

AMENDMENTS TO LB437

Introduced by Health and Human Services.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** Section 71-5829.03, Reissue Revised Statutes of Nebraska,
4 is amended to read:

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

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

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

16 (2) ~~(3)~~ An increase in the rehabilitation beds of a health care
17 facility by more than ten rehabilitation beds or more than ten percent of
18 the total rehabilitation bed capacity of such facility, whichever is
19 less, over a two-year period;

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

25 (3) ~~(5)~~ Any initial establishment of rehabilitation beds through
26 conversion by a hospital of any type of hospital beds to rehabilitation
27 beds if the total beds converted by the hospital are more than ten beds

1 or more than ten percent of the total bed capacity of such hospital,
2 whichever is less, over a two-year period; or

3 ~~(4) (6)~~ Any relocation of rehabilitation beds in Nebraska from one
4 health care facility to another health care facility, except that no
5 certificate of need is required for relocation or transfer of
6 rehabilitation beds from a health care facility to another health care
7 facility owned and operated by the same entity.

8 **Sec. 2.** Section 71-5830.01, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 71-5830.01 Notwithstanding any other provisions of the Nebraska
11 Health Care Certificate of Need Act, a certificate of need is not
12 required for:

13 (1) A change in classification between an intermediate care
14 facility, a nursing facility, or a skilled nursing facility;

15 (2) A project of a county in which is located a city of the
16 metropolitan class for which a bond issue has been approved by the
17 electorate of such county on or after January 1, 1994; and

18 (3) A project of a federally recognized Indian tribe to be located
19 on tribal lands within the exterior boundaries of the State of Nebraska
20 where (a) a determination has been made by the tribe's governing body
21 that the cultural needs of the tribe's members cannot be adequately met
22 by existing facilities if such project has been approved by the tribe's
23 governing body and (b) the tribe has a self-determination agreement in
24 place with the Indian Health Service of the United States Department of
25 Health and Human Services so that payment for enrolled members of a
26 federally recognized Indian tribe who are served at such facility will be
27 made with one hundred percent federal reimbursement, ; ~~and~~

28 ~~(4) A transfer or relocation of long-term care beds from one~~
29 ~~facility to another entity in the same health planning region or any~~
30 ~~other health planning region. The receiving entity shall obtain a license~~
31 ~~for the transferred or relocated beds within two years after the transfer~~

1 ~~or relocation. The department shall grant an extension of such time if~~
2 ~~the receiving entity is making progress toward the licensure of such~~
3 ~~beds.~~

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

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

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

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

19 **Sec. 4.** Section 71-5846, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 71-5846 The department shall make a decision in writing to (1)
22 approve the application and issue a certificate of need or (2)
23 disapprove the application and deny a certificate of need ~~or (3) if the~~
24 ~~application is for more long-term care beds than allowed under section~~
25 ~~71-5829.04, approve the application but issue a certificate of need only~~
26 ~~for the reduced number of beds that section 71-5829.04 allows.~~ The
27 department shall make its decision within sixty days after the date the
28 application was received.

29 **Sec. 5.** Section 71-5865, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 71-5865 In an appeal of a decision to deny a certificate of need,

1 the person requesting the appeal shall bear the burden of proving that
2 the project meets the applicable criteria established in sections
3 71-5829.03 and ~~to~~ 71-5829.06.

4 **Sec. 6.** Original sections 71-5829.03, 71-5830.01, 71-5836, 71-5846,
5 and 71-5865, Reissue Revised Statutes of Nebraska, are repealed.

6 **Sec. 7.** The following sections are outright repealed: Sections
7 71-5803.10, 71-5829.04, and 71-5829.05, Reissue Revised Statutes of
8 Nebraska.