

LEGISLATIVE BILL 214

Approved by the Governor February 13, 2001

Introduced by Jensen, 20; Suttle, 10

AN ACT relating to public health and welfare; to amend sections 28-377 and 71-5666, Reissue Revised Statutes of Nebraska, and sections 28-726, 71-5661, and 71-5668, Revised Statutes Supplement, 2000; to change provisions relating to certain records as prescribed; to change provisions relating to student loans; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 28-377, Reissue Revised Statutes of Nebraska, is amended to read:

28-377. Except as otherwise provided in sections 28-376 to 28-380, no person, official, or agency shall have access to the records relating to abuse unless in furtherance of purposes directly connected with the administration of the Adult Protective Services Act and section 28-726. Persons, officials, and agencies having access to such records shall include, but not be limited to:

(1) A law enforcement agency investigating a report of known or suspected abuse;

(2) A county attorney in preparation of an abuse petition;

(3) A physician who has before him or her a person whom he or she reasonably suspects may be abused;

(4) An agency having the legal responsibility or authorization to care for, treat, or supervise an abused vulnerable adult;

(5) Defense counsel in preparation of the defense of a person charged with abuse;

(6) Any person engaged in bona fide research or auditing, except that no information identifying the subjects of the report shall be made available to the researcher or auditor. The researcher shall be charged for any costs of such research incurred by the department at a rate established by rules and regulations adopted and promulgated by the department; ~~and~~

(7) The designated protection and advocacy system authorized pursuant to the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. 6000, as ~~amended the act existed on the effective date of this act~~, and the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. 10801, as ~~amended the act existed on the effective date of this act~~, acting upon a complaint received from or on behalf of a person with developmental disabilities or mental illness; ~~and~~

(8) For purposes of licensing providers of child care programs, the Department of Health and Human Services Regulation and Licensure.

Sec. 2. Section 28-726, Revised Statutes Supplement, 2000, is amended to read:

28-726. Except as provided in this section and section 28-722, no person, official, or agency shall have access to such records unless in furtherance of purposes directly connected with the administration of sections 28-710 to 28-727. Such persons, officials, and agencies having access to such records shall include, but not be limited to:

(1) A law enforcement agency investigating a report of known or suspected abuse or neglect;

(2) A county attorney in preparation of an abuse, neglect, or termination petition;

(3) A physician who has before him or her a child whom he or she reasonably suspects may be abused or neglected;

(4) An agency having the legal responsibility or authorization to care for, treat, or supervise an abused or neglected child or a parent, a guardian, or other person responsible for the abused or neglected child's welfare who is the subject of a report;

(5) Any person engaged in bona fide research or auditing. No information identifying the subjects of the report shall be made available to the researcher or auditor;

(6) The State Foster Care Review Board when the records relate to a child in a foster care placement as defined in section 43-1301. The records provided to the state board shall not include the name or identity of any person making a report of suspected child abuse or neglect;

(7) The designated protection and advocacy system authorized pursuant to the Developmental Disabilities Assistance and Bill of Rights Act,

42 U.S.C. 6000, as ~~amended~~ the act existed on the effective date of this act, and the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. 10801, as ~~amended~~ the act existed on the effective date of this act, acting upon a complaint received from or on behalf of a person with developmental disabilities or mental illness; ~~and~~

(8) The person or persons having custody of the abused or neglected child in situations of alleged out-of-home abuse or neglect; and

(9) For purposes of licensing providers of child care programs, the Department of Health and Human Services Regulation and Licensure.

Sec. 3. Section 71-5661, Revised Statutes Supplement, 2000, is amended to read:

71-5661. (1) The financial incentives provided by the Rural Health Systems and Professional Incentive Act shall consist of (a) student loans to eligible students for attendance at an eligible school as determined pursuant to section 71-5662 and (b) the repayment of qualified educational debts owed by eligible health professionals as determined pursuant to such section. Funds for such incentives shall be appropriated from the General Fund to the department for such purposes.

(2) The Rural Health Professional Incentive Fund is created. Money credited pursuant to section 71-5670.01, and payments received pursuant to ~~section 71-5666, and appropriations from the General Fund sections 71-5666 and 71-5668~~ shall be remitted to the State Treasurer for credit to the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 4. Section 71-5666, Reissue Revised Statutes of Nebraska, is amended to read:

71-5666. Each student loan recipient shall execute an agreement with the state. Such agreement shall include the following terms, as appropriate:

(1) The borrower agrees to practice the equivalent of one year of full-time practice of an approved specialty in a designated health profession shortage area in Nebraska for each year of education for which a loan is received and agrees to accept medicaid patients in his or her practice;

(2) If the borrower practices an approved specialty in a designated health profession shortage area in Nebraska, the loan shall be forgiven as provided in this section. Practice in a designated area shall commence within three months of the completion of formal education, which may include a period not to exceed five years to complete specialty training in an approved specialty. The commission may approve exceptions to the three-month restriction upon showing good cause. Loan forgiveness shall occur on a quarterly basis, with completion of the equivalent of three months of full-time practice resulting in the cancellation of one-fourth of the annual loan amount;

(3) If the borrower practices an approved specialty in Nebraska but not in a designated health profession shortage area, practices a specialty other than an approved specialty in Nebraska, or practices outside Nebraska, the borrower shall repay one hundred percent of the outstanding loan principal with interest at a rate of twenty-four percent simple interest per year from the date the loan was granted. Such repayment shall commence within six months of the completion of formal education, which may include a period not to exceed five years to complete specialty training in an approved specialty, and shall be completed within a period not to exceed twice the number of years for which loans were awarded;

(4) If a borrower who is a medical or dental student determines during the first or second year of medical or dental education that his or her commitment to the loan program cannot be honored, the borrower may repay the outstanding loan principal, plus six percent simple interest per year from the date the loan was granted, prior to graduation from medical or dental school without further penalty or obligation. Physician assistant student loan recipients shall not be eligible for this provision;

(5) If the borrower discontinues the course of study for which the loan was granted, the borrower shall repay one hundred percent of the outstanding loan principal. Such repayment shall commence within six months of the date of discontinuation of the course of study and shall be completed within a period of time not to exceed the number of years for which loans were awarded; and

(6) In the event of a borrower's total and permanent disability or death, the unpaid debt accrued under the Rural Health Systems and Professional Incentive Act shall be canceled.

Sec. 5. Section 71-5668, Revised Statutes Supplement, 2000, is amended to read:

71-5668. Each loan repayment recipient shall execute an agreement with the department and a local entity. Such agreement shall include, at a minimum, the following terms:

(1) The loan repayment recipient agrees to practice his or her profession, and a physician, ~~or dentist~~, advanced practice registered nurse, or physician assistant also agrees to practice an approved specialty, in a designated health profession shortage area for at least three years and to accept medicaid patients in his or her practice;

(2) In consideration of the agreement by the recipient, the State of Nebraska and a local entity within the designated health profession shortage area will provide equal funding for the repayment of the recipient's qualified educational debts, in amounts up to ten thousand dollars per year per recipient for physicians, dentists, and clinical psychologists and up to five thousand dollars per year per recipient for physician assistants, advanced practice registered nurses, pharmacists, physical therapists, occupational therapists, and master's level mental health professionals toward qualified educational debts for up to three years. The department shall make payments directly to the recipient; and

(3) If the loan repayment recipient discontinues practice in the shortage area prior to completion of the three-year requirement, the recipient shall repay to the state one hundred twenty-five percent of the total amount of funds provided to the recipient for loan repayment. Upon repayment by the recipient to the department, the department shall reimburse the local entity its share of the funds.

Sec. 6. Original sections 28-377 and 71-5666, Reissue Revised Statutes of Nebraska, and sections 28-726, 71-5661, and 71-5668, Revised Statutes Supplement, 2000, are repealed.