

Health and Human Services Committee

LB 903

February 1, 2018

Rocky Thompson, Director

Division of Medicaid and Long-Term Care

Department of Health and Human Services

Good afternoon, Senator Riepe, and members of the Health and Human Services Committee. My name is Thomas Rocky Thompson (T-H-O-M-A-S R-O-C-K-Y T-H-O-M-P-S-O-N), and I am the Interim Director of the Division of Medicaid and Long-Term Care (MLTC) in the Department of Health and Human Services (DHHS). I am here to testify in support of LB 903. Thank you, Senator Linehan, for introducing this bill.

LB 903 will bring Nebraska statute in line with federal changes for the Long-Term Care Ombudsman program and will make a technical change to the statutes governing the State Unit on Aging.

The Long-Term Care Ombudsman provides individual representation of residents in congregate living facilities, such as nursing homes and assisted living. They represent the resident's wishes in dealing with the facility they reside in, family disputes, or others. The Long-Term Care Ombudsman program resides in DHHS under the State Unit on Aging (SUA); however, it has autonomy from DHHS. In order for the SUA to receive federal grants, the state must also have a Long-Term Care Ombudsman program in place. The Long-Term Care Ombudsman program has oversight and control of their office and programs.

New federal regulations for the Long-Term Care Ombudsman program were finalized and effective in July 2016, which require updates to a number of state statutes. All states with a Long-Term Care Ombudsman program are under compliance plans until these statutory changes and corresponding regulation changes are implemented. These compliance plans require states to update all statutes and regulations which apply to the Long-Term Care Ombudsman program. Per the Administration for Community Living, the federal oversight organization, by agreeing to accept grant award funds for the SUA a state must carry out the Long-Term Care Ombudsman program in compliance with federal regulations. Failure to comply could lead to the loss or withholding of around \$8 million in federal grants for the SUA and Long-Term Care Ombudsman program. This legislation will not change how the program is administered. The program is still subject to state and federal regulations.

Proposed changes to the statute include using the word "office" rather than "department" when referring to the Long-Term Care Ombudsman Program Office. This delineates the Ombudsman from a state agency - as in this case, DHHS. Statute changes also include references to the Long-Term Care Ombudsman's interaction with Adult Protective Services. Additionally, language is included about auxiliary aids and services for communication, and clarification is made regarding access to Long-Term Care Ombudsman case files as the federal regulations enhances the file safety and protection.

LB 903 will bring Nebraska statutes in line with federal definitions and requirements regarding matching dollars for the SUA. Fees cannot be used for match as currently noted in NRS 81-2225. The agency has been in compliance by not allowing fees to be used for matching dollars; however, this bill will align our statutory language with federal law.

For these reasons, the Department supports LB 903.