

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 824**

Introduced by Hansen, B., 16.

Read first time January 06, 2022

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to personal care services; to amend sections
- 2 71-407, 71-6501, and 71-6602, Reissue Revised Statutes of Nebraska;
- 3 to include bathing as an activity of daily living; and to repeal the
- 4 original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-407, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 71-407 (1) Care means the exercise of concern or responsibility for  
4 the comfort, welfare, and habilitation of persons, including a minimum  
5 amount of supervision and assistance with or the provision of personal  
6 care, activities of daily living, health maintenance activities, or other  
7 supportive services.

8 (2) For purposes of this section:

9 (a) Activities of daily living means transfer, ambulation, exercise,  
10 bathing, toileting, eating, self-administered medication, and similar  
11 activities;

12 (b) Health maintenance activities means noncomplex interventions  
13 which can safely be performed according to exact directions, which do not  
14 require alteration of the standard procedure, and for which the results  
15 and resident responses are predictable; and

16 (c) Personal care means bathing, hair care, nail care, shaving,  
17 dressing, oral care, and similar activities.

18 Sec. 2. Section 71-6501, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 71-6501 For purposes of sections 71-6501 to 71-6504:

21 (1) Activities of daily living has the definition found in section  
22 71-6602;

23 (2) Attendant services means services provided to nonmedically  
24 fragile persons, including hands-on assistance with activities of daily  
25 living, transfer, grooming, bathing, medication reminders, and similar  
26 activities;

27 (3) Companion services means the provision of companionship and  
28 assistance with letter writing, reading, and similar activities;

29 (4) Homemaker services means assistance with household tasks,  
30 including, but not limited to, housekeeping, personal laundry, shopping,  
31 incidental transportation, and meals;

1 (5) In-home personal services means attendant services, companion  
2 services, and homemaker services that do not require the exercise of  
3 medical or nursing judgment provided to a person in his or her residence  
4 to enable the person to remain safe and comfortable in such residence;

5 (6) In-home personal services agency means an entity that provides  
6 or offers to provide in-home personal services for compensation by  
7 employees of the agency or by persons with whom the agency has contracted  
8 to provide such services. In-home personal services agency does not  
9 include a local public health department as defined in section 71-1626, a  
10 health care facility as defined in section 71-413, a health care service  
11 as defined in section 71-415, programs supported by the federal  
12 Corporation for National and Community Service, an unlicensed home care  
13 registry or similar entity that screens and schedules independent  
14 contractors as caregivers for persons, or an agency that provides only  
15 housecleaning services. A home health agency may be an in-home personal  
16 services agency; and

17 (7) In-home personal services worker means a person who meets the  
18 requirements of section 71-6502 and provides in-home personal services.

19 Sec. 3. Section 71-6602, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 71-6602 As used in sections 71-6601 to 71-6615, unless the context  
22 otherwise requires:

23 (1) Activities of daily living means assistance with ambulation,  
24 bathing, toileting, feeding, and similar activities;

25 (2) Basic therapeutic care means basic health care procedures,  
26 including, but not limited to, measuring vital signs, applying hot and  
27 cold applications and nonsterile dressings, and assisting with, but not  
28 administering, internal and external medications which are normally self-  
29 administered. Basic therapeutic care does not include health care  
30 procedures which require the exercise of nursing or medical judgment;

31 (3) Department means the Department of Health and Human Services;

1           (4) Home health agency means a home health agency as defined in  
2 section 71-417;

3           (5) Home health aide means a person who is employed by a home health  
4 agency to provide personal care, assistance with the activities of daily  
5 living, and basic therapeutic care to patients of the home health agency;

6           (6) Personal care means ~~bathing,~~ hair care, nail care, shaving,  
7 dressing, oral care, and similar activities;

8           (7) Supervised practical training means training in a laboratory or  
9 other setting in which the trainee demonstrates knowledge while  
10 performing tasks on an individual under the direct supervision of a  
11 registered nurse or licensed practical nurse; and

12           (8) Vital signs means temperature, pulse, respiration, and blood  
13 pressure.

14           Sec. 4. Original sections 71-407, 71-6501, and 71-6602, Reissue  
15 Revised Statutes of Nebraska, are repealed.