

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1215**

Introduced by Hansen, 16.

Read first time January 16, 2024

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Department of Health and Human  
2 Services; to amend sections 38-142, 71-434, 71-3608, 71-3610,  
3 71-3613, 71-3614, 71-5803, 71-5829.03, and 71-5836, Reissue Revised  
4 Statutes of Nebraska; to change provisions relating to fees,  
5 communicable diseases, rehabilitation beds, and acute care beds; to  
6 harmonize provisions; to repeal the original sections; and to  
7 outright repeal sections 71-5803.01, 71-5803.13, and 71-5829.06,  
8 Reissue Revised Statutes of Nebraska.  
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-142, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 38-142 (1) The credential to practice a profession shall be renewed  
4 biennially upon request of the credentialed person and upon documentation  
5 of continuing competency pursuant to sections 38-145 and 38-146. The  
6 renewals provided for in this section shall be accomplished in such  
7 manner and on such date as the department, with the recommendation of the  
8 appropriate board, may establish.

9 The request for renewal shall be accompanied by the renewal fee and  
10 include all information required by the department~~and shall be~~  
11 ~~accompanied by the renewal fee.~~ Requests to renew licenses for licensed  
12 practical nurses, registered nurses, and advanced practice registered  
13 nurses shall include evidence that the licensee has registered with the  
14 electronic database utilized by the department for the purpose of  
15 providing the licensee with current license status and nursing workforce  
16 data collection. The renewal ~~Such~~ fee shall be paid not later than the  
17 date of the expiration of such credential, except that persons actively  
18 engaged in the military service of the United States, as defined in the  
19 Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., as the act  
20 existed on January 1, 2007, shall not be required to pay the renewal fee.

21 (2) At least thirty days before the expiration of a credential, the  
22 department shall notify each credentialed person at his or her last  
23 address of record. If a credentialed person fails to notify the  
24 department of his or her desire to have his or her credential placed on  
25 inactive status upon its expiration, fails to meet the requirements for  
26 renewal on or before the date of expiration of his or her credential, or  
27 otherwise fails to renew his or her credential, it shall expire. When a  
28 person's credential expires, the right to represent himself or herself as  
29 a credentialed person and to practice the profession in which a  
30 credential is required shall terminate. Any credentialed person who fails  
31 to renew the credential by the expiration date and desires to resume

1 practice of the profession shall apply to the department for  
2 reinstatement of the credential.

3 (3) When a person credentialed pursuant to the Uniform Credentialing  
4 Act desires to have his or her credential placed on inactive status, he  
5 or she shall notify the department of such desire in writing. The  
6 department shall notify the credentialed person in writing of the  
7 acceptance or denial of the request to allow the credential to be placed  
8 on inactive status. When the credential is placed on inactive status, the  
9 credentialed person shall not engage in the practice of such profession,  
10 but he or she may represent himself or herself as having an inactive  
11 credential. A credential may remain on inactive status for an indefinite  
12 period of time.

13 Sec. 2. Section 71-434, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 71-434 (1) Licensure activities under the Health Care Facility  
16 Licensure Act shall be funded by license fees. An applicant for an  
17 initial or renewal license under section 71-433 shall pay a license fee  
18 as provided in this section.

19 (2) License fees shall include a base fee of fifty dollars and an  
20 additional fee based on:

21 (a) Variable costs to the department of inspections, architectural  
22 plan reviews, and receiving and investigating complaints, including staff  
23 salaries, travel, and other similar direct and indirect costs;

24 (b) The number of beds available to persons residing at the health  
25 care facility;

26 (c) The program capacity of the health care facility or health care  
27 service; or

28 (d) Other relevant factors as determined by the department.

29 Such additional fee shall be no more than two thousand six hundred  
30 dollars for a hospital or a health clinic operating as an ambulatory  
31 surgical center, no more than two thousand dollars for an assisted-living

1 facility, a health clinic providing hemodialysis or labor and delivery  
2 services, an intermediate care facility, an intermediate care facility  
3 for persons with developmental disabilities, a nursing facility, or a  
4 skilled nursing facility, no more than one thousand dollars for home  
5 health agencies, hospice services, and centers for the developmentally  
6 disabled, and no more than seven hundred dollars for all other health  
7 care facilities and health care services.

8 (3) If the licensure application is denied, the license fee shall be  
9 returned to the applicant, except that the department may retain up to  
10 twenty-five dollars as an administrative fee and may retain the entire  
11 license fee if an inspection has been completed prior to such denial.

12 (4) The department shall also collect the fee provided in subsection  
13 (1) of this section for reinstatement of a license that has lapsed or has  
14 been suspended or revoked. The department shall collect a fee of ten  
15 dollars for a duplicate original license.

16 ~~(5) The department shall collect a fee from any applicant or~~  
17 ~~licensee requesting an informal conference with a representative peer~~  
18 ~~review organization under section 71-452 to cover all costs and expenses~~  
19 ~~associated with such conference.~~

20 (5) ~~(6)~~ The department shall adopt and promulgate rules and  
21 regulations for the establishment of license fees under this section.

22 (6) ~~(7)~~ The department shall remit all license fees collected under  
23 this section to the State Treasurer for credit to the Health and Human  
24 Services Cash Fund. License fees collected under this section shall only  
25 be used for activities related to the licensure of health care facilities  
26 and health care services.

27 Sec. 3. Section 71-3608, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 71-3608 No person having communicable tuberculosis who in his or her  
30 home or elsewhere obeys the rules, regulations, and orders of the  
31 department for the control of tuberculosis or who voluntarily accepts

1 hospitalization or treatment in a health care facility which is licensed  
2 and approved for such use under the Health Care Facility Licensure Act by  
3 the department, or other location as approved by the Governor, and obeys  
4 the rules, regulations, and orders of the department for the control of  
5 communicable tuberculosis shall be committed under the Tuberculosis  
6 Detection and Prevention Act.

7 Sec. 4. Section 71-3610, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 71-3610 The expenses incurred in the care, maintenance, and  
10 treatment of patients committed under the Tuberculosis Detection and  
11 Prevention Act shall be paid from state funds appropriated to the  
12 department for the purpose of entering into agreements ~~with qualified~~  
13 ~~health care facilities so as~~ to provide for the care, maintenance, and  
14 treatment of such patients and those other persons having communicable  
15 tuberculosis who voluntarily agree to and accept care and treatment.

16 Sec. 5. Section 71-3613, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 71-3613 The department shall have and may exercise the following  
19 powers and duties in its administration of the Tuberculosis Detection and  
20 Prevention Act:

21 (1) To adopt and promulgate rules and regulations relating to the  
22 care, maintenance, and treatment of ~~contract with qualified hospitals or~~  
23 ~~other health care facilities which are licensed and approved for such use~~  
24 ~~under the Health Care Facility Licensure Act by the department for the~~  
25 ~~purpose of caring for, maintaining, and treating~~ patients committed under  
26 the Tuberculosis Detection and Prevention Act, ~~and for those other~~  
27 persons having communicable tuberculosis who voluntarily agree to and  
28 accept care and treatment ~~in such a health care facility~~ on either an  
29 inpatient or an outpatient basis;

30 (2) To inspect and supervise to the extent necessary the facilities,  
31 operations, and administration of those health care facilities under

1 ~~contract to or otherwise~~ receiving support from the department for the  
2 purpose of providing care, treatment, or maintenance for persons infected  
3 with communicable tuberculosis;

4 (3) To provide visiting nursing services to those persons having  
5 communicable tuberculosis who are being treated on an outpatient basis;

6 (4) To adopt rules and regulations, and issue orders based thereon,  
7 relative to reports and statistics on tuberculosis from counties and the  
8 care, treatment, and maintenance of persons having tuberculosis,  
9 especially of those in the communicable or contagious stage thereof; and

10 (5) To set standards by rule and regulation for the types and level  
11 of medical care and treatment to be used by those health care facilities  
12 caring for tuberculous persons and to set standards by rule and  
13 regulation ~~governing contracts mentioned in subdivision (1) of this~~  
14 ~~section~~ dealing with such matters as program standards, maximum and  
15 minimum costs and rates, administrative procedures to be followed and  
16 reports to be made, and arbitration by third parties.

17 ~~Rules, regulations, and orders in effect under this section prior to~~  
18 ~~July 16, 2004, shall continue to be effective until revised, amended,~~  
19 ~~repealed, or nullified pursuant to law.~~

20 Sec. 6. Section 71-3614, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 71-3614 (1) When any person who has communicable tuberculosis and  
23 who has relatives, friends, or a private or public agency or organization  
24 willing to undertake the obligation to support him or her or to aid in  
25 supporting him or her in any other state or country, the department may  
26 furnish him or her with the cost of transportation to such other state or  
27 country if it finds that the interest of the State of Nebraska and the  
28 welfare of such person will be promoted thereby. The expense of such  
29 transportation shall be paid by the department out of funds appropriated  
30 to it for the purpose of carrying out the Tuberculosis Detection and  
31 Prevention Act.

1 (2) No funds appropriated to the department for the purpose of  
2 carrying out the act shall be used for meeting the cost of the care,  
3 maintenance, or treatment of any person who has communicable tuberculosis  
4 ~~in a health care facility on either an inpatient or an outpatient basis,~~  
5 ~~or otherwise,~~ for directed health measures, or for transportation to  
6 another state or country, to the extent that such cost is covered by an  
7 insurer or other third-party payor or any other entity under obligation  
8 to such person by contract, policy, certificate, or any other means  
9 whatsoever. The department in no case shall expend any such funds to the  
10 extent that any such person is able to bear the cost of such care,  
11 maintenance, treatment, or transportation. To protect the health and  
12 safety of the public, the department may pay, in part or in whole, the  
13 cost of drugs and medical care used to treat any person for or to prevent  
14 the spread of communicable tuberculosis and for evaluation and diagnosis  
15 of persons who have been identified as contacts of a person with  
16 communicable tuberculosis. The department shall determine the ability of  
17 a person to pay by consideration of the following factors: (a) The  
18 person's age, (b) the number of his or her dependents and their ages and  
19 physical condition, (c) the person's length of care, maintenance, or  
20 treatment, (d) his or her liabilities, (e) the extent that such cost is  
21 covered by an insurer or other third-party payor, and (f) his or her  
22 assets. Pursuant to the Administrative Procedure Act, the department  
23 shall adopt and promulgate rules and regulations for making the  
24 determinations required by this subsection.

25 ~~Rules, regulations, and orders in effect under this section prior to~~  
26 ~~July 16, 2004, shall continue to be effective until revised, amended,~~  
27 ~~repealed, or nullified pursuant to law.~~

28 Sec. 7. Section 71-5803, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 71-5803 For purposes of the Nebraska Health Care Certificate of Need  
31 Act, unless the context otherwise requires, the definitions found in

1 sections 71-5803.02 ~~71-5803.01~~ to 71-5803.15 shall be used.

2 Sec. 8. Section 71-5829.03, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 71-5829.03 Except as provided in section 71-5830.01, no person,  
5 including persons acting for or on behalf of a health care facility,  
6 shall engage in any of the following activities without having first  
7 applied for and received the necessary certificate of need:

8 (1) The initial establishment of long-term care beds ~~or~~  
9 ~~rehabilitation~~ beds except as permitted under subdivision (3)  
10 ~~subdivisions (4) and (5)~~ of this section;

11 (2) An increase in the long-term care beds of a health care facility  
12 by more than ten long-term care beds or more than ten percent of the  
13 total long-term care bed capacity of such facility, whichever is less,  
14 over a two-year period; or

15 ~~(3) An increase in the rehabilitation beds of a health care facility~~  
16 ~~by more than ten rehabilitation beds or more than ten percent of the~~  
17 ~~total rehabilitation bed capacity of such facility, whichever is less,~~  
18 ~~over a two-year period;~~

19 ~~(3) (4)~~ Any initial establishment of long-term care beds through  
20 conversion by a hospital of any type of hospital beds to long-term care  
21 beds if the total beds converted by the hospital are more than ten beds  
22 or more than ten percent of the total bed capacity of such hospital,  
23 whichever is less, over a two-year period. ~~;~~

24 ~~(5) Any initial establishment of rehabilitation beds through~~  
25 ~~conversion by a hospital of any type of hospital beds to rehabilitation~~  
26 ~~beds if the total beds converted by the hospital are more than ten beds~~  
27 ~~or more than ten percent of the total bed capacity of such hospital,~~  
28 ~~whichever is less, over a two-year period; or~~

29 ~~(6) Any relocation of rehabilitation beds in Nebraska from one~~  
30 ~~health care facility to another health care facility, except that no~~  
31 ~~certificate of need is required for relocation or transfer of~~

1 ~~rehabilitation beds from a health care facility to another health care~~  
2 ~~facility owned and operated by the same entity.~~

3       Sec. 9. Section 71-5836, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5       71-5836 The department, after consulting with appropriate  
6 governmental agencies and affected persons, shall:

7       (1) Prescribe the form to be used in applying for certificates of  
8 need and for applying for renewal of such certificates. The application  
9 shall contain (a) the name and address of the sponsor, (b) the  
10 anticipated date for placing the beds in service, (c) the location, (d)  
11 the number of new beds, (e) a concise, narrative description of the  
12 project showing the type and description of proposed ~~acute care beds,~~  
13 ~~rehabilitation beds,~~ or long-term care beds, and (f) the certification  
14 and telephone number of a responsible officer; and

15       (2) By rule and regulation describe and clarify the procedures to be  
16 followed in the review of an application. Such procedures shall be issued  
17 with each application form.

18       Sec. 10. Original sections 38-142, 71-434, 71-3608, 71-3610,  
19 71-3613, 71-3614, 71-5803, 71-5829.03, and 71-5836, Reissue Revised  
20 Statutes of Nebraska, are repealed.

21       Sec. 11. The following sections are outright repealed: Sections  
22 71-5803.01, 71-5803.13, and 71-5829.06, Reissue Revised Statutes of  
23 Nebraska.