

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 999**

FINAL READING

Introduced by Campbell, 25; Rogert, 16.

Read first time January 20, 2010

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health care; to amend section 71-401,  
2 Reissue Revised Statutes of Nebraska; to state findings;  
3 to provide for a moratorium on new hospital licenses  
4 as prescribed; to provide for a study of health care  
5 as prescribed; to harmonize provisions; to repeal the  
6 original section; and to declare an emergency.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 71-401, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           71-401 Sections 71-401 to 71-464 and section 2 of this  
4 act shall be known and may be cited as the Health Care Facility  
5 Licensure Act.

6           Sec. 2. (1) The Legislature finds that Nebraska's general  
7 acute and critical access hospitals provide a foundation of health  
8 care throughout the state. This long-established means of providing  
9 health care is changing. Because health care delivery is evolving,  
10 it is important to assess needs in Nebraska and determine whether  
11 licensure and regulation should be changed to reflect current and  
12 future practices.

13           (2) The department shall not accept an application for or  
14 issue a license for a new hospital beginning on the effective date  
15 of this act and continuing through September 15, 2011, except that  
16 this prohibition shall not apply to an application for or issuance  
17 of a license as a critical access hospital or an application for or  
18 issuance of a license for any hospital which has begun construction  
19 prior to May 1, 2010.

20           (3) The Health and Human Services Committee of the  
21 Legislature shall study health care in Nebraska. The study shall  
22 include, but not be limited to:

23           (a) A comparison of the roles of Nebraska's general acute  
24 hospitals, critical access hospitals, ambulatory surgical centers,  
25 and other limited service facilities, such as physician-owned

1 hospitals and investor-owned hospitals, and the impact of such  
2 hospitals, centers, and facilities on access to services, quality  
3 of health care, and cost, including medicaid costs and insurance  
4 premiums;

5 (b) Compliance with the federal Emergency Medical  
6 Treatment and Active Labor Act, 42 U.S.C. 1395dd, as such act  
7 existed on January 1, 2010;

8 (c) Referral practices;

9 (d) Ownership disclosure;

10 (e) Uncompensated and under-compensated patient care;

11 (f) Joint ventures among or between hospitals,  
12 physicians, and investors;

13 (g) Reinvestment in facilities;

14 (h) Examination and definition of community benefits;

15 (i) Clarification and definition of limited service  
16 facilities, such as physician-owned hospitals and investor-owned  
17 hospitals, and other definitions as needed; and

18 (j) The impact of federal health care reform on the items  
19 in subdivisions (a) through (i) of this subsection.

20 (4) The committee shall seek information from resources,  
21 including, but not limited to, physicians; representatives of  
22 hospitals, ambulatory surgical centers, physician-owned hospitals,  
23 investor-owned hospitals, public health agencies, the department,  
24 and allied professions such as behavioral health service providers,  
25 nurses, pharmacists, and emergency care providers; businesses;

1 consumers; insurers; communities; the Legislative Fiscal Analyst;  
2 and the office of Legislative Research.

3 (5) The committee shall report its findings to the  
4 Legislature by December 31, 2010.

5 Sec. 3. Original section 71-401, Reissue Revised Statutes  
6 of Nebraska, is repealed.

7 Sec. 4. Since an emergency exists, this act takes effect  
8 when passed and approved according to law.