

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1089**

Introduced by Stinner, 48.

Read first time January 19, 2022

Committee:

- 1 A BILL FOR AN ACT relating to appropriations; to appropriate federal
- 2 funds to the Department of Health and Human Services; and to declare
- 3 an emergency.
- 4 Be it enacted by the people of the State of Nebraska,

1           Section 1.    (1) There is hereby appropriated \$60,000,000 from  
2 Federal Funds for FY2022-23 to the Department of Health and Human  
3 Services, for Program 348, for the purposes described in subsection (2)  
4 of this section. The Federal Funds appropriated in this section are from  
5 the funds allocated to the State of Nebraska from the federal Coronavirus  
6 State Fiscal Recovery Fund pursuant to the federal American Rescue Plan  
7 Act of 2021, Public Law 117-2, Subtitle M, Sec. 9901.

8           (2)(a) The Department of Health and Human Services shall provide  
9 money to licensed and medicaid-certified nursing facilities in the  
10 following manner:

11           (i) \$45,000,000 to medicaid-certified nursing facilities divided  
12 proportionately by the medicaid-certified beds at such facilities; and

13           (ii) \$15,000,000 divided equally among the medicaid-certified  
14 nursing facilities that were in the top twenty-five percent of medicaid-  
15 certified nursing facilities with the highest percentage of bed-days paid  
16 by medicaid in fiscal year 2021-22.

17           (b) The money provided to the licensed and medicaid-certified  
18 nursing facilities by the Department of Health and Human Services shall  
19 be used to provide supplemental incentive payments for direct care staff  
20 members employed at licensed and medicaid-certified nursing facilities.  
21 Such payments are intended to enhance employee recruitment and retention  
22 and be provided in accordance with the requirements of the federal  
23 American Rescue Plan Act of 2021.

24           (c) It is the intent of the Legislature that the money paid to the  
25 licensed and medicaid-certified nursing facilities pursuant to this  
26 section be expended by such facilities for the purpose of enhancing  
27 employee recruitment and retention of direct care staff during fiscal  
28 years 2022-23, 2023-24, and 2024-25.

29           (d) For purposes of this section, direct care staff means nursing  
30 facility employees who regularly perform in-person work with residents,  
31 interact with residents, or physically handle items handled by residents.

1 The term includes nurses, medication aides, therapists, therapy aides,  
2 dietary staff, social service and activity staff, housekeeping and  
3 maintenance staff, and other medical staff.

4       Sec. 2. Since an emergency exists, this act takes effect when  
5 passed and approved according to law.