

PREPARED BY: Liz Hruska
 DATE PREPARED: February 14, 2022
 PHONE: 402-471-0053

LB 1136

Revision: 00

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2022-23		FY 2023-24	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$18,982		\$22,779	
CASH FUNDS	\$37,965		\$45,558	
FEDERAL FUNDS	\$132,877		\$159,454	
OTHER FUNDS				
TOTAL FUNDS	\$189,824		\$227,791	

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

This bill prohibits discrimination against an individual or resident of an assisted-living facility, a nursing facility or a long-term care hospital. The actions that constitute discrimination are specified in the bill. The Department of Health and Human Services through licensing and certification would enforce provisions of this bill.

Approximately 500 facilities would be required to comply with the anti-discrimination provisions in this bill. The workload of surveyors would require additional monitoring during regular inspections and additional investigations in response to complaints, but the extent of the workload increase is unknown. The department indicates two surveyors would be required. Due to the number of impacted facilities, this estimate appears to be reasonable. The cost would be \$189,824 (\$18,982 GF, \$37,965 CF and \$132,877 FF) in FY 2023 and \$227,791 (\$22,779 GF, \$45,558 CF and \$159,454 FF) in FY 2024 based on the current fund mix for licensure and certification regulation and inspection.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 1136	AM:	AGENCY/POLT. SUB: Nebraska Department of Health and Human Services	
REVIEWED BY: Ann Linneman	DATE: 2-9-2022	PHONE: (402) 471-4180	
COMMENTS: No basis to disagree with the Nebraska Department of Health and Human Services' analysis and estimate of fiscal impact.			

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

Prepared by: (3) John Meals

Date Prepared 2-9-2022

Phone: (5) 471-6719

	<u>FY 2022-2023</u>		<u>FY 2023-2024</u>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$18,982	\$0	\$22,779	\$0
CASH FUNDS	\$37,965	\$0	\$45,558	\$0
FEDERAL FUNDS	\$132,877	\$0	\$159,454	\$0
OTHER FUNDS				
TOTAL FUNDS	\$189,824	\$0	\$227,791	\$0

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

LB1136 creates the Senior Care LGBTQ Discrimination Prevention Act with enforcement under the Health Care Facility Licensure Act.

LB1136 will require additional duties to be performed by the Department of Health and Human Services (DHHS) in order to evaluate compliance from the applicable facilities. Currently, there are 494 licensed facilities that would be required to abide by the act. These facilities are inspected and licensed on an annual basis. The additional work would include, but not limited to the following:

1. Minor changes to the existing rules and regulations for each of the 4 licensed facilities types that provide care for seniors
2. Changes to the facility inspection process;
 - a. Add a more in-depth review of admission records to monitor for potential discrimination
 - b. Review room assignments made for semi-private rooms
 - c. Interview residents to verify compliance
 - d. Observations of staff communicating with patients
 - e. Documenting violations
3. Administrative and travel needed to receive and investigate complaints reported under the act

It is estimated an additional 2 FTE Nursing Services Surveyor Consultants would be required to accomplish the work associated with LB1136 on an annual basis beginning September 1, 2022.

The estimated cost of the work would be funded through Program 033 – Administration, Program 262 – Public Health Administration. The source of funding for the cash fund is from facility licensure fees that are set by Nebraska § 71-434. The fund source mix represents an established cost share with the Centers for Medicare and Medicaid Services (CMS) related to the survey and certification of healthcare facilities.

MAJOR OBJECTS OF EXPENDITURE

PERSONAL SERVICES:	NUMBER OF POSITIONS		2022-2023	2023-2024
	22-23	23-24	EXPENDITURES	EXPENDITURES
POSITION TITLE				
X62580 Nursing Services Surveyor Consultant	1.67	2.0	\$109,796	\$131,756
Benefits.....			\$37,583	\$45,100
Operating.....			\$42,445	\$50,935

