

LEGISLATIVE BILL 2

Approved by the Governor March 9, 2005

Introduced by Executive Board: Engel, 17, Chairperson

FOR AN ACT relating to health care facilities; to amend section 71-428, Revised Statutes Supplement, 2004; to correct an internal reference that includes outright repealed sections; and to repeal the original section.

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

Section 1. Section 71-428, Revised Statutes Supplement, 2004, is amended to read:

71-428. (1) Respite care service means a person or any legal entity that provides short-term temporary care on an intermittent basis to persons with special needs when the person's primary caregiver is unavailable to provide such care.

(2) Respite care service does not include:

(a) A person or any legal entity which is licensed under the Health Care Facility Licensure Act and which provides respite care services at the licensed location;

(b) A person or legal entity which is licensed to provide child care to thirteen or more children under the Child Care Licensing Act or which is licensed as a group home or child-caring agency under sections 71-1901 to ~~71-1906.03~~ 71-1906.01;

(c) An agency that recruits, screens, or trains a person to provide respite care;

(d) An agency that matches a respite care service or other providers of respite care with a person with special needs, or refers a respite care service or other providers of respite care to a person with special needs, unless the agency receives compensation for such matching or referral from the service or provider or from or on behalf of the person with special needs;

(e) A person who provides respite care to fewer than eight unrelated persons in any seven-day period in his or her home or in the home of the recipient of the respite care; or

(f) A nonprofit agency that provides group respite care for no more than eight hours in any seven-day period.

Sec. 2. Original section 71-428, Revised Statutes Supplement, 2004, is repealed.