

April 27, 1983

LB 343A, 273

SPEAKER NICHOL: The question is the advancement of LB 343A. All those in favor say aye, opposed nay. It is advanced. Before we proceed, may I introduce some guests of Senator Withem in the South balcony. We have 60 students and 6 adults from the Pawnee School at Omaha. Beverly Roth is their teacher. Would you please welcome them to the Legislature. Thank you. LB 273.

CLERK: Mr. President, the E & R amendments have been adopted to 273 as well as an amendment by Senator Higgins and a portion of Senator Hefner's amendment. The first amendment I have pending, Mr. President, is an amendment offered by Senator Newell. That is on page 1653 of the Journal.

SPEAKER NICHOL: Senator Newell. Senator Newell, did you wish to take up your amendment?

SENATOR NEWELL: Mr. President, members of the Legislature, the amendment that I offer to this bill is an attempt to compromise between what the bill presently says and that is it limits the authority for the Department of Health. They can only jerk a license. So what I have proposed and what the amendment says is the Department shall have the authority to enforce...oh, it is on page 1653, at the bottom of the page and then goes over to 1654...it goes on....to have the authority to enforce this act and such rules and regulations adopted thereto by any of the following, and then they list them, denial, suspension, restriction or revocation of a nursing home's license, refuse a renewal of a nursing home's license, restriction of a nursing home's admissions or any other enforcement provision granted to the Department. So it is an attempt to give the Department of Health many other options which they may choose to use for the enforcement of the act. I think frankly it is more likely to provide a reasonable assessment of a penalty than the way the bill is presently written and I think it is frankly better than any provision to take out the enforcement mechanism. I urge the adoption.

SPEAKER NICHOL: Senator Higgins.

SENATOR HIGGINS: Yes, Mr. Speaker and members, I will be brief. Senator Newell brought this amendment to me. Under the present form of the bill the only option the Health Department has if they find a good nursing home that has made a sincere effort to train their staff, and at one time or another due to an administrator not being present, being off ill, or for any reason a nursing home fails, Senator Newell's amendment gives the Health Department a little more leverage, a little more leeway, I should say,