

## LEGISLATIVE BILL 693

Approved by the Governor February 24, 1988

Introduced by Wesely, 26

AN ACT relating to nursing homes; to amend sections 71-161.01, 71-2041.01, 71-2042, 71-2045.01 to 71-2045.06, 71-2045.09, 71-5842, and 76-1304, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions for licensing nursing home administrators; to change continuing education requirements; to provide for examinations, inactive licenses, certified preceptors, and administrator-in-training programs; to change and eliminate provisions relating to reciprocal licensing; to provide for rules and regulations; to change provisions relating to the Board of Examiners in Nursing Home Administration, renewal of licenses, fees, and expenses; to correct a statutory reference; to harmonize provisions; and to repeal the original sections, and also section 71-2045.07, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 71-161.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-161.01. A plea or verdict of guilty or a conviction following a plea of nolo contendere or non vult contendere made to a formal criminal charge shall be deemed to be a conviction within the meaning of sections 28-409, 71-147, 71-3,174, 71-3,175, 71-1333, ~~71-2045-02~~, 71-2717, and 71-4712 and section 3 of this act. The term conviction within the meaning of such sections shall mean a judicial finding of guilt irrespective of the pronouncement of judgment or the suspension thereof and shall include instances in which the imposition or the execution of sentence is suspended following a judicial finding of guilt and the defendant is placed on probation. Pursuant to such sections a license, permit, certificate, or registration, including one of a temporary nature, may be denied, refused renewal, limited, suspended, or revoked or have other disciplinary measures taken against it in accordance

with section 71-155, when the time for appeal of the conviction has elapsed or the conviction has been affirmed on appeal or an order granting probation is made suspending the imposition or the execution of sentence, irrespective of any subsequent order under any statute allowing such person to withdraw his or her plea of guilty, nolo contendere, or non vult contendere and to enter a plea of not guilty, or setting aside the verdict of guilty or the conviction, or releasing the person from probation, or dismissing the accusation, information, or indictment.

Sec. 2. That section 71-2041.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2041.01. For the purpose of sections 71-2041.01 to ~~71-2045-09~~ 71-2045.10 and sections 3 to 8 of this act, unless the context otherwise requires:

(1) Board shall mean the Board of Examiners in Nursing Home Administration Accredited institution shall mean an institution of postsecondary education approved by the board;

(2) Active license shall mean a license issued by the board to an administrator who meets the continuing education requirements of section 71-2045.03 and who submits the fee required by section 71-2045.05;

(3) Administrator or nursing home administrator shall mean any individual who meets the education and training requirements of section 3 of this act and is responsible for planning, organizing, directing, and controlling the operation of a home for the aged or infirm or nursing home an intermediate care facility for the mentally retarded; or who in fact performs such functions, whether or not such functions are shared by one or more other persons; - Each administrator shall be full time and responsible for the operation of only one such licensed facility;

~~(3)~~ (4) Administrator-in-training shall mean a person who is undergoing training to become a nursing home administrator and is supervised in a home for the aged or infirm or nursing home by a certified preceptor;

(5) Board shall mean the Board of Examiners in Nursing Home Administration;

(6) Certified preceptor shall mean a person who is currently licensed by the State of Nebraska as a nursing home administrator, has three years of experience as a nursing home administrator, is currently practicing in a home for the aged or infirm or a nursing home, and is approved by the board to supervise an administrator-in-training;

(7) Department shall mean the Department of Health;

(8) Home for the aged or infirm or nursing home shall mean any institution or facility licensed as such by the ~~department~~ Department of Health pursuant to sections 71-2017 to 71-2029, except an intermediate care facility for the mentally retarded, whether proprietary or nonprofit, including, but not limited to, homes for the aged or infirm owned or administered by the federal or state government or an agency or political subdivision thereof; and

(9) Inactive license shall mean a license issued by the board to an administrator who is not in active practice as a nursing home administrator and who submits the fee required in section 71-2045.05. This definition shall expire January 1, 1991;

(10) Internship shall mean that aspect of the educational program of the associate degree in long-term-care administration which allows for practical experience in a home for the aged or infirm or nursing home and occurs under the supervision of a certified preceptor;

(11) License shall mean permission to engage in nursing home administration which would otherwise be unlawful in this state in the absence of such permission and which is granted to individuals who meet prerequisites and qualifications that allow them to perform nursing home administration tasks and use the title nursing home administrator; and

(12) Nine-point core of knowledge shall mean training and experience earned in the following areas:

(a) Applicable standards of environmental health and safety;

(b) Local health and safety regulations;

(c) General administration;

(d) Psychology of patient care;

(e) Principles of patient care;

(f) Personal and social care;

(g) Therapeutic and supportive care and services in long-term care;

(h) Departmental organization and management;  
and

(i) Community interrelationships.

(4) Until October 1, 1988, intermediate care facility for the mentally retarded shall mean any institution or facility licensed as such by the Department of Health pursuant to sections 71-2017 to 71-2029, whether proprietary or nonprofit, including, but not limited to, intermediate care facilities for the

mentally retarded owned or administered by the federal or state government or an agency or political subdivision thereof. On and after October 1, 1988, all references to intermediate care facilities for the mentally retarded shall be void.

Sec. 3. That section 71-2045.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2045-02- (1) The board shall issue a license to each applicant who submits (a) satisfactory evidence of completion of an associate degree or its equivalent in long-term-care administration, allied health, or human services, including completion of one two-credit-hour course in each of the following areas: General administration; social gerontology; health problems of the aged; patient services and care; health and social service delivery systems; and a seminar on contemporary developments in aging including the Older Americans Act, (b) completion of an administrator-in-training program under a certified preceptor, and (c) evidence of successful passage of the National Association of Boards of Examiners for Nursing Home Administration written examination and a state examination that covers applicable state statutes and rules and regulations as approved by the board, except that two years of successful experience as an administrator of a domiciliary or residential care facility of at least one hundred residents, immediately preceding application for licensure, may be considered equivalent to the requirements prescribed in subdivision (1)(b) of this section. The board shall evaluate the experience of an applicant requesting the substitution of the requirements listed in subdivision (1)(b) of this section with two years of experience and shall obtain the affidavit of at least two licensed nursing home administrators in Nebraska testifying that the applicant is of good moral character and in good standing as an administrator of a domiciliary or residential care facility. In no case shall the board accept such substitution if the domiciliary or residential care facility while under the direction and administration of the applicant had its license suspended, denied, or revoked. The board shall license administrators of homes for the aged or infirm in accordance with sections 71-2041.01 to 71-2045-09 71-2045.10 and sections 3 to 8 of this act and standards, rules, and regulations issued adopted and promulgated by it pursuant thereto. The license of an administrator of a home for the aged or infirm shall not be transferable or assignable, and each

administrator shall be full time and responsible for the operation of only one licensed facility.

(2) Such licenses may be denied, suspended, refused renewal, or revoked by the board for due cause which shall include: (1) (a) Fraud in procuring a license; (2) (b) immoral, unprofessional, or dishonorable conduct; (3) (c) habitual intoxication or addiction to the use of drugs; (d) (4) distribution of intoxicating liquors or drugs for other than lawful purposes; (5) (e) conviction of a felony; (f) (6) physical or mental incapacity to perform professional duties; (7) (g) violation of any provision of sections 71-2041.01 to ~~71-2045.09~~ 71-2045.10 and sections 3 to 8 of this act or standards, rules, and regulations adopted and promulgated thereunder or of any law, standards, rules, and regulations relating to the proper administration and management of a home for the aged or infirm or nursing home; (8) (h) commission of any of the acts or offenses set forth in sections 71-147 and 71-148; and (9) (i) failure to pay the required fees. Except in cases of failure to pay the required fees, no license shall be denied, suspended, refused renewal, or revoked except after due notice and opportunity for a hearing. Any denial, suspension, refusal of renewal, or revocation of such license shall be subject to review pursuant to the provisions of the Administrative Procedure Act. A person whose license has been revoked, suspended, or limited may petition the board for reinstatement in the manner provided by sections 71-161.04 to 71-161.06.

Sec. 4. (1) In order for a person to become a nursing home administrator, he or she shall complete an administrator-in-training program. Such training shall occur in a home for the aged or infirm or nursing home under the supervision of a certified preceptor, and it may be gained as an internship which is part of an approved associate degree in long-term-care administration or, until January 1, 1992, after receipt of the associate degree in long-term-care administration.

(2) An applicant may begin his or her administrator-in-training program upon application to the board with the required fee provided for in section 71-2045.05, evidence that he or she meets the requirements of subdivision (1)(a) of section 3 of this act, and evidence of an agreement between the certified preceptor and the applicant for at least nine hundred and sixty hours of training and experience, or six hundred and forty hours of training and experience as an

internship in an approved associate degree program, in the nine-point core of knowledge in a Nebraska-licensed home for the aged or infirm or nursing home under the direct supervision of a certified preceptor. Commencing January 1, 1992, this training may only be gained as an internship which is a part of the associate degree in long-term-care administration.

(3) Upon approval by the board to begin the administrator-in-training program, the certified preceptor and the administrator-in-training shall submit to the department a progress report describing the nature and extent of the training completed to date by the fifth day of each month of the duration of the training. The training shall be completed not more than one year prior to application for licensure as a nursing home administrator.

(4) The administrator-in-training program shall occur under the supervision of a certified preceptor. In order to become a certified preceptor an applicant shall (a) be currently licensed and practicing as a nursing home administrator in the State of Nebraska, (b) have three years of experience as a nursing home administrator, and (c) complete a preceptor training course approved by the board.

Sec. 5. The board may issue a license to any person who passes the state examination specified in subdivision (1)(c) of section 3 of this act and who holds a current nursing home administrator license from another jurisdiction if the board finds that the standards for licensure in such other jurisdiction are at least the substantial equivalent of those prevailing in this state and that the applicant is a person who has been in active practice as a nursing home administrator for at least one year in some other state or territory or the District of Columbia, as established by the certificate of the proper licensing authority of the state, territory, or District of Columbia, certifying that the applicant is duly licensed, that his or her license has never been suspended or revoked, and that, so far as the records of such authority are concerned, the applicant is entitled to its endorsement. The applicant shall also present proof of the following: (1) That the state, territory, or District of Columbia from which the applicant comes has and maintains standards regulating nursing home administration substantially equivalent to those maintained by Nebraska; (2) that his or her license was based upon a national licensure examination and the grades given at such examination; (3) the date of his or her license;

(4) that such licensee has been actively engaged in the practice under such license since it was issued or, if not so engaged, the time when he or she was out of practice; (5) the affidavit of at least two practitioners in that state or territory or the District of Columbia testifying to the applicant being of good moral character and standing as a nursing home administrator; (6) completion of an administrator-in-training program as described in section 4 of this act. Two years of experience as an administrator of a home for the aged or infirm or nursing home, immediately preceding application for Nebraska licensure, shall be considered substantially equivalent to completion of an administrator-in-training program; and (7) completion of twenty-five hours of continuing education relating to long-term-care administration as defined in the nine-point core of knowledge within the twelve months prior to application for reciprocal licensure. An applicant for reciprocal licensure coming from any state may be licensed by reciprocity if his or her individual qualifications meet such requirements.

Sec. 6. The examination for a license shall consist of a national standardized examination and state examination. The passing score on the examination shall be determined by the board. Examinations shall be administered by the department to applicants who make application and payment of fees as specified in section 71-2045.05. The department shall give notice of the time and place of the examination in ample time to allow all candidates to comply with the requirements of sections 71-2041.01 to 71-2045.10 and sections 3 to 8 of this act. Prior to each examination the department may prepare a list of applicants who are eligible to take the examination as determined by the board. The identity of persons taking the examination shall not be disclosed upon the examination paper in such a way as to enable the board to know by whom the examination was written.

The board may adopt and promulgate rules and regulations regarding identification and grading of machine-scored examinations. Every examination shall be passed upon in accordance with the established rules and regulations of the board, and in cases of dispute, a majority of the members of the board shall decide. After each administration of an examination, the board shall certify the grades of the applicants in the manner prescribed by the board. The board shall then issue the proper license and make the required entry in the

registry record. All question and answer papers or sheets or photostatic or other copies of such questions and answer papers or sheets connected with any examination for licensure shall be filed with the department and preserved for two years as part of its records or, whenever national standardized examinations governed by security considerations are utilized, shall be available from the testing service for a period of two years during which time such answer papers or sheets shall be open to inspection by an applicant, by the dean of his or her college, or by any other proper representative of such college as determined by rules and regulations. Any national standardized machine-graded or computer-scored examination questions or answers which are protected by security agreements, copyright provisions, or departmental or state contractual agreements for use shall not be required to be on file with the department but shall be available for a period of two years upon demand, from any testing service utilized, at the discretion of the department or upon order of a court of competent jurisdiction. The board may adopt and promulgate rules and regulations to provide for the review of procedures for development and administration of examinations and to protect the security of the content of examination questions and answers. The board shall not enter into an agreement to adopt an examination from a national testing service without first obtaining from that service detailed documentation of the process of examination development and maintenance.

Sec. 7. Any person desiring to take the examination for a license shall make application to the board at least thirty days prior to examination on a form provided by the department and sworn to by the applicant. Such application shall be accompanied by the examination fee and such documents and affidavits as are necessary to show the eligibility of the candidates to take such examination. An applicant who will complete the administrator-in-training program less than thirty days following the date set for examination may file an application and be allowed to take the examination, but the license shall not be issued until the board receives documentation of completion of the administrator-in-training program.

Sec. 8. Every license shall be in the form of a certificate under the name and seal of the department and signed by the chairperson, the vice-chairperson, and the secretary of the board and the Director of the Bureau of Examining Boards. A copy of all licenses



shall be retained in the department and shall be given the same number as has been assigned to the licensee in the other records of the department. Every licensed nursing home administrator shall keep such license displayed in the office or in the place where he or she practices.

Sec. 9. That section 71-2042, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2042. It shall be the duty of the board to:

(1) Develop, impose, and enforce standards which ~~must~~ shall be met by individuals in order to receive a license, ~~as an administrator of a home for the aged or infirm and in order to receive a license as an administrator of an intermediate care facility for the mentally retarded,~~ which standards shall be designed to insure that such administrators will be individuals who are of good character and are otherwise suitable and who, by training or experience in the field of institutional administration, are qualified to serve as ~~either administrators of homes for the aged or infirm or administrators of intermediate care facilities for the mentally retarded;~~

(2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

(3) Issue licenses to individuals determined, after the application of such techniques, to meet such standards, and revoke or suspend licenses previously issued by the board in any case in which the individual holding any such license failed to conform to such standards;

(4) Establish and carry out procedures designed to insure that individuals licensed as administrators will, during any period that they serve as such, comply with the requirements of such standards;

(5) Adopt and promulgate rules and regulations governing continuing education and renewal and reinstatement procedures for licensure;

(6) Adopt and promulgate rules and regulations governing administrator-in-training programs including, but not limited to, matters such as (a) qualifications for administrators-in-training, (b) qualifications for certified preceptors, (c) methods of instruction and supervision, (d) methods of documentation, and (e) reporting requirements;

(7) Receive, investigate, and take appropriate action with respect to any charge or complaint filed

with the Department of Health department to the effect that any individual licensed as an administrator failed to comply with the requirements of such standards;

{6} (8) Conduct a continuing study and investigation of homes for the aged or infirm and nursing homes intermediate care facilities for the mentally retarded and administrators of such facilities within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards; and

{7} (9) Conduct or cause to be conducted by making use of the resources available one or more courses of instruction and training sufficient to meet the requirements of sections 71-2041.01 to ~~71-2045-09~~ 71-2045.10 and sections 3 to 8 of this act and make provisions for such courses and their accessibility to residents of this state unless it finds that there are a sufficient number of approved courses which are taught by others within this state. In lieu thereof, the board may approve courses taught within and without this state as sufficient to meet the education and training requirements of such sections. ~~71-2041-01 to 71-2045-09~~ For purposes of this subdivision, the board shall have the authority to receive and disburse federal funds received pursuant to section 1908(e)(1) of the Social Security Act.

Sec. 10. That section 71-2045.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2045.01. (1) There is hereby created, under the supervision of the Department of Health department, the Board of Examiners in Nursing Home Administration which shall consist of the Director of Health or his or her designated representative, the Director of Social Services or his or her designated representative, the Director on Aging or his or her designated representative, and the following members appointed by the Department State Board of Health: {1} (a) Two members who hold an active license and are currently employed shall be actively engaged in the management, operation, or ownership of proprietary homes for the aged or infirm or nursing homes that serve the aged or infirm in Nebraska; {2} (b) one member who holds an active license and is currently employed shall be actively engaged in the management or operation of a nonprofit home for the aged or infirm or nursing home or hospital caring for chronically ill or infirm, aged patients; {3} (c) one member who shall be is a member of

the faculty of a college or university located in the state who is actively engaged in a teaching program relating to business administration, social work, gerontology, or some other aspect of the administration of health care facilities; ~~(4)~~ (d) one member who shall be is a licensed physician and surgeon with a demonstrated interest in long-term care; and ~~(5)~~ (e) one member who shall be is a licensed registered professional nurse. The ; PROVIDED; that the present members of the board shall serve as members of such board until the expiration of their respective terms or until their successors have been appointed and qualified. Each of the appointed members member who is an administrator of a home for the aged or infirm shall be licensed pursuant to sections 71-2041.01 to ~~71-2045-09~~ 71-2045.10 and sections 3 to 8 of this act.

The Department of Health shall make appointments to the board within sixty days after February 19, 1972. (2) The appointed members shall be appointed for a term of three years, and the terms shall be staggered so that ; PROVIDED; that in making such appointments the Department of Health shall provide for staggered terms of office so that the term of two appointed members of the board shall expire expires each year. The and a successor shall be appointed thereafter for a term of three years. Commencing in 1972 the term of each member shall commence on the first day of December, following the expiration of the term of the member whom such person succeeds. Vacancies in any appointive position on the board shall be filled for the unexpired portion of the term by appointment by the Department State Board of Health in the same manner as original appointments are made. Appointed members shall serve until their successors are appointed and qualified.

(3) The State Board of Health shall have power to remove from office at any time any member of the board after a public hearing pursuant to the Administrative Procedure Act for physical or mental incapacity to carry out the duties of a board member, for continued neglect of duty, for incompetency, for acting beyond the individual member's scope of authority, for malfeasance in office, for any cause for which a license may be suspended or revoked, or for a lack of licensure.

(4) The department shall adopt and promulgate rules and regulations which establish definitions of conflicts of interest for members of the board and which establish procedures in the case such a conflict arises.

Sec. 11. That section 71-2045.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2045.03. (1) Each ~~licensed~~ administrator ~~of a home for the aged or infirm~~ holding an active Nebraska license ~~and in active practice~~ shall be required on or before December 31 of each even-numbered year, commencing in 1986, to attend at least fifty hours biennially of approved schools, clinics, forums, lectures, or educational seminars relating to health care administration as defined in the nine-point core of knowledge as may be announced and approved by the board within the State of Nebraska or by the governing board, agency, or department in some other state, or territory, or the District of Columbia as prerequisite for the Nebraska licensee's next subsequent biennial license renewal. Each licensee shall certify on an affidavit form provided by the department that he or she has complied with the requirements set forth in this section during the preceding two-year period. The sworn affidavit shall contain a listing of continuing education activities which he or she participated in or attended, the amount of credit received for each activity, and the date, location, and name of the approved provider which sponsored the activity on a separate form or portion of the license renewal application as may be designated by the department. Each licensee shall be responsible for maintaining in his or her personal files such certificates of records of credit from continuing education activities received from approved providers. Licensees who have not complied with such ~~requirement~~ requirements shall not be issued a renewal license unless exempt for any of the following reasons:

(1) (a) The licensee served in the regular armed forces of the United States during any part of the twenty-four months immediately preceding the Nebraska license renewal date;

(2) (b) The licensee submits proof that he or she was suffering from a serious or disabling illness or physical disability which prevented his or her attendance at any approved school, clinic, forum, lecture, or educational seminar within the State of Nebraska or any other state, or territory, or the District of Columbia during the twenty-four months immediately preceding the Nebraska license renewal date; or

(3) (c) The licensee was first licensed within the twenty-four months immediately preceding the

Nebraska license renewal date.

(2) Providers of continuing education or licensees may submit courses for review and approval by the board. Each provider or licensee making application for approval of continuing education courses shall pay an application fee of thirty-five dollars for each program, seminar, or course submitted for review. Such fee shall be retained by the board and disposed of in the manner specified in section 71-2045.05.

Sec. 12. That section 71-2045.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2045.04. After February 19, 1972, each Each home for the aged or infirm or nursing home within the state shall be operated under the supervision of an administrator duly licensed in the manner provided in sections 71-2041.01 to 71-2045.09 71-2045.10 and sections 3 to 8 of this act.

Sec. 13. That section 71-2045.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2045.05. (1) Every administrator of a home for the aged or infirm shall be licensed by the board. All licenses, except provisional licenses, except as otherwise provided in sections 71-2041-01 to 71-2045-10. Such license shall be renewed in each even-numbered year beginning in 1988 by the board upon the payment of the renewal fee. The board shall notify each licensed nursing home administrator by letter addressed to him or her at his or her last place of residence, as noted upon its records, that his or her license expires on December 31 and of the requirements for renewal of the license. Any such licensee who fails to pay the renewal fee specified in this section on or before December 31 shall be given notice in the same manner advising him or her (a) of the failure to pay the license renewal fee, (b) that the license on that account expired on December 31, (c) that the board will suspend action until January 31, (d) that upon the receipt of the license renewal fee together with the late renewal fee specified in this section on or before January 31, no order of revocation will be issued, and (e) that upon the failure to receive the amount then due and the late renewal fee specified in this section, an order of revocation will be issued, and compliance with all requirements of sections 71-2041-01 to 71-2045-10 and standards, rules, and regulations adopted and promulgated under such sections. All licenses, except provisional licenses, shall expire on December 31 of each even-numbered year. All fees

collected under sections 71-2041-01 to 71-2045-10 this section shall be payable to the Department of Health department and shall then be paid monthly by the department to the State Treasurer who shall keep the same in a special fund to be known as the Board of Examiners in Nursing Home Administration Fund, which fund shall be used and expended by the Department of Health department to pay the compensation and travel expenses of members and employees of the board and other expenses necessary for the board to administer and carry out sections 71-2041.01 to 71-2045.10 and sections 3 to 8 of this act.

(2) The fees to be paid by the applicants and licensees shall be as follows:

(a) Application fee for initial license and examination fee	\$75-00
(b) Fee for initial license, reciprocity license, and biennial renewal of license	\$100-00
(c) Application fee for license by reciprocity (nonrefundable)	\$50-00
(d) Application fee for provisional license valid for a period of only one hundred eighty calendar days (nonrefundable)	\$50-00
(e) Inactive status license renewal fee	\$50-00
(f) Preceptor certification fee	no fee
(g) Administrator-in-training certification fee	\$30-00
(h) Late renewal fee	\$5-00
(i) License restoration fee	\$30-00
(j) License reinstatement fee	\$10-00
(a) Fee for initial licensure examination	\$100.00
(b) Fee for initial license	\$250.00
(c) Fee for examination by reciprocity (nonrefundable)	\$50.00
(d) Fee for reciprocity license	\$250.00
(e) Application for provisional license valid for a period of only one hundred eighty calendar days (nonrefundable)	\$100.00
(f) Preceptor certification fee	\$25.00
(g) Administrator-in-training certificate fee	\$50.00
(h) Fee for renewal of an active license	\$250.00
(i) Fee for renewal of an inactive license (until December 31, 1988)	\$150.00
(j) Late renewal fee	\$25.00
(k) License reinstatement fee	\$10.00
(l) Application fee for approval of a	

<u>continuing education course</u>	\$35.00
<u>(m) Fee for certification of a statement that a licensee is licensed in this state</u>	\$5.00
<u>(n) Fee for a duplicate original license</u>	\$5.00

Any person who holds an inactive license may renew such inactive license until December 31, 1988. Any person who holds an inactive license that will expire December 31, 1990, shall complete fifty hours of continuing education in order to renew. Such a license may only be renewed to active status.

Sec. 14. That section 71-2045.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2045.06. The board shall elect from its appointed members a chairperson, vice-chairperson, and such other officers as it deems necessary. The members of the board who are not officers or employees of the State of Nebraska shall, in addition to necessary travel and other necessary lodging expenses, receive a per diem of twenty dollars for each day actually engaged in the discharge of their duties, including compensation for the time spent in traveling to and from the place of conducting the examination and, with the exception of board members who are laypersons, for a reasonable number of days for the preparation of examination questions and the reading of the answer papers, in addition to the time actually spent in conducting the examination. Traveling and other necessary lodging expenses shall be reimbursed as provided in sections 81-1174 to 81-1177 for state employees. The compensation per day shall not exceed thirty dollars and shall be determined by the board. All expenses of the board and in the administration of sections 71-2041.01 to ~~71-2045.09~~ 71-2045.10 and sections 3 to 8 of this act shall be paid from the ~~fund~~ Board of Examiners in Nursing Home Administration Fund by voucher signed by the Director of the Bureau of Examining Boards. The board shall receive all license renewal funds above the necessary operating expenses incurred by the Bureau of Examining Boards for ~~annual~~ renewal of licensure. Any surplus in funds at the end of the biennium shall be retained by the board for future expenditures. Expenses of members who are in the employ of the state shall be paid from the appropriation to their respective departments. Appointed members may be removed by the Department of Health for misconduct, incapacity, incompetence, or neglect of duty after being served with a written statement of charges and after opportunity for

a hearing on such charges. The board, with the approval of the Department of Health, may employ and fix the compensation and duties of necessary personnel, including an executive secretary, to assist it in the performance of its duties.

Sec. 15. That section 71-2045.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2045.09. On and after February 19, 1972, ~~it~~ It shall be unlawful and constitute a misdemeanor for any person to act or serve in the capacity of an administrator of a home for the aged or infirm unless he or she is the holder of a license as an administrator of a home for the aged or infirm issued in accordance with the provisions of sections 71-2041.01 to ~~71-2045-09~~ 71-2045.10 and sections 3 to 8 of this act. Such person shall be guilty of a Class III misdemeanor. Each day upon which such violation occurs shall constitute a separate violation.

Sec. 16. That section 71-5842, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5842. There is hereby created a Certificate of Need Review Committee consisting of seven members to be appointed by the Governor. Two members shall be appointed by the Governor from each congressional district, and one member shall be appointed at large by the Governor. At least four members of the review committee shall not be providers of health care. For the purpose of this section, provider of health care shall be defined according to section 1531 of P.L. 93-641, 42 U.S.C., ~~section~~ 300n (3), as amended by P.L. 96-79. One member appointed by the Governor may be a physician licensed to practice medicine and surgery pursuant to sections 71-1,102 to 71-1,107, one member shall be chief executive of a hospital licensed in Nebraska under sections 71-2017 to 71-2029, and one member may be a nursing home administrator licensed in Nebraska under sections 71-2041.01 to ~~71-2045-09~~ 71-2045.10 and sections 3 to 8 of this act.

Sec. 17. That section 76-1304, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-1304. Unless the method of disposition is adopted for the purpose of evasion of the provisions of sections 76-1301 to 76-1315, ~~the~~ such provisions of ~~sections 76-1301 to 76-1315~~ shall not apply to offers or dispositions of an interest in land by a purchaser of



subdivided lands for his or her own account in a single or isolated transaction, nor shall ~~the~~ such provisions of ~~sections 76-1301 to 76-1315~~ apply to the following:

(1) Offers or dispositions of evidences of indebtedness secured by a mortgage or deed of trust of real estate;

(2) Offers or dispositions of securities or units of interest issued by a real estate investment trust regulated under any state or federal statute;

(3) The sale or lease of real estate under or pursuant to court order;

(4) The disposition in any manner whatsoever of any unit of public housing under the administrative jurisdiction of a local public housing authority;

(5) Offers or dispositions of securities currently registered with the Director of Banking and Finance and under the provisions of the Securities Act of Nebraska; and

(6) Homes for the aged or infirm, or nursing homes licensed by the Department of Health pursuant to sections ~~71-2041 to 71-2045~~ 71-2017 to 71-2029.

Sec. 18. That original sections 71-161.01, 71-2041.01, 71-2042, 71-2045.01 to 71-2045.06, 71-2045.09, 71-5842, and 76-1304, Reissue Revised Statutes of Nebraska, 1943, and also section 71-2045.07, Reissue Revised Statutes of Nebraska, 1943, are repealed.