

AMENDMENTS TO LB227

(Amendments to E & R amendments, ER26)

Introduced by Hansen, B., 16.

1 1. Strike sections 60, 61, and 65 and insert the following new
2 sections:

3 Sec. 21. Section 38-1416, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 38-1416 (1) Before beginning an apprenticeship, an applicant shall
6 apply for an apprentice license. The applicant shall show that he or she
7 has completed twenty of the forty hours required in subdivision (1)(a) of
8 section 38-1414. The applicant may complete the twelve-month
9 apprenticeship in either a split apprenticeship or a full apprenticeship
10 as provided in this section.

11 (2) A split apprenticeship shall be completed in the following
12 manner:

13 (a) Application for an apprentice license to complete a six-month
14 apprenticeship prior to or while attending an accredited school of
15 mortuary science, which license shall be valid for six months from the
16 date of issuance and shall not be extended by the board. The
17 apprenticeship shall be completed over a continuous six-month period;

18 (b) Successful completion of a full course of study in an accredited
19 school of mortuary science;

20 (c) Successful passage of the national standardized examination; and

21 (d) Application for an apprentice license to complete the final six-
22 month apprenticeship, which license shall be valid for six months from
23 the date of issuance and shall not be extended by the board. The
24 apprenticeship shall be completed over a continuous six-month period.

25 (3) A full apprenticeship shall be completed in the following
26 manner:

1 (a) Successful completion of a full course of study in an accredited
2 school of mortuary science;

3 (b) Successful passage of the national standardized examination; and

4 (c) Application for an apprentice license to complete a twelve-month
5 apprenticeship. This license shall be valid for twelve months from the
6 date of issuance and shall not be extended by the board. The
7 apprenticeship shall be completed over a continuous twelve-month period.

8 (4) An individual registered as an apprentice on December 1, 2008,
9 shall be deemed to be licensed as an apprentice for the term of the
10 apprenticeship on such date.

11 Sec. 60. (1) The Department of Health and Human Services shall
12 contract with, or provide a grant to, an eligible entity to implement a
13 pilot program to facilitate the transfer of patients with complex health
14 needs from eligible acute care hospitals to appropriate post-acute care
15 settings, including facilities that provide skilled nursing or long-term
16 care.

17 (2) The purposes of the pilot program are to ensure that:

18 (a) Patients with complex health needs are able to access timely
19 transition from an acute care hospital to a post-acute care setting;

20 (b) Patients receive the appropriate type of care at the appropriate
21 time to best meet their needs; and

22 (c) Acute-care hospitals have available capacity to meet the needs
23 of patients.

24 (3) For purposes of this section:

25 (a) Eligible acute care hospital means a facility that is not
26 designated as a critical access hospital by the federal Centers for
27 Medicare and Medicaid Services and must satisfactorily demonstrate to the
28 eligible entity that it has reached or exceeded eighty percent of
29 available staffed capacity for adult intensive-care-unit beds and acute
30 care inpatient medical-surgical beds;

31 (b) Eligible entity means a nonprofit statewide association whose

1 members include eligible acute care hospitals; and

2 (c) Patient means a person who is medically stable and who the
3 provider believes, with a reasonable medical probability and in
4 accordance with recognized medical standards, is safe to be discharged or
5 transferred and is not expected to have his or her condition negatively
6 impacted during, or as a result of, the discharge or transfer.

7 (4) The eligible entity responsible for developing the pilot program
8 shall:

9 (a) Determine criteria to define patients with complex health needs;

10 (b) Develop a process for eligible acute care hospitals to determine
11 capacity and the manner and frequency of reporting changes in capacity;

12 (c) Develop a process to ensure funding is utilized for the purposes
13 described in this section and in compliance with all applicable state and
14 federal laws;

15 (d) Include regular consultation with the department and
16 representatives of acute care hospitals, skilled nursing facilities, and
17 nursing facilities; and

18 (e) Include quarterly updates to the department.

19 (5) The pilot program may include direct payments to post-acute care
20 facilities that support care to patients with complex health needs.

21 (6) Funding utilized under the pilot program shall comply with all
22 medicaid and medicare reimbursement policies for skilled nursing
23 facilities, nursing facilities, and swing-bed hospitals.

24 (7) It is the intent of the Legislature to appropriate one million
25 dollars from the General Fund to carry out this section. No more than two
26 and one-half percent of the contracted amount shall be used to administer
27 the pilot program.

28 Sec. 61. Section 68-1206, Revised Statutes Cumulative Supplement,
29 2022, is amended to read:

30 68-1206 (1) The Department of Health and Human Services shall
31 administer the program of social services in this state. The department

1 may contract with other social agencies for the purchase of social
2 services at rates not to exceed those prevailing in the state or the cost
3 at which the department could provide those services. The statutory
4 maximum payments for the separate program of aid to dependent children
5 shall apply only to public assistance grants and shall not apply to
6 payments for social services.

7 (2)(a) As part of the provision of social services authorized by
8 section 68-1202, the department shall participate in the federal child
9 care assistance program under 42 U.S.C. 9857 et seq., as such sections
10 existed on January 1, 2023 ~~2021~~, and provide child care assistance to
11 families with incomes up to (i) one hundred eighty-five percent of the
12 federal poverty level prior to October 1, 2026 ~~2023~~, or (ii) one hundred
13 thirty percent of the federal poverty level on and after October 1, 2026
14 ~~2023~~.

15 (b) As part of the provision of social services authorized by this
16 section and section 68-1202, the department shall participate in the
17 federal Child Care Subsidy program. A child care provider seeking to
18 participate in the federal Child Care Subsidy program shall comply with
19 the criminal history record information check requirements of the Child
20 Care Licensing Act. In determining ongoing eligibility for this program,
21 ten percent of a household's gross earned income shall be disregarded
22 after twelve continuous months on the program and at each subsequent
23 redetermination. In determining ongoing eligibility, if a family's income
24 exceeds one hundred eighty-five percent of the federal poverty level
25 prior to October 1, 2026 ~~2023~~, or one hundred thirty percent of the
26 federal poverty level on and after October 1, 2026 ~~2023~~, the family shall
27 receive transitional child care assistance through the remainder of the
28 family's eligibility period or until the family's income exceeds eighty-
29 five percent of the state median income for a family of the same size as
30 reported by the United States Bureau of the Census, whichever occurs
31 first. When the family's eligibility period ends, the family shall

1 continue to be eligible for transitional child care assistance if the
2 family's income is below two hundred percent of the federal poverty level
3 prior to October 1, ~~2026~~ 2023, or one hundred eighty-five percent of the
4 federal poverty level on and after October 1, ~~2026~~ 2023. The family shall
5 receive transitional child care assistance through the remainder of the
6 transitional eligibility period or until the family's income exceeds
7 eighty-five percent of the state median income for a family of the same
8 size as reported by the United States Bureau of the Census, whichever
9 occurs first. The amount of such child care assistance shall be based on
10 a cost-shared plan between the recipient family and the state and shall
11 be based on a sliding-scale methodology. A recipient family may be
12 required to contribute a percentage of such family's gross income for
13 child care that is no more than the cost-sharing rates in the
14 transitional child care assistance program as of January 1, 2015, for
15 those no longer eligible for cash assistance as provided in section
16 68-1724.

17 (c) For the period beginning July 1, 2021, through September 30,
18 ~~2026~~ 2023, funds provided to the State of Nebraska pursuant to the Child
19 Care and Development Block Grant Act of 1990, 42 U.S.C. 9857 et seq., as
20 such act and sections existed on January 1, 2023 ~~March 24, 2021~~, shall be
21 used to pay the costs to the state resulting from the income eligibility
22 changes made in subdivisions (2)(a) and (b) of this section by Laws 2021,
23 LB485. If the available amount of such funds is insufficient to pay such
24 costs, then funds provided to the state for the Temporary Assistance for
25 Needy Families program established in 42 U.S.C. 601 et seq. may also be
26 used. No General Funds shall be used to pay the costs to the state, other
27 than administration costs, resulting from the income eligibility changes
28 made in subdivisions (2)(a) and (b) of this section by Laws 2021, LB485,
29 for the period beginning July 1, 2021, through September 30, ~~2026~~ 2023.

30 (d) The Department of Health and Human Services shall collaborate
31 with a private nonprofit organization with expertise in early childhood

1 care and education for an independent evaluation of the income
2 eligibility changes made in subdivisions (2)(a) and (b) of this section
3 by Laws 2021, LB485, if private funding is made available for such
4 purpose. The evaluation shall be completed by July 1, 2024 ~~December 15,~~
5 ~~2023~~, and shall be submitted electronically to the department and to the
6 Health and Human Services Committee of the Legislature.

7 (3) In determining the rate or rates to be paid by the department
8 for child care as defined in section 43-2605, the department shall adopt
9 a fixed-rate schedule for the state or a fixed-rate schedule for an area
10 of the state applicable to each child care program category of provider
11 as defined in section 71-1910 which may claim reimbursement for services
12 provided by the federal Child Care Subsidy program, except that the
13 department shall not pay a rate higher than that charged by an individual
14 provider to that provider's private clients. The schedule may provide
15 separate rates for care for infants, for children with special needs,
16 including disabilities or technological dependence, or for other
17 individual categories of children. The schedule may also provide tiered
18 rates based upon a quality scale rating of step three or higher under the
19 Step Up to Quality Child Care Act. The schedule shall be effective on
20 October 1 of every year and shall be revised annually by the department.

21 Sec. 63. Section 68-1512, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 68-1512 (1) The maximum support allowable under sections 68-1501 to
24 68-1519 shall be (a) four ~~(1) three~~ hundred dollars per month per
25 disabled person averaged over any one-year period or (b) four ~~(2) three~~
26 hundred dollars per month per family averaged over any one-year period
27 for the first disabled family member plus two ~~one~~ hundred ~~fifty~~ dollars
28 per month averaged over any one-year period for each additional disabled
29 family member. The department shall not provide support, pursuant to
30 sections 68-1501 to 68-1519, to any family or disabled person whose gross
31 income less the cost of medical or other care specifically related to the

1 disability exceeds the median family income for a family of four in
2 Nebraska, except that the department shall make adjustments for the
3 actual size of the family.

4 (2) It is the intent of the Legislature that any appropriation
5 relating to this section be increased accordingly so that each person who
6 received support prior to the operative date of this section will
7 continue to receive support.

8 Sec. 65. Section 71-222, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:

10 71-222 The board shall annually elect a president and vice
11 president, and the board shall appoint a director who shall serve as
12 secretary of the board. The board shall be furnished with suitable
13 quarters in the State Capitol or elsewhere. It shall adopt and use a
14 common seal for the authentication of its orders and records. The
15 secretary of the board shall keep a record of all proceedings of the
16 board. A majority of the board, in a meeting duly assembled, may perform
17 and exercise all the duties and powers delegated to ~~devolving upon~~ the
18 board. Each member of the board shall receive a compensation of one
19 hundred fifty ~~seventy-five~~ dollars per diem and shall be reimbursed for
20 expenses incurred in the discharge of such member's ~~his or her~~ duties as
21 provided in sections 81-1174 to 81-1177, not to exceed two thousand
22 dollars per annum. Salaries and expenses shall be paid only from the fund
23 created by fees collected in the administration of the Barber Act, and no
24 other funds or state money except as collected in the administration of
25 the act shall be drawn upon to pay the expense of administration. The
26 board shall report each year to the Governor a full statement of its
27 receipts and expenditures and also a full statement of its work during
28 the year, together with such recommendations as it may deem expedient.
29 The board may employ one field inspector and such other inspectors,
30 clerks, and ~~other~~ assistants as it may deem necessary to carry out the
31 act and prescribe their qualifications. No owner, agent, or employee of

1 any barber school shall be eligible for ~~to~~ membership on the board.

2 Sec. 66. Section 71-401, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:

4 71-401 Sections 71-401 to 71-479 and section 68 of this act shall be
5 known and may be cited as the Health Care Facility Licensure Act.

6 Sec. 67. Section 71-403, Revised Statutes Cumulative Supplement,
7 2022, is amended to read:

8 71-403 For purposes of the Health Care Facility Licensure Act,
9 unless the context otherwise requires, the definitions found in sections
10 71-404 to 71-431 and section 68 of this act shall apply.

11 Sec. 68. Palliative care means specialized care or treatment for a
12 person living with a serious illness that carries a high risk of
13 mortality or negatively impacts quality of life. This type of care or
14 treatment addresses the symptoms and stress of a serious illness,
15 including pain. Palliative care is a team-based approach to care or
16 treatment, providing essential support at any age and stage of a serious
17 illness. It can be provided across care settings and along with curative
18 treatment. The goal of palliative care is to improve quality of life for
19 both the patient and the patient's family or care partner.

20 Sec. 71. Section 71-2461.01, Revised Statutes Cumulative Supplement,
21 2022, is amended to read:

22 71-2461.01 (1) Central fill means the preparation, other than by
23 compounding, of a drug, device, or biological pursuant to a medical order
24 where the preparation occurs in a pharmacy other than the pharmacy
25 dispensing to the patient or caregiver as defined in section 38-2809.

26 (2) If the dispensing pharmacy and central fill pharmacy are under
27 common ownership, the central fill pharmacy may deliver such drug,
28 device, or biological to the patient or caregiver on behalf of the
29 dispensing pharmacy, except that the dispensing pharmacy shall be
30 responsible for the prescriptions filled and delivered by the central
31 fill pharmacy.

1 Sec. 90. If any section in this act or any part of any section is
2 declared invalid or unconstitutional, the declaration shall not affect
3 the validity or constitutionality of the remaining portions.

4 2. Correct the operative date and repealer sections so that sections
5 21, 60, 61, 63, 65, 66, 67, 68, and 71 inserted by this amendment become
6 operative three calendar months after the adjournment of this legislative
7 session and section 90 inserted by this amendment becomes operative on
8 its effective date with the emergency clause.

9 3. Renumber the remaining sections and correct internal references
10 accordingly.