

ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019
COMMITTEE STATEMENT
LB570

Hearing Date: Thursday February 28, 2019
Committee On: Health and Human Services
Introducer: Walz
One Liner: Change provisions relating to an advisory committee and a strategic plan for services for persons with disabilities

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:

Senator Lynne Walz
Brian Halstead
Dianne DeLair
Erin Phillips
Deanna Henke
Kristen Larsen
Edison McDonald
Mark Bulger

Representing:

Introducer
Nebraska Department of Education
Disability Rights Nebraska
People First of Nebraska
Self
Nebraska Council on Developmental Disabilities
The Arc of Nebraska
Self

Opponents:

Representing:

Neutral:

Bo Botelho

Representing:

Department of Health and Human Services

Summary of purpose and/or changes:

LB 570 amends Neb. Rev. Stat. 81-6,122 regarding the creation of a plan by the Department of Health and Human Services (DHHS) to provide services to qualified persons with disabilities in the most integrated community-based settings. This is often referred to as a state's "Olmstead Plan."

Section 2 of LB 570 inserts language requiring DHHS to collaborate with the Governor's Policy Research Office, the Departments of Correctional Services, Economic Development, Labor, Transportation, Education, and the office of the state long-term care ombudsman to develop a comprehensive strategic Olmstead Plan. (Sec. 2, page 3, lines 2-7.) LB 570 also amends the language to require that "decisionmaking representatives," rather than "persons," from these other departments be a part of the team convened by DHHS. (Sec. 2, page 3, lines 11-16.) This language replaces 81-6,122(2)(b), now stricken in LB 570, which required DHHS to consult with other state agencies. (Sec. 2, page 3, lines 16-17.)

LB 570 also instructs DHHS to hire an independent consultant to assist with the continued analysis and revision of the state's Olmstead Plan and "determine whether the benchmarks, deadlines, and timeframes are in substantial compliance with the strategic plan." (Sec. 2, page 4, lines 4-8.) DHHS is also instructed to provide continuing analysis of the plan and report to the Legislature by December 15, 2021 and every three years thereafter. It also strikes prior reporting requirements from dates past. (Sec. 2, page 4, lines 9-17.)

Finally, LB 570 amends current law to require the completion of the Olmstead Plan by June 30, 2019. (Sec. 2, page 4, lines 17-19.)

Explanation of amendments:

AM 470 replaces section 2 in the green copy and still amends Neb. Rev. Stat. 81-6,122.

AM 470 amends the language to require the Departments of Health and Human Services (DHHS), Correctional Services, Economic Development, Labor, Transportation, Education, the Governor's Policy Research Office (PRO), and the office of the state long-term care ombudsman, to create an Olmstead plan for Nebraska, rather than requiring DHHS to create the plan only in collaboration with those other entities.

Similarly in section 2(2), a variety of Directors from the Division of Behavioral Health, Children and Family Services, Developmental Disabilities, Medicaid and Long-term care, Public Health, Correctional Services, Economic Development, the Commissioner of Education, the Commissioner of Labor, the Director-State Engineer and the state long-term care ombudsman, are responsible for convening a team to:

- Develop a strategic plan
- Appoint and convene a stakeholder advisory committee that includes the Commission for the Deaf and Hard of Hearing and the Commission for the Blind and Visually Impaired
- Arrange for consultation with an independent consultant
- Provide a report to the Legislature by December 15, 2021 and every three years thereafter
- Provide the completed Olmstead plan by June 30, 2019.

Sara Howard, Chairperson