

## LEGISLATIVE BILL 782

Approved by the Governor April 17, 1986

Introduced by Withem, 14

AN ACT relating to nursing homes; to amend sections 71-2040, 71-6008, 71-6022, and 71-6037, Revised Statutes Supplement, 1984; to define a term; to provide a condition of licensure as prescribed; to provide an exception; to harmonize provisions; and to repeal the original sections.

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

Section 1. Medicaid shall mean the medical assistance program under sections 68-1018 to 68-1025.

Sec. 2. A nursing home seeking or renewing a license shall be required to retain a resident whose economic status changes so that such resident receives Medicaid or becomes eligible for Medicaid if such resident has resided in the nursing home for a period of at least one year after the effective date of this act, unless ten per cent of such nursing home's residents are receiving Medicaid or are eligible for Medicaid. Such requirement shall constitute a condition of licensure. The department shall notify the nursing home of such requirement ninety days prior to the renewal of a license or upon application for a license. This section shall not apply to the Nebraska veterans' homes established pursuant to Chapter 80, article 3.

Sec. 3. That section 71-2040, Revised Statutes Supplement, 1984, be amended to read as follows:

71-2040. It is the purpose and intent of sections 71-2024, ~~71-2025,~~ and 71-2031 to 71-2040, and ~~71-6008 to 71-6037~~ the Nebraska Nursing Home Act that licensing and regulation of nursing homes in this state shall be governed by the provisions of sections 71-2017 to 71-2029, 71-2031 to 71-2040, and 71-6008 to 71-6037 the Nebraska Nursing Home Act.

Sec. 4. That section 71-6008, Revised Statutes Supplement, 1984, be amended to read as follows:

71-6008. As used in sections 71-6008 to 71-6037 the Nebraska Nursing Home Act, unless the context otherwise requires, the definitions found in sections 71-6009 to 71-6017 and section 1 of this act

shall apply.

Sec. 5. That section 71-6022, Revised Statutes Supplement, 1984, be amended to read as follows:

71-6022. (1) A nursing home shall not transfer or discharge a resident except (a) upon his or her consent, (b) for medical reasons, (c) for the resident's safety or the safety of other residents or nursing home employees, (d) when rehabilitation is such that movement to a less restrictive setting is possible, or (e) for nonpayment for the resident's stay, except as prohibited by section 2 of this act or by Title XVIII or XIX of the Social Security Act as amended.

(2) Involuntary transfer from a nursing home or discharge of a resident shall be preceded by a minimum written notice of thirty days, except when subdivision (d) of subsection (1) of this section applies, five days written notice shall be given to the resident or his or her representative and when subdivision (e) of subsection (1) of this section applies, a resident shall be given ten days written notice if his or her charges are five days or more in arrears. This subsection shall not apply when (a) an emergency transfer or discharge is mandated by the resident's health care needs and is in accord with the written orders and medical justification of the attending physician or (b) the transfer is mandated by the physical safety of other residents or nursing home employees, as documented in the nursing home records.

Sec. 6. That section 71-6037, Revised Statutes Supplement, 1984, be amended to read as follows:

71-6037. Sections 71-6008 to 71-6037 and sections 1 and 2 of this act shall be known and may be cited as the Nebraska Nursing Home Act.

Any reference to sections 71-6008 to 71-6037 or the Nebraska Nursing Home Act shall be construed to include sections 1 and 2 of this act.

Sec. 7. That original sections 71-2040, 71-6008, 71-6022, and 71-6037, Revised Statutes Supplement, 1984, are repealed.