

LEGISLATIVE BILL 389

Approved by the Governor February 27, 1987

Introduced by Wesely, 26

AN ACT relating to public health and welfare; to amend sections 71-1701 and 71-1702, Reissue Revised Statutes of Nebraska, 1943; to authorize certain political subdivisions and the Department of Health to provide nursing and home health care services as prescribed; to provide powers and duties; and to repeal the original sections.

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

Section 1. That section 71-1701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1701. (1) Any city by its mayor and council, or by its commission, any village by its village board, any county by its board of supervisors or commissioners, or any township by its electors, in the State of Nebraska, shall have power to employ a visiting community nurse, a home health nurse, or a home health agency defined in subsection (2) of section 71-2017.01 and the rules and regulations adopted and promulgated pursuant to such section. Such nurses or home health agency ~~who~~ shall do and perform such duties as ~~such~~ the city, village, county, or township, by their officials and electors, shall prescribe and direct. The city, village, county, or township shall have the power to levy a tax, not exceeding three and five-tenths cents on each one hundred dollars on the actual valuation of the taxable property of such city, village, county, or township, for the purpose of paying the salary and expenses of such ~~nurse nurses or home health agency.~~ Each shall have the power to constitute and empower such ~~nurse nurses or home health agency~~ with police power to carry out the order of such city, village, county, or township organization. ~~PROVIDED, that in any city, village, county, or township, the~~

(2) The governing body of any city, village, county, or township may contract with ~~employ a visiting nurse or employ any visiting nurses' association, or any charitable or philanthropic association or licensed hospital home health agency, or other licensed home health agency, including those operated by the~~

Department of Health, to perform the duties contemplated in subsection (1) of this section, subject to the supervision of the governing body, and to may pay the expense of such employment contract out of the general funds of the city, village, county, or township.

(3) Nothing in this section shall be construed to allow any city, village, county, township, nurse, or home health agency to (a) avoid the requirements of individual licensure or the Nebraska Health Care Certificate of Need Act, (b) perform any service beyond the scope of practice of licensure or beyond the limits of licensure prescribed by subsection (21) of section 71-2017.01, or (c) violate any rule or regulation adopted and promulgated by the department.

Sec. 2. (1) The Department of Health may provide visiting community nursing services or home health services to persons living in the state and may charge fees for such services. The department shall not be exempt from licensure under subsection (21) of section 71-2017.01 or the Nebraska Health Care Certificate of Need Act.

(2) The department may organize, license, and operate home health agencies to assist in providing services under subsection (1) of this section.

(3) The department (a) may employ necessary personnel, including, but not limited to, licensed nurses, physical therapists, physical therapy assistants, audiologists, speech-language pathologists, communication aides, occupational therapists, occupational therapy assistants, home health aides, homemakers, respiratory care practitioners, nutritionists, social workers, and supervisory personnel and may purchase equipment and materials necessary to maintain an effective program or (b) may contract with individuals or licensed agencies to obtain such services or to assist in providing services under subsection (1) of this section.

(4) The department may contract with any public, private, for-profit, or nonprofit agency or individual to provide home health services through any licensed home health agency created under subsection (2) of this section.

Sec. 3. The Department of Health may (1) charge and receive fees, (2) accept third-party reimbursements or matching funds from any federal governmental agency, private corporation, or other public or private organization or entity, and (3) accept grants or donations from any public or private agency, organization, or entity for services provided by any

home health agency operated by the department. Such funds shall be paid to the state treasury and credited to the Department of Health Cash Fund.

Sec. 4. That section 71-1702, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1702. Whenever petitions signed by twenty-five per cent of the electors of a city, county, or village shall be presented to the city council, or board of supervisors, ~~or~~ commissioners, or trustees, praying for the submission of the question of making a levy to provide for salary and expenses of ~~such nurse, a visiting community nurse, a home health nurse, or a home health agency~~ and stating the amount of the levy and the period of years in which the same shall be made, it shall be the duty of such council, or board of supervisors, ~~or~~ commissioners, or ~~village board trustees~~ to submit the question to a vote of the people at a regular or special election called for that purpose. If the question is submitted at a special election, three weeks' notice of such special election shall be given by publication in some newspaper of general circulation. ~~Such~~ ~~7~~ ~~which~~ notice shall be published three consecutive weeks, if the election is in a city or village, or, if in a village, and no paper is published ~~therein in such~~ village, then the notice shall be posted in three of the most public places in the village. If a majority of the votes cast at such election on the question are in favor of the levy, then the regularly constituted authorities of the city, county, or village shall include the same in the estimate for expenses for each year during the period for which adopted, unless the same shall be revoked. ~~The~~ ~~7~~ ~~and~~ the tax shall be levied and collected in the same manner as other taxes are levied and collected.

Sec. 5. That original sections 71-1701 and 71-1702, Reissue Revised Statutes of Nebraska, 1943, are repealed.