

LEGISLATIVE BILL 42

Approved by the Governor May 29, 1987

Introduced by Smith, 33

AN ACT relating to care management services; to state intent; to require the establishment of care management units by area agencies on aging; to provide powers and duties; and to create a fund.

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

Section 1. It is the intent of the Legislature that:

(1) The state establish a statewide system of care management units through the area agencies on aging to aid in the coordination of the delivery of a continuum of services targeted primarily to the state's older population;

(2) The continuum of services include the proper utilization of all available care resources, including community-based services and institutionalization, to ensure that persons are receiving, when reasonably possible, the level of care that best matches their level of need;

(3) The Department of Social Services apply for and implement a Title XIX Medicaid waiver as a way to provide care management services to Medicaid clients and to control the rising costs of Medicaid; and

(4) The Department on Aging develop a uniform method for data collection by care management units.

Sec. 2. The purpose of sections 1 to 8 of this act shall be to provide for care management units which include ongoing consultation, assessment, care plan development, referral, and review for individuals, primarily older Nebraskans, in need of long-term care. With the individual's approval, the care management unit shall help coordinate the developed plan of care using the most appropriate available public and private resources to meet the individual's long-term care needs.

Sec. 3. The care management units shall be certified by the Department on Aging which shall adopt and promulgate rules and regulations within two hundred forty days of the effective date of this act providing standards for certification. Such standards shall be developed in consultation with appropriate state agencies and professional organizations and shall

provide that:

(1) The care management units shall be subject to periodic review by the department;

(2) The care management units shall provide an assessment of an individual's entire range of needs, including, but not limited to, functional, psychosocial, and environmental needs;

(3) The care management units shall develop a long-term care plan for each client in consultation with the individual and if possible his or her family utilizing and coordinating available and appropriate public and private resources;

(4) The care management units shall periodically monitor the delivery of services to each client and review the individual's plan to determine if the plan remains appropriate;

(5) The care management units shall be operated separately from any direct care programs provided by the area agencies on aging; and

(6) A standardized long-term care assessment document shall be developed that incorporates, when reasonably possible, (a) assessment procedures currently used by area agencies on aging and (b) assessment criteria designed to reduce duplication of effort with related long-term care services, both public and private, including assessment material necessary to determine service eligibility by the Department of Social Services.

Sec. 4. Within sixty days of the adoption and promulgation of the standards for certification by the Department on Aging, each area agency on aging shall submit to the department for approval a plan of operation to either provide and supervise or subcontract for at least one certified care management unit to provide all eligible individuals residing in its planning and service area with long-term care management services. Within thirty days of receipt of a plan for approval, the department shall notify the area agency on aging of its acceptance or denial of the plan. If the plan is denied, the department shall give the reasons for denial and the area agency on aging shall submit a revised plan. If the area agency on aging does not submit a revised plan within thirty days of the denial, the Department on Aging may contract with another public or private entity to serve that planning and service area.

Sec. 5. The Department on Aging shall submit an annual report on care management units to the Governor and the Legislature.

Sec. 6. (1) Individuals who have family income below three hundred per cent of a poverty level determined by the Department on Aging based on any federal poverty index or similar guidelines shall pay from zero to ninety per cent of the fee for the services provided by a care management unit. The fee scale shall be adopted and promulgated as rules and regulations by the department and shall reflect the income range of individuals.

(2) A care management unit may receive reimbursement from state and federal government programs which allow for reimbursement for care management or case management services.

(3) Individuals not covered by subsection (1) or (2) of this section shall pay the full fee for services provided by a care management unit.

Sec. 7. (1) Each care management unit may be reimbursed by the Department on Aging for costs not paid for by the individual or through other reimbursement specified in section 6 of this act. Reimbursement by the department shall be based on actual casework time units expended on all care management services provided and shall include expenses for personnel, administration and planning, client eligibility review, contractual services, and necessary support services and other necessary actual and indirect costs. Standardized rates of reimbursement shall be adopted and promulgated by the department and shall be adjusted at least every three years.

(2) Appropriations for reimbursement by the department for services provided under sections 1 to 8 of this act and for the costs of the department to administer the program shall be appropriated separately from funds appropriated under the Nebraska Community Aging Services Act.

(3) Funds appropriated under this section shall not be used to replace funds appropriated under the Nebraska Community Aging Services Act and granted to the area agencies on aging prior to the effective date of this act and used to provide case management or care management services in their planning and service area, except that such funds may be replaced by non-Nebraska Community Aging Services funds that are obtained subsequent to the effective date of this act as allowed under rules and regulations adopted and promulgated by the Department on Aging.

Sec. 8. (1) There is hereby created the Care Management Services Cash Fund to be administered by the Department on Aging and to which the State Treasurer

shall credit such money as shall (a) be paid as fees, deposits, payments, and repayments relating to the fund, both principal and interest, and (b) be donated as gifts, bequests, grants, or other contributions to such fund from public or private entities. Funds made available by any department or agency of the United States may also be credited to such fund if so directed by such department.

(2) Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.