

ONE HUNDRED FOURTH LEGISLATURE

FIRST SESSION

**LEGISLATIVE RESOLUTION 32**

Introduced by Krist, 10.

Read first time January 20, 2015

Committee: Executive Board

WHEREAS, the One Hundredth Legislature, Second Session, 2008, adopted Legislative Resolution 283 to establish the Developmental Disabilities Special Investigative Committee of the Legislature. The committee was then reauthorized by the One Hundred First Legislature, First Session, 2009, in Legislative Resolution 11, by the One Hundred Second Legislature, First Session, 2011, in Legislative Resolution 47, by the One Hundred Second Legislature, Second Session, 2012, in Legislative Resolution 365, and by the One Hundred Third Legislature, First Session, 2013, in Legislative Resolution 20. The committee was authorized to study the quality of care and related staffing issues at the Beatrice State Developmental Center, investigate the placement and quality of care statewide for the developmentally disabled in Nebraska, and determine how and why such services to the developmentally disabled were permitted to decline to the level documented in the United States Department of Justice report.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the Developmental Disabilities Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The Executive Board shall appoint the chairperson and vice-chairperson of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing

legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as is deemed necessary by the committee.

2. That the Developmental Disabilities Special Investigative Committee shall provide oversight to ensure that the terms of the United States Department of Justice Consent Decree and the recommendations from the Report of the Developmental Disabilities Special Investigative Committee dated December 15, 2008, are implemented in a timely fashion.

3. That the Developmental Disabilities Special Investigative Committee is hereby authorized to continue to study the quality of care and related staffing issues at the Beatrice State Developmental Center and other such facilities, including options and funding for services for residents.

4. That the Developmental Disabilities Special Investigative Committee is hereby authorized to continue investigation of the placement and quality of care statewide for the developmentally disabled in Nebraska, including a determination of whether adequate staffing, funding, and capacity exist for persons to receive community-based services, a review of staffing practices at community-based care facilities, and an analysis of the relationship of those practices to the quality of care provided to the developmentally disabled.

5. That the Developmental Disabilities Special Investigative Committee shall review the processes of how the Division of Developmental Disabilities of the Department of Health and Human Services determines eligibility for services for individuals who are in need of services, as well as the processes utilized by the division to determine when individuals who have received services are no longer eligible for such services.

6. That the Developmental Disabilities Special Investigative Committee shall brief the Health and Human Services Committee of the Legislature by December 15, 2015, and December 15, 2016, and issue a report with its findings and recommendations to the Legislature as circumstances warrant.

7. That the Developmental Disabilities Special Investigative Committee is

hereby authorized to continue its work until the beginning of the One Hundred Fifth Legislature, First Session.