

AMENDMENTS TO LB902

Introduced by DeBoer, 10.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 71-5905, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           71-5905 (1) An assisted-living facility shall determine if an  
6 applicant for admission to the assisted-living facility is admitted or if  
7 a resident of the assisted-living facility is retained based on the care  
8 needs of the applicant or resident, the ability to meet those care needs  
9 within the assisted-living facility, and the degree to which the  
10 admission or retention of the applicant or resident poses a danger to the  
11 applicant or resident or others.

12           (2) Any complex nursing intervention or noncomplex intervention  
13 provided by an employee of the assisted-living facility shall be  
14 performed in accordance with applicable state law.

15           (3) Each assisted-living facility shall provide written information  
16 about the practices of the assisted-living facility to each applicant for  
17 admission to the facility or his or her authorized representative. The  
18 information shall include:

19           (a) A description of the services provided by the assisted-living  
20 facility and the staff available to provide the services;

21           (b) The charges for services provided by the assisted-living  
22 facility;

23           (c) Whether or not the assisted-living facility accepts residents  
24 who are eligible for the medical assistance program under the Medical  
25 Assistance Act and, if applicable, the policies or limitations on access  
26 to services provided by the assisted-living facility for residents who  
27 seek care paid by the medical assistance program;

1 (d) The criteria for admission to and continued residence in the  
2 assisted-living facility and the process for addressing issues that may  
3 prevent admission to or continued residence in the assisted-living  
4 facility;

5 (e) The process for developing and updating the resident services  
6 agreement;

7 (f) For facilities that have special care units for dementia, the  
8 additional services provided to meet the special needs of persons with  
9 dementia; and

10 (g) Whether or not the assisted-living facility provides part-time  
11 or intermittent complex nursing interventions.

12 (4) Each assisted-living facility shall enter into a resident  
13 services agreement in consultation with each resident.

14 (5)(a) A facility shall not request or require a third-party  
15 guarantee of payment as a condition of admission, expedited admission, or  
16 continued stay in the facility.

17 (b) A facility may request and require a resident representative who  
18 has legal access to a resident's income or resources to sign a contract,  
19 without incurring personal financial liability, to provide payment to the  
20 facility from such resident's income or resources. For purposes of this  
21 subsection, resident representative has the same meaning as defined in 42  
22 C.F.R. 483.5, as such regulation existed on January 31, 2024.

23 (c) If a person other than the resident informs the assisted-living  
24 facility that such person wants to guarantee payment of a resident's  
25 expenses, the person shall execute a separate written agreement. No  
26 provision in the separate written agreement shall conflict with this  
27 subsection. The separate written agreement shall be provided to the  
28 guarantor of payment and shall contain the following statements:

29 (i) "Do not sign this agreement unless you voluntarily agree to be  
30 financially liable for paying the patient's expenses.";

31 (ii) "You may change your mind within forty-eight hours after

1 signing this agreement by notifying the facility that you want to revoke  
2 this agreement."; and

3 (iii) "You may call the state long-term care ombudsman for an  
4 explanation of your rights.".

5 (d) Nothing in this subsection shall permit an individual with legal  
6 access to a resident's income or resources to avoid liability for  
7 violation of such individual's fiduciary duty.

8 Sec. 2. Original section 71-5905, Reissue Revised Statutes of  
9 Nebraska, is repealed.