

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 902**

Introduced by DeBoer, 10.

Read first time January 04, 2024

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to assisted-living facilities; to amend
- 2 section 71-5905, Reissue Revised Statutes of Nebraska; to prohibit a
- 3 facility from requiring a third-party guarantee of payment as
- 4 prescribed; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-5905, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 71-5905 (1) An assisted-living facility shall determine if an  
4 applicant for admission to the assisted-living facility is admitted or if  
5 a resident of the assisted-living facility is retained based on the care  
6 needs of the applicant or resident, the ability to meet those care needs  
7 within the assisted-living facility, and the degree to which the  
8 admission or retention of the applicant or resident poses a danger to the  
9 applicant or resident or others.

10 (2) Any complex nursing intervention or noncomplex intervention  
11 provided by an employee of the assisted-living facility shall be  
12 performed in accordance with applicable state law.

13 (3) Each assisted-living facility shall provide written information  
14 about the practices of the assisted-living facility to each applicant for  
15 admission to the facility or his or her authorized representative. The  
16 information shall include:

17 (a) A description of the services provided by the assisted-living  
18 facility and the staff available to provide the services;

19 (b) The charges for services provided by the assisted-living  
20 facility;

21 (c) Whether or not the assisted-living facility accepts residents  
22 who are eligible for the medical assistance program under the Medical  
23 Assistance Act and, if applicable, the policies or limitations on access  
24 to services provided by the assisted-living facility for residents who  
25 seek care paid by the medical assistance program;

26 (d) The criteria for admission to and continued residence in the  
27 assisted-living facility and the process for addressing issues that may  
28 prevent admission to or continued residence in the assisted-living  
29 facility;

30 (e) The process for developing and updating the resident services  
31 agreement;

1 (f) For facilities that have special care units for dementia, the  
2 additional services provided to meet the special needs of persons with  
3 dementia; and

4 (g) Whether or not the assisted-living facility provides part-time  
5 or intermittent complex nursing interventions.

6 (4) Each assisted-living facility shall enter into a resident  
7 services agreement in consultation with each resident.

8 (5) A facility shall not request or require a third-party guarantee  
9 of payment as a condition of admission, expedited admission, or continued  
10 stay in the facility. If a person other than the resident informs the  
11 assisted-living facility that such person wants to guarantee payment of a  
12 resident's expenses, the person shall execute a separate written  
13 agreement. No provision in the separate written agreement shall conflict  
14 with this subsection. The separate written agreement shall be provided to  
15 the guarantor of payment and shall contain the following statements:

16 (a) "Do not sign this agreement unless you voluntarily agree to be  
17 financially liable for paying the patient's expenses";

18 (b) "You may change your mind within forty-eight hours after signing  
19 this agreement by notifying the facility that you want to revoke this  
20 agreement"; and

21 (c) "You may call the state long-term care ombudsman for an  
22 explanation of your rights".

23 Sec. 2. Original section 71-5905, Reissue Revised Statutes of  
24 Nebraska, is repealed.