

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 765**

Introduced by Gay, 14; Schimek, 27.

Read first time January 09, 2008

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health; to amend section 71-5829.03, Reissue  
2 Revised Statutes of Nebraska; to change provisions  
3 relating to certificates of need; and to repeal the  
4 original section.

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

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

3           71-5829.03 No person, including persons acting for or  
4 on behalf of a health care facility, shall engage in any of the  
5 following activities without having first applied for and received  
6 the necessary certificate of need:

7           (1) The initial establishment of long-term care beds or  
8 rehabilitation beds except as permitted under subdivision (5) of  
9 this section;

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

17           (3) A relocation of long-term care beds from a health  
18 care facility at one physical facility or contiguous site to  
19 another noncontiguous site within the same health planning region  
20 if the relocation will cause an aggregate increase in long-term  
21 care beds between those locations of more than ten beds or more  
22 than ten percent of the total bed capacity, whichever is less, over  
23 a two-year period;

24           (4) Any relocation of long-term care beds from a health  
25 care facility located in one health planning region to a health

1 care facility in a different health planning region;

2 (5) Any initial establishment of long-term care beds or  
3 rehabilitation beds through conversion by a hospital of any type  
4 of hospital beds to long-term care beds or rehabilitation beds if  
5 the total ~~bed capacity of~~ beds converted by the hospital ~~will have~~  
6 ~~changed by~~ are more than ten beds or more than ten percent of the  
7 total bed capacity, whichever is less, over a two-year period;

8 (6) Any change by a residential care facility to convert  
9 residential care beds to long-term care beds; or

10 (7) Any change by a domiciliary facility to convert  
11 domiciliary beds to long-term care beds.

12 Sec. 2. Original section 71-5829.03, Reissue Revised  
13 Statutes of Nebraska, is repealed.