

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 674**

Introduced by Krist, 10.

Read first time January 06, 2016

Committee:

- 1 A BILL FOR AN ACT relating to the Disabled Persons and Family Support  
2 Act; to amend sections 68-1502, 68-1504, 68-1505, 68-1506, 68-1508,  
3 68-1509, 68-1510, 68-1511, 68-1512, 68-1513, 68-1515, 68-1516, and  
4 68-1519, Reissue Revised Statutes of Nebraska, and section 68-1518,  
5 Revised Statutes Cumulative Supplement, 2014; to provide financial  
6 compensation for care given by families at home as prescribed; to  
7 harmonize provisions; and to repeal the original sections.  
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-1502, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 68-1502 The Legislature finds and declares that:

4 (1) The family is vital to the fundamental development of each  
5 person in the State of Nebraska;

6 (2) A growing number of families are searching for ways to provide  
7 for disabled family members in the home rather than placing them in state  
8 or private institutional or residential facilities;

9 (3) Employable disabled persons should be encouraged to engage in  
10 employment and ultimately become self-supporting;

11 (4) Necessary services and financial compensation for caregiving  
12 should be available to families caring for a disabled family member so  
13 that disabled persons may remain in the home, obtain employment if  
14 possible, and maintain a more independent form of living;

15 (5) The State of Nebraska should make every effort to preserve the  
16 family unit, to insure that decisions of providing for a disabled person  
17 are based on the best interests of the disabled person and the family,  
18 and to provide services to disabled persons which promote independent  
19 living and employability; and

20 (6) The State of Nebraska should promote cost-effective health care  
21 alternatives for disabled persons.

22 Sec. 2. Section 68-1504, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 68-1504 The department may provide support to families providing for  
25 a disabled member in the home and to disabled persons in independent  
26 living situations. Such support may be made available to compensate for  
27 present and future expenses, including, but not limited to:

28 (1) The purchase or lease of special equipment or architectural  
29 modifications of a home made to improve or facilitate the care,  
30 treatment, therapy, general living conditions, or access of the disabled  
31 person;

1 (2) Medical, surgical, therapeutic, diagnostic, and other health  
2 services related to the disability or disabilities of the disabled  
3 person;

4 (3) Counseling or training programs which assist the family in  
5 providing proper care for the disabled family member or assist the  
6 disabled person in an independent living situation and which provide for  
7 the special needs of the family or disabled person;

8 (4) Attendant care, respite care, home health aid services,  
9 homemaker services, and chore services which provide assistance with  
10 training, routine body functions, dressing, preparation, consumption of  
11 food, and ambulation as well as providing respite assistance to the  
12 family;

13 (5) Transportation services for the disabled person; ~~and~~

14 (6) Transportation, room, and board costs incurred by the family or  
15 disabled person during evaluations or treatment of the disabled family  
16 member which receive prior approval from the department; ~~and -~~

17 (7) Financial compensation for care given by families at home to a  
18 disabled family member when eligible under section 68-1505.

19 Sec. 3. Section 68-1505, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 68-1505 Families may be eligible to receive support or financial  
22 compensation for caregiving pursuant to the Disabled Persons and Family  
23 Support Act sections ~~68-1501 to~~ 68-1519 if the family (1) resides in the  
24 State of Nebraska, (2) has a family member who is disabled and is (a)  
25 living at home or (b) residing in a state or private institutional or  
26 residential facility but could return home under the act sections ~~68-1501~~  
27 ~~to 68-1519~~, and (3)(a) has insufficient income to provide for the total  
28 cost of care for the disabled family member, (b) an out-of-home placement  
29 has been attempted and failed and care at home is possible, or (c) the  
30 cost of care by the family at home will be less than the cost to the  
31 state for institutional care. The caregiver shall receive financial

1 compensation at an equal or higher rate than a salaried state employee  
2 receives for similar work done at a state facility. The caregiver and his  
3 or her family shall be eligible for health insurance as if the caregiver  
4 is a full-time state employee.

5 Sec. 4. Section 68-1506, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 68-1506 A disabled person in an independent living situation may be  
8 eligible to receive support pursuant to the Disabled Persons and Family  
9 Support Act sections 68-1501 to 68-1519 if the person (1) is a resident  
10 of the State of Nebraska, (2) requires care to remain within an  
11 independent living situation, and (3) has insufficient income to provide  
12 for the total cost of such care.

13 Sec. 5. Section 68-1508, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 68-1508 The department may allocate costs for programs and services  
16 between the department and the family or the disabled person in an  
17 independent living situation. Such cost allocation shall be based on the  
18 need for support pursuant to the Disabled Persons and Family Support Act  
19 sections 68-1501 to 68-1519 and shall not be based on income guidelines  
20 or fee schedules established for other programs administered by the  
21 department.

22 Sec. 6. Section 68-1509, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 68-1509 The department, in considering the needs and eligibility  
25 criteria of families and disabled persons, shall consider various  
26 factors, including, but not limited to:

27 (1) Total family income, except that the amount which the spouse may  
28 designate as provided in section 68-922 shall be excluded in determining  
29 total family income per month;

30 (2) The cost of providing supplemental services to the family or the  
31 disabled person;

1 (3) The need for each program or service received by the family or  
2 the disabled person;

3 (4) The eligibility of the family or the disabled person for other  
4 support programs;

5 (5) The costs of providing for the family or the disabled person in  
6 an independent living situation, notwithstanding the special  
7 circumstances of providing for a disabled person;

8 (6) The number of persons in the family; ~~and~~

9 (7) The availability of insurance to cover the cost of needed  
10 programs and services; and -

11 (8) The most economical care that is in the best interests of the  
12 disabled person, including financial compensation for care given by  
13 families to a disabled family member at home.

14 If assets have been designated for an individual in accordance with  
15 section 68-922, such assets shall not be considered in determining the  
16 eligibility for support of the individual's disabled spouse.

17 Sec. 7. Section 68-1510, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 68-1510 The support and financial compensation for caregiving  
20 available under the Disabled Persons and Family Support Act sections  
21 ~~68-1501 to 68-1519~~ shall be supplemental to other support programs for  
22 which the family or disabled person is eligible and is not intended to  
23 reduce the responsibility for the provision of services and support by  
24 such other programs. The department shall (1) determine whether any  
25 request under the act sections 68-1501 to 68-1519 is appropriate to and  
26 available from other support programs, (2) deny any request if the  
27 requested assistance is appropriate to and available from other support  
28 programs and such assistance is in the best interests of the disabled  
29 person, and (3) provide information and referral to all families and  
30 disabled persons whose request for assistance was denied pursuant to this  
31 section on the procedure for applying for other appropriate and available

1 support programs.

2 Sec. 8. Section 68-1511, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 68-1511 The department may, by agreement with the head of the family  
5 or disabled person, provide support pursuant to the Disabled Persons and  
6 Family Support Act sections 68-1501 to 68-1519 (1) directly to the family  
7 or the disabled person, or (2) directly to qualified programs and  
8 services. The department shall assist each family or disabled person  
9 receiving support under the act sections 68-1501 to 68-1519 in locating  
10 qualified programs and services. The family or the disabled person may be  
11 required to be responsible for contracting for those programs and  
12 services which the department approves and shall furnish the department a  
13 copy of each contract. The family or the disabled person may compensate  
14 the providers of such programs and services directly. Providers of  
15 programs and services shall be required to comply with all standards  
16 established by the department for participation pursuant to the act  
17 sections 68-1501 to 68-1519.

18 Sec. 9. Section 68-1512, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 68-1512 (1) Except as provided in subsection (2) of this section,  
21 the The maximum support allowable under the Disabled Persons and Family  
22 Support Act sections 68-1501 to 68-1519 shall be (a 1) three hundred  
23 dollars per month per disabled person averaged over any one-year period  
24 or (b 2) three hundred dollars per month per family averaged over any  
25 one-year period for the first disabled family member plus one hundred  
26 fifty dollars per month averaged over any one-year period for each  
27 additional disabled family member. The department shall not provide  
28 support, pursuant to the act sections 68-1501 to 68-1519, to any family  
29 or disabled person whose gross income less the cost of medical or other  
30 care specifically related to the disability exceeds the median family  
31 income for a family of four in Nebraska, except that the department shall

1 make adjustments for the actual size of the family.

2 (2) The limitations in subsection (1) of this section do not apply  
3 to financial compensation for care given by families at home to a  
4 disabled family member eligible under section 68-1505.

5 Sec. 10. Section 68-1513, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 68-1513 The department shall review the needs of each family or  
8 disabled person receiving support under the Disabled Persons and Family  
9 Support Act ~~sections 68-1501 to 68-1519~~ on a regular basis, as  
10 established by the department, or upon the showing of a change of  
11 circumstances by the head of the family.

12 Sec. 11. Section 68-1515, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 68-1515 The department shall adopt and promulgate rules and  
15 regulations, as necessary, to implement the Disabled Persons and Family  
16 Support Act ~~sections 68-1501 to 68-1519~~, including:

17 (1) Standards and procedures for determining approval of qualified  
18 programs and services to participate under the act ~~sections 68-1501 to~~  
19 ~~68-1519~~;

20 (2) Identification of the need for programs and services of families  
21 providing for a disabled family member in the home or of disabled persons  
22 in an independent living situation;

23 (3) Identification of the need for support to families and disabled  
24 persons or for financial compensation for care given by families at home  
25 to a disabled family member and procedures for the provision of such  
26 support or financial compensation ~~support~~ under the act ~~sections 68-1501~~  
27 ~~to 68-1519~~;

28 (4) Procedures for review of each family or disabled person  
29 receiving support under the act ~~sections 68-1501 to 68-1519~~;

30 (5) Procedures and guidelines for determining priorities,  
31 eligibility standards, and eligibility criteria for the selection of

1 families and disabled persons to participate in programs pursuant to the  
2 act ~~sections 68-1501 to 68-1519~~;

3 (6) Procedures and guidelines for determining when support pursuant  
4 to the act ~~sections 68-1501 to 68-1519~~ would be a duplication of support  
5 from other support programs or would result in excessive support to a  
6 family or disabled person; and

7 (7) When applicable, an ~~an~~ annual determination of the family income  
8 guidelines necessary to carry out the provisions of section 68-1512. Such  
9 guidelines shall be based on population, per capita income, and other  
10 data provided by the United States Department of Commerce, Bureau of the  
11 Census.

12 Sec. 12. Section 68-1516, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 68-1516 ~~The department shall begin providing support pursuant to~~  
15 ~~sections 68-1501 to 68-1519 on July 1, 1982. From July 1, 1982, to July~~  
16 ~~1, 1986, the department shall provide support on a priority basis to~~  
17 ~~families and disabled persons eligible to receive support pursuant to~~  
18 ~~sections 68-1501 to 68-1519.~~ The department shall give priority to those  
19 families providing for a severely or multiple disabled family member and  
20 to severely or multiple disabled persons in independent living  
21 situations. Priority shall also be given to those families and disabled  
22 persons (1) with the greatest need for support and financial compensation  
23 for caregiving to maintain the disabled person in the family home or  
24 independent living situation, (2) who have the greatest possibility of  
25 maintaining the disabled person in the home or independent living  
26 situation on a continual basis, and (3) who demonstrate that support  
27 pursuant to the Disabled Persons and Family Support Act ~~sections 68-1501~~  
28 ~~to 68-1519~~ will provide the most cost-effective form of care for the  
29 disabled person.

30 Sec. 13. Section 68-1518, Revised Statutes Cumulative Supplement,  
31 2014, is amended to read:



1           68-1518 The department shall file an annual report with the Governor  
2 and the Clerk of the Legislature on or before January 1 of each year  
3 beginning January 1, 1983. The report submitted to the Clerk of the  
4 Legislature shall be submitted electronically. Such report shall include:

5           (1) The number of families and disabled persons applying for  
6 support, including financial compensation for caregiving, pursuant to the  
7 Disabled Persons and Family Support Act and the number of families and  
8 disabled persons receiving support pursuant to the act;

9           (2) The types of services and programs being applied for and those  
10 being provided through the act;

11           (3) The effects of the support, including financial compensation for  
12 caregiving, provided under the act on the disabled and their families;  
13 and

14           (4) Any proposals for amendment of the act.

15           Sec. 14. Section 68-1519, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17           68-1519 Any person who by means of a willfully false statement or  
18 representation, or by impersonation or other device, obtains or attempts  
19 to obtain, or who aids or abets any other person in obtaining support  
20 under the Disabled Persons and Family Support Act sections 68-1501 to  
21 ~~68-1519~~ shall, upon conviction thereof, be punished pursuant to section  
22 68-1017.

23           Sec. 15. Original sections 68-1502, 68-1504, 68-1505, 68-1506,  
24 68-1508, 68-1509, 68-1510, 68-1511, 68-1512, 68-1513, 68-1515, 68-1516,  
25 and 68-1519, Reissue Revised Statutes of Nebraska, and section 68-1518,  
26 Revised Statutes Cumulative Supplement, 2014, are repealed.