

Summary of Scope	This Licensing Summary is a resource for current and prospective business owners who wish to understand the requirements for obtaining licensure for personal care services. This summary is intended to be inclusive of all requirements that are readily accessible and available. Requirements can change without notice. This Licensing Summary will be reviewed and updated regularly to provide the most up-to date information. This summary will not include any requirements related to Medicare, Medicaid services, or waiver programs. This summary is not intended to guide current and prospective business owners through every step of licensing, but to provide the necessary information for assistance with the process.
Agency(s)	Nebraska Department of Health and Human Services (DHSS) Division of Public Health Licensure Unit 301 Centennial Mall South, 14 th & M Streets, First Floor Lincoln, NE 68508 DHHS Licensure Unit: Attn: In-Home Personal Services PO Box 94986 Lincoln, NE 68509-4986 Phone: 402-471-3121 Fax: 402-742-2398 Email: DHHS.LicensureUnit@nebraska.gov
Key Contacts	Nebraska Department of Health and Human Services Division of Public Health Licensure Unit Phone: 402-471-3121 Fax: 402-742-2398 Email: DHHS.LicensureUnit@nebraska.gov
Agency Website	Nebraska Department of Health and Human Services Division of Public Health Licensure Unit https://dhhs.ne.gov/licensure/Pages/Licensing-Home-Page.aspx
License (Homemaker & Companion Care)	No license required. The State of Nebraska considers “companion services” and “homemaker services” within its definition of “in-home personal services” (see the “License (Personal Care)” section below). Currently, the State of Nebraska does not license “in-home personal services” agencies. “Companion services” means the provision of companionship and assistance with letter writing, reading, and similar activities. “Homemaker services” means assistance with household tasks, including, but not limited to, housekeeping, personal laundry, shopping, incidental transportation, and meals. Neb. Rev. Stat. Ann. § 71-6501(3)-(4).
License (Personal Care)	An In-Home Personal Service Agency is an entity that provides, or offers to provide, in-home personal services for compensation by employees of the agency or by a person the agency has contracted to provide services. Currently, Nebraska does not license, certify, or register this type of agency. Neb. Rev. Stat. Ann. § 71-6501(6).
License (Activities of daily living)	The State of Nebraska regulates “activities of daily living” to include ambulation, bathing, toileting, feeding, and similar activities including basic therapeutic care such as measuring vital signs, application of hot/cold and non sterile dressings, and assisting (but not administering) internal and external medications. This category does not include health care procedures which require the exercise of nursing or medical judgement. Any entity offering and providing such services as described above must apply and receive a home health agency license. A home health agency is defined as a person or legal entity which provides skilled nursing care or a minimum of one other therapeutic services as defined by the department on a full time, part time, or intermittent basis to persons in a place of temporary or permanent residence used as a person’s home.

	Please note that to meet the definition of a home health agency an entity must provide one “therapeutic services”, without a therapeutic services an entity likely qualifies as an in-home personal service entity that does not require licensure. Neb. Rev. Stat. Ann. § 71-6601 Home health agencies may only employ home health aides to provide personal care, assistance with the activities of daily living, and basic therapeutic care to patients, and personal care means hair care, nail care, shaving, dressing, oral care, and other similar activities. Home health aides must meet certain requirements (see Neb. Rev. Stat. Ann. § 71-6603) and home health agencies are required to meet set standards regarding employment, care plan, training, evaluations (see Neb. Rev. Stat. Ann. § 71-6606 - 71-6615). Neb. Rev. Stat. Ann. § 71-6601, 71-6602. In-home personal services include attendant care, companion services, and homemaker services that do not require the exercise of medical or nursing judgement provided to a person in his or her residence to enable the person to remain safe and comfortable in said residence. Services are provided by “in-home personal services workers”. Neb. Rev. Stat. Ann. § 71-6501(5). “In home personal services worker” means an individual that provides in-home personal services and meets certain requirements (defined below). Neb. Rev. Stat. Ann. § 71-6501(7). “Attendant care services” means services provided to medically stable persons, including hands-on assistance with activities of daily living, transfer, grooming, medication reminders to persons (to self-administer medication). Neb. Rev. Stat. Ann. § 71-6501(2). “Companion Services” means the provision of companionship and assistance with letter writing, reading, and similar activities. “Daily living” means assistance with ambulation, bathing, toileting, feeding, and similar activities. Neb. Rev. Stat. Ann. § 71-6602(1). “Homemaker Services” means assistance with household tasks, including, but not limited to housekeeping, personal laundry, shopping, incidental transportation and meals. Neb. Rev. Stat. Ann. § 71-6501(4).
Certificate of Need	NA
Moratorium	NA
License Costs	NA
Licensure Term	NA
Renewal Late Fee Process	NA
Application Process Summary	Currently, In-Home Personal Services Agencies are not licensed by the State of Nebraska. Absent state licensure regulations, your In-Home Personal Services Agency will depend on its policy and procedure manual for guidance in operations, finance, personnel, and client care.
Branches and Workstations (Satellite Offices)	NA
Application Form	NA
Change of Ownership	The law does not address the change of name, change of address, or change in ownership.

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Change in License Category or Classification Process	If your agency is considering licensure for home “health services” defined as “adult day service, children’s day health service, a home health agency, a hospice or hospice service, a PACE center, respite care service, but does not include an in-home personal service agency”, (Neb. Rev. Stat. Ann. § 71-415), or “activities of daily living” including one therapeutic service, then you will need to complete an initial application for a home health agency license. More information can be found here: https://dhhs.ne.gov/licensure/Pages/Home-Health-Agencies.aspx
Change of Name Process	The law does not address the change of name, change of address, or change in ownership.
Change of Address Process	The law does not address the change of name, change of address, or change in ownership.
Changes to information in last submitted license application	NA
Closure Process	The law does not address the process to close an in-home personal service agency. If you are planning to close your in-home personal service agency, we would recommend providing prior to closure written notice to your current patients, and reviewing your policy and procedure manual for the appropriate process. Additionally, your agency should consider the future storage of any client and financial records.
Key Personnel Requirements and Qualifications	An In-Home Personal Services agency must employ, or contract with, “in-home personal services workers” who meet the State of Nebraska’s listed requirements, which include: 1. Shall be at least eighteen (18) years of age; 2. Shall have good moral character; 3. Shall not have been convicted of a crime under the laws of Nebraska or another jurisdiction, the penalty for which is imprisonment for a period of more than one year and which crime is rationally related to the person's fitness or capacity to act as an in-home personal services worker; 4. Shall have no adverse findings on the Adult Protective Services Central Registry, the Child Protection Cases central registry, the Medication Aide Registry, the Nurse Aide Registry, or the central registry maintained by the sex offender registration and community notification division of the Nebraska State Patrol; 5. Shall be able to speak and understand the English language or the language of the person for whom he or she is providing in-home personal services; and 6. Shall have training sufficient to provide the requisite level of in-home personal services offered. Neb. Rev. Stat. § 71-6502
Background Check Requirements	Prior to employment, or contacting with, an “in-home personal services worker” an In-Home Personal Services agency must conduct a criminal history record information check, and when driving is a service provided by the worker - a driving record check (records maintained by Nebraska Department of Motor Vehicles or by another state which issued the individual’s operator’s license). Criminal history records may be verified through a governmental law enforcement agency or a private entity that maintains criminal background information. Neb. Rev. Stat. Ann. § 71-6503. The In-Home Personal Service agency must maintain documentation of such criminal/driving record checks within its employment/contract worker records at its place of business and must be able to present such records during inspections. Neb. Rev. Stat. Ann. § 71-6503.
Initial Caregiver Training Requirements	Only “in-home personal services workers” whom have sufficient training to provide the requisite level of in-home personal services offered are allowed to interact with the agency’s patients. Neb. Rev. Stat. Ann. § 71-6502.

	The determination by your agency that the individual is competent to perform the in-home personal care services must occur before the individual performs services for a patient/client. We recommend that your in-home personal care workers should be evaluated by your agency or agency designee for each service/task that they will perform to ensure staff receive training, if necessary, in order to perform job responsibilities. The content of the evaluation should be documented, signed by the evaluator, and stored in the individual’s personnel file. If your agency has determined an individual is not competent to perform the services/tasks, we would recommend the individuals cease activities they do not qualify for until appropriate training and re-evaluation is completed.
Ongoing Caregiver Training Requirements	The State of Nebraska does not regulate ongoing caregiver training requirements, but your agency will want to ensure staff receive ongoing training to maintain compliance to your agency’s policy and procedures.
Survey Tags & Interpretive Guidelines	NA
Complaints, inspections, investigations and enforcement	DHSS does not issue licensure for In-Home Personal Services agencies, and as such, DHSS does not have jurisdiction over your agency. Per conversations with representatives of DHHS, the department does not conduct inspections or investigations of in-home personal services agencies but does reserve the right to contact an agency regarding public facing marketing to consult on appropriate public messages (i.e., do not represent your agency as a home health agency). We would recommend that your agency maintain a policy that pertains to complaints, including timeline of response, investigation undertaken, recordkeeping, and complaint resolution.
Application Corrections Requested by the Department	NA
Conditional & Provisional License	NA
Revisit Fee	NA
Reporting Requirements for Fraud, Abuse & Neglect	The law in Nebraska requires any caregiver, or employee of caregiver, (defined as a person or entity that has assumed responsibility for the care of a vulnerable adult) to report incidents whenever there is reasonable cause to believe that a vulnerable adult has been subjected to abuse, neglect or exploitation or observes such adult being subjected to abuse, neglect, or exploitation or observes such adult being subjected to conditions or circumstances which reasonably would result in abuse, neglect or exploitation. A report must be made to the appropriate law enforcement agency, to the Department of Health and Human Services -Adult Protective Services (APS) immediately. Such report may be made by telephone, with the caller giving their name and address, and, if requested by APS, shall be followed by a written report within forty-eight hours. To the extent available, the report shall contain: 1. The name, address, and age of the vulnerable adult; 2. The address of the caregiver or caregivers of the vulnerable adult; 3. The nature and extent of the alleged abuse, neglect, or exploitation or the conditions and circumstances which would reasonably be expected to result in such abuse, neglect, or exploitation; 4. Any evidence of previous abuse, neglect, or exploitation, including the nature and extent of the abuse, neglect, or exploitation; and 5. Any other information which in the opinion of the person making the report may be helpful in establishing the cause of the alleged abuse, neglect, or exploitation and the identity of the perpetrator or perpetrators.

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	If the situation appears life threatening, call 911. To report abuse or neglect of a vulnerable adult call the APS Hotline at 800-652-1999. Neb. Rev. Stat. §§ 28-348 to 28-387
Licensure Marketing	NA
Additional Considerations	The State of Nebraska maintains New Hire Reporting requirements applicable to employers hiring and/or re-hiring employees in Nebraska. Please review the following website to assess your agency requirements: https://ne-newhire.com/
Relevant Statutes & Regulations	Neb. Rev. Stat. §§ 71-6501 to 71-6504 (In-Home Personal Service Agencies). Neb. Rev. Stat. § 48-2303 (New Hire Law). Neb. Rev. Stat. §§ 28-348 to 28-387 (Adult Protective Services Act).