

## LEGISLATIVE BILL 419

Approved by the Governor March 23, 1971

Introduced by Harold T. Moylan, 6th District

AN ACT to amend section 83-109, Reissue Revised Statutes of Nebraska, 1943, relating to state institutions; to permit access to patient records in certain cases; to provide for certain investigations by the Department of Public Institutions and permit release; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 83-109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-109. The Department of Public Institutions shall have general control over the admission of patients and ~~inmates residents~~ to all institutions over which it has jurisdiction. Each individual shall be assigned to the institution best adapted to care for him. A record of every patient or ~~inmate resident~~ of every institution shall be kept complete from the date of his entrance to the date of his discharge or death, such records to be accessible only to the department, a Legislative Committee, the Governor, any federal agency requiring medical records to adjudicate claims for federal benefits, any public or private agency under contract to provide facilities, programs and patient services, or upon order of a judge or court. Transfers of patients or ~~inmates residents~~ from one institution to another shall be within the exclusive jurisdiction of the department and shall be recorded in the office of the department, with the reasons for such transfers. When the department is unable to assign a patient to a ~~hospital-for-the-mentally-ill~~ regional center or commit him to any other institution at the time of application, a record thereof shall be kept, and the patient accepted at the earliest practicable date. A report shall be furnished the next Legislature of the number of patients so refused from each county. The superintendents of the ~~hospitals-for-the--mentally--ill~~ regional centers and Beatrice State Home shall notify the department immediately whenever there is any question regarding the propriety of the commitment or detention of any person admitted to a state institution. The department shall then investigate the matter and take such action as

shall be proper. The department shall have full authority on its own suggestion, or upon the application of any interested person, to investigate the ~~sanity--of any-inmate-of-any-state-hospital-or-asylum~~ physical and mental status of any patient or resident of any regional center or the Beatrice State Home. If upon such investigation the department shall consider ~~said--inmate sane-and~~ such patient or resident fit to be released from the ~~asylum regional center or Beatrice State Home,~~ it shall cause ~~said-inmate~~ such patient or resident to be discharged or released on convalescent leave.

Sec. 2. That original section 83-109, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.