

AMENDMENTS TO LB 928

(Amendments to Standing Committee amendments, AM2435)

Introduced by Johnson, 37.

1           1. Strike section 8 and insert the following new  
2 sections:

3           Sec. 3. Section 38-711, Revised Statutes Supplement,  
4 2007, is amended to read:

5           38-711 (1) The determination and administration of total  
6 anesthesia care shall be performed by the certified registered  
7 nurse anesthetist or a nurse anesthetist temporarily licensed  
8 pursuant to section 38-708 in consultation and collaboration with  
9 and with the consent of the licensed practitioner.

10          (2) The following duties and functions shall be  
11 considered as specific expanded role functions of the certified  
12 registered nurse anesthetist:

13          (a) Preanesthesia evaluation including physiological  
14 studies to determine proper anesthetic management and obtaining  
15 informed consent;

16          (b) Selection and application of appropriate monitoring  
17 devices;

18          (c) Selection and administration of anesthetic  
19 techniques;

20          (d) Evaluation and direction of proper postanesthesia  
21 management and dismissal from postanesthesia care; and

22          (e) Evaluation and recording of postanesthesia course of

1 patients; ~~and-~~

2 (f) Use of fluoroscopy in conjunction with a licensed  
3 medical radiographer in connection with the performance of  
4 authorized duties and functions upon (i) the successful completion  
5 of appropriate education and training as approved jointly by  
6 the department and the board and promulgated by the department  
7 in rules and regulations pursuant to section 71-3508 and (ii)  
8 a determination regarding the scope and supervision of such use  
9 consistent with subsection (3) of this section.

10 (3) The determination of other duties that are normally  
11 considered medically delegated duties to the certified registered  
12 nurse anesthetist or to a nurse anesthetist temporarily licensed  
13 pursuant to section 38-708 shall be the joint responsibility of  
14 the governing board of the hospital, medical staff, and nurse  
15 anesthetist personnel of any duly licensed hospital or, if in an  
16 office or clinic, the joint responsibility of the duly licensed  
17 practitioner and nurse anesthetist. All such duties, except in  
18 cases of emergency, shall be in writing in the form prescribed by  
19 hospital or office policy.

20 Sec. 9. Section 38-1915, Revised Statutes Supplement,  
21 2007, is amended to read:

22 38-1915 (1) A person licensed by the department, with  
23 the recommendation of the board, as a medical radiographer  
24 may practice medical radiography on any part of the human  
25 anatomy for interpretation by and under the direction of a  
26 licensed practitioner, including computed tomography but excluding  
27 interpretative fluoroscopic procedures, and may use fluoroscopy

1 in conjunction with a certified registered nurse anesthetist as  
2 authorized in section 38-711.

3 (2) An applicant for a license as a medical radiographer  
4 shall:

5 (a) Complete an educational program in radiography  
6 approved by the board pursuant to subsection (1) of section  
7 38-1918;

8 (b) Complete an application in accordance with the  
9 Uniform Credentialing Act; and

10 (c) Successfully complete an examination approved by the  
11 board.

12 ~~(2)~~ (3) Presentation of proof of registration in  
13 radiography with the American Registry of Radiologic Technologists  
14 is proof of meeting the requirements of subdivisions ~~(1)-(a)~~ (2)(a)  
15 and (c) of this section.

16 Sec. 13. Section 43-4001, Revised Statutes Supplement,  
17 2007, is amended to read:

18 43-4001 (1) The Children's Behavioral Health Task Force  
19 is created. The task force shall consist of the following members:

20 (a) The chairperson of the Health and Human Services  
21 Committee of the Legislature or another member of the committee as  
22 his or her designee;

23 (b) The chairperson of the Appropriations Committee of  
24 the Legislature or another member of the committee as his or her  
25 designee;

26 ~~(c) The chairperson of the Behavioral Health Oversight~~  
27 ~~Commission of the Legislature;~~

1           ~~(d)~~ (c) Two providers of community-based behavioral  
2 health services to children, appointed by the chairperson of  
3 the Health and Human Services Committee of the Legislature;

4           ~~(e)~~ (d) One regional administrator appointed under  
5 section 71-808, appointed by the chairperson of the Health and  
6 Human Services Committee of the Legislature;

7           ~~(f)~~ (e) Two representatives of organizations advocating  
8 on behalf of consumers of children's behavioral health services  
9 and their families, appointed by the chairperson of the Health and  
10 Human Services Committee of the Legislature;

11           ~~(g)~~ (f) One juvenile court judge, appointed by the Chief  
12 Justice of the Supreme Court;

13           ~~(h)~~ (g) Two representatives of the Department of Health  
14 and Human Services, appointed by the Governor; and

15           ~~(i)~~ (h) The Administrator of the Office of Juvenile  
16 Services.

17           ~~(2)~~ All members shall be appointed within thirty days  
18 after May 25, 2007.

19           ~~(3)~~ (2) Members of the task force shall serve without  
20 compensation but shall be reimbursed from the Nebraska Health Care  
21 Cash Fund for their actual and necessary expenses as provided in  
22 sections 81-1174 to 81-1177.

23           ~~(4)~~ (3) The chairperson of the Behavioral Health  
24 Oversight Commission Health and Human Services Committee of the  
25 Legislature or his or her designee shall serve as chairperson of  
26 the task force. Administrative and staff support for the task force  
27 shall be provided by the Health and Human Services Committee of the

1 Legislature and the Appropriations Committee of the Legislature.

2           Sec. 14. Section 68-909, Revised Statutes Cumulative  
3 Supplement, 2006, is amended to read:

4           68-909 (1) All contracts, agreements, rules, and  
5 regulations relating to the medical assistance program as entered  
6 into or adopted and promulgated by the department prior to July 1,  
7 2006, and all provisions of the medicaid state plan and waivers  
8 adopted by the department prior to July 1, 2006, shall remain in  
9 effect until revised, amended, repealed, or nullified pursuant to  
10 law.

11           (2) Prior to the adoption and promulgation of proposed  
12 rules and regulations under section 68-912 or relating to the  
13 implementation of medicaid state plan amendments or waivers, the  
14 department shall provide a report to the Governor, the Legislature,  
15 and the Medicaid Reform Council no later than December 15 before  
16 the next regular legislative session summarizing the purpose and  
17 content of such proposed rules and regulations and the projected  
18 impact of such proposed rules and regulations on recipients of  
19 medical assistance and medical assistance expenditures.

20           (3) The Medicaid Reform Council, no later than thirty  
21 days after the date of receipt of any report under subsection  
22 (2) of this section, may conduct a public meeting to receive  
23 public comment regarding such report. The council shall promptly  
24 provide any comments and recommendations regarding such report in  
25 writing to the department. Such comments and recommendations shall  
26 be advisory only and shall not be binding on the department, but  
27 the department shall promptly provide a written response to such

1 comments or recommendations to the council.

2 (4) The department shall monitor and shall periodically,  
3 as necessary, but no less than biennially, report to the  
4 Governor, the Legislature, and the Medicaid Reform Council on  
5 the implementation of rules and regulations, medicaid state plan  
6 amendments, and waivers adopted under the Medical Assistance Act  
7 and the effect of such rules and regulations, amendments, or  
8 waivers on eligible recipients of medical assistance and medical  
9 assistance expenditures.

10 Sec. 15. Section 68-949, Revised Statutes Supplement,  
11 2007, is amended to read:

12 68-949 (1) It is the intent of the Legislature that the  
13 department implement reforms to the medical assistance program  
14 such as those contained in the Medicaid Reform Plan, including (a)  
15 an incremental expansion of home and community-based services for  
16 aged persons and persons with disabilities consistent with such  
17 plan, (b) an increase in care coordination or disease management  
18 initiatives to better manage medical assistance expenditures  
19 on behalf of high-cost recipients with multiple or chronic  
20 medical conditions, and (c) other reforms as deemed necessary and  
21 appropriate by the department, in consultation with the committee  
22 and the Medicaid Reform Council.

23 (2)(a) The department shall develop recommendations  
24 relating to the provision of health care and related services  
25 for medicaid-eligible children under the state children's health  
26 insurance program as allowed under Title XIX and Title XXI of the  
27 federal Social Security Act. Such study and recommendations shall

1 ~~include, but not be limited to, the organization and administration~~  
2 ~~of such program, the establishment of premiums, copayments, and~~  
3 ~~deductibles under such program, and the establishment of limits on~~  
4 ~~the amount, scope, and duration of services offered to recipients~~  
5 ~~under such program.~~ based on a comprehensive analysis of various  
6 options available to the state under applicable federal law for  
7 the provision of medical assistance to persons with disabilities  
8 who are employed, including persons with a medically improved  
9 disability, to enhance and replace current eligibility provisions  
10 contained in subdivision (8) of section 68-915.

11 (b) The department shall provide a draft report of such  
12 recommendations to the committee and the Medicaid Reform Council  
13 no later than October 1, ~~2007.~~ 2008. The council shall conduct a  
14 public meeting no later than October 15, ~~2007,~~ 2008, to discuss  
15 and receive public comment regarding such report. The council shall  
16 provide any comments and recommendations regarding such report in  
17 writing to the department and the committee no later than November  
18 1, ~~2007.~~ 2008. The department shall provide a final report of such  
19 recommendations to the Governor, the committee, and the council no  
20 later than December 1, ~~2007.~~ 2008.

21 (3) (a) The department shall develop recommendations  
22 for further modification or replacement of the defined benefit  
23 structure of the medical assistance program. Such recommendations  
24 shall be consistent with the public policy in section 68-905 and  
25 shall consider the needs and resources of low-income Nebraska  
26 residents who are eligible or may become eligible for medical  
27 assistance, the experience and outcomes of other states that have

1 developed and implemented such changes, and other relevant factors  
2 as determined by the department.

3 (b) The department shall provide a draft report of such  
4 recommendations to the committee and the Medicaid Reform Council  
5 no later than October 1, 2008. The council shall conduct a public  
6 meeting no later than October 15, 2008, to discuss and receive  
7 public comment regarding such report. The council shall provide any  
8 comments and recommendations regarding such report in writing to  
9 the department and the committee no later than November 1, 2008.  
10 The department shall provide a final report of such recommendations  
11 to the Governor, the committee, and the council no later than  
12 December 1, 2008.

13 Sec. 27. Section 71-5830.01, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 71-5830.01 Notwithstanding any other provisions of the  
16 Nebraska Health Care Certificate of Need Act, a certificate of need  
17 is not required for:

18 (1) A change in classification between an intermediate  
19 care facility, a nursing facility, or a skilled nursing facility;

20 (2) A project of a county in which is located a city of  
21 the metropolitan class for which a bond issue has been approved by  
22 the electorate of such county on or after January 1, 1994; and

23 (3) A project of a federally recognized Indian tribe  
24 to be located on tribal lands within the exterior boundaries of  
25 the State of Nebraska where (a) a determination has been made by  
26 the tribe's governing body that the cultural needs of the tribe's  
27 members cannot be adequately met by existing facilities if such

1 project has been approved by the tribe's governing body and (b)  
2 the tribe has a self-determination agreement in place with the  
3 Indian Health Service of the United States Department of Health and  
4 Human Services so that payment for enrolled members of a federally  
5 recognized Indian tribe who are served at such facility will be  
6 made with one hundred percent federal reimbursement.

7           2. Correct the operative date and repealer sections so  
8 that:

9           a. Sections 3 and 9 added by this amendment become  
10 operative on December 1, 2008;

11           b. Section 13 added by this amendment becomes operative  
12 on July 1, 2008;

13           c. Sections 14 and 15 added by this amendment become  
14 operative three calendar months after the adjournment of this  
15 legislative session; and

16           d. Section 27 added by this amendment becomes operative  
17 on its effective date with the emergency clause.

18           3. Renumber the remaining sections and correct internal  
19 references accordingly.