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

30 (7) Partnering organization means an organization specializing in
31 servicing aging persons or persons with disabilities that has agreed to

1 provide the services described in the Aging and Disability Resource
2 Center Act;

3 (8) ~~(7)~~ Representative means a person designated as a legal
4 guardian, designated by a power of attorney or a health care power of
5 attorney, or chosen by law, by a court, or by an eligible individual
6 seeking services, but use of the term representative shall not be
7 construed to disqualify an individual who retains all legal and personal
8 autonomy;

9 (9) ~~(8)~~ Uniform assessment means a single standardized tool used to
10 assess a defined population at a specific time; and

11 (10) ~~(9)~~ University Center for Excellence in Developmental
12 Disability Education, Research and Service means the federally designated
13 University Center for Excellence in Developmental Disability Education,
14 Research and Service of the Munroe-Meyer Institute at the University of
15 Nebraska Medical Center.

16 Sec. 2. Section 68-1117, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 68-1117 (1) An ~~If the department awards funding for aging and~~
19 ~~disability resource centers pursuant to section 68-1115, an area agency~~
20 ~~on aging or partnering organization receiving such funding pursuant to~~
21 section 68-1115, may work in ~~shall establish a~~ partnership with one or
22 more partnering lead ~~lead~~ organizations that specialize in serving persons
23 with congenital and acquired disabilities to provide services as
24 described in subsection (2) of section 68-1116, including, but not
25 limited to, centers for independent living and the University Center for
26 Excellence in Developmental Disability Education, Research and Service,
27 for the purpose of developing an aging and disability resource center
28 plan. After consultation with a collaboration of organizations providing
29 advocacy, protection, and safety for aging persons and persons with
30 congenital and acquired disabilities, the partnership may submit to the
31 department an aging and disability resource center plan. The plan shall

1 specify how organizations currently serving eligible individuals will be
2 engaged in the process of delivery of services through the aging and
3 disability resource center. The plan shall indicate how resources will be
4 utilized by the collaborating organizations to fulfill the
5 responsibilities of an aging and disability resource center.

6 (2) Two or more area agencies on aging or partnering organizations
7 may develop a joint aging and disability resource center plan to serve
8 all or a portion of their planning-and-service areas. A joint plan shall
9 provide information on how the services described in section 68-1116 will
10 be provided in the counties to be served by the aging and disability
11 resource center.

12 (3) A partnering organization may: (a) Contract with an area agency
13 on aging for the purpose of providing services pursuant to this section;
14 or (b) contract with the department for the purpose of providing services
15 pursuant to this section.

16 Sec. 3. Section 68-1119, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 68-1119 The department shall reimburse each area agency on aging
19 operating an aging and disability resource center on a schedule agreed to
20 by the department and the area agency on aging. If a partnering
21 organization has contracted with the department for the purpose of
22 providing services described in the Aging and Disability Resource Center
23 Act, the department shall reimburse the partnering organization on a
24 schedule agreed to by the department and the partnering organization.

25 Such reimbursement shall be made from (1) state funds appropriated by the
26 Legislature, (2) federal funds allocated to the department for the
27 purpose of establishing and operating aging and disability resource
28 centers, and (3) other funds as available.

29 Sec. 4. Original sections 68-1114, 68-1117, and 68-1119, Reissue
30 Revised Statutes of Nebraska, are repealed.