



Ninety-Seventh Legislature - Second Session - 2002
Committee Statement
LB 1062

Hearing Date: January 23, 2002
Committee On: Health and Human Services

Introducer(s): (Health and Human Services Committee)
Title: Change health and human services system provisions

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

7	Yes	Senator Jensen, Byars, Suttle, Price, Cunningham, Maxwell and Erdman
	No	
	Present, not voting	
	Absent	

Proponents:

Senator Jim Jensen
Christine Petersen
Dick Nelson

Representing:

Introducer
Nebraska Health and Human Services System
Nebraska Health and Human Services System

Opponents:

David Buntain
Jane Elliott

Representing:

Nebraska Medical Association
Nebraska Health Care Association

Neutral:

Roger Keetle

Representing:

Nebraska Hospital Association

Summary of purpose and/or changes: The bill is the annual agency cleanup legislation from the Nebraska Health and Human Services System. The bill (1) requires the state IV-D (child support enforcement) agency, instead of the state disbursement unit, to certify child support delinquency records ; (2) changes provisions relating to licensure of physicians, osteopathic physicians and nurses who have been engaged in active practice in another state preceding licensure or relicensure in Nebraska; (3) provides for the performance of assigned functions by unlicensed optometric assistants; (4) changes the definition of “calculated expiration date;” (5) changes nursing references, to delete references to “professional or practical” nursing; (6) changes an accreditation reference for the purpose of licensing veterinarians; (7) changes provisions of the Health Care Facility Licensure Act relating to the definition of adult day

services and the reinstatement of licenses placed on probation, and provides for certain permissive activities by the Director of Regulation and Licensure; (8) changes provisions relating to nursing home administration, to eliminate a required state examination, and provide for a range of licensure fees; and (9) expands the number of exempt HHS employees to include the chief executive officers of the Youth Rehabilitation and Treatment Centers in Kearney and Geneva.

The bill has an emergency clause, and outright repeals the State Hospital Survey and Construction Act (sections 71-2001 to 71-2016).

<u>Sections</u>	<u>Contents</u>
1-2	Requires the IV-D division to certify child support delinquency records. The IV-D division not required to convert and maintain court clerk records before the SDU becomes operative (removes April 1, 2000 date). IV-D division records as prima facie evidence in child support cases, considered satisfactorily authenticated, must be admitted as prima facie evidence of the transactions shown.
3	Corrects reference to definition of hospital.
4, 18-20	Authorizes the employment of unlicensed optometric assistants.
5-6	Changes provisions for licensure of physicians.
7-13, 15-17, 36-39, 43, 49, 51	Deletes references to “professional” and “practical” nursing.
14	Changes provisions for licensure of nurses, changes provisions related to restoration of lapsed or inactive licenses.
21	Changes provisions for licensure of osteopathic physicians.
22, 40, 41	Changes the definition of “calculated expiration date.”
23-25	Changes provisions relating to accredited programs for licensure of veterinarians.
26	Removes licensure requirement of four-year high school degree or equivalent for the practice of respiratory care.
27, 34	Permits the Director of Regulation and Licensure to (1) make inventory of health care facilities, (2) gather comparable statistical data regarding capacity, utilization, census and treatments from health care facilities, and (3) periodically publish and release statistical data under the Health Care Facility Licensure Act.
28	Changes definition of “adult day service” under the Health Care Facility Licensure Act.

- 29 Prohibits holding oneself out as a health care facility or service or as providing health care services unless licensed under the Health Care Facility Licensure Act, removes obsolete language.
- 30,33 Adds new subsection under the Health Care Facility Licensure Act to provide that licenses placed on probation are eligible for reinstatement at the end of the probationary period after successful completion of an inspection, if the department determines that an inspection is warranted.
- 31 Changes inspection reference, requires the Department of Regulation and Licensure to conduct all required inspections simultaneously for all types of licensure when requested by the entity subject to licensure under the Health Care Facility Licensure Act, the department was previously required to conduct required inspections simultaneously unless the entity requested otherwise.
- 32 Allows the department to accept “certification” as well as accreditation for purposes of licensure under the Health Care Facility Licensure Act.
- 35 Changes “pathopsychology” to “pathophysiology” in statute relating to licensure of advanced practice registered nurses.
- 42 Changes references to federal Safe Drinking Water Act.
- 44-46 Removes state exam requirement for licensure as a nursing home administrator.
- 47-48 Changes license fees for nursing home administration, provides for a range of fees and removes specific fee requirement.
- 50 Changes expense reimbursement provisions related to the Board of Nursing Home Administration.
- 52-53 Adds the chief executive officers of the Youth Rehabilitation and Treatment Centers in Kearney and Geneva as new exempt employees within the Department of Health and Human Services (HHS), changes internal reference to CEO positions appointed by the Director of HHS.
- 54 Operative date.
- 55 Original section repealed.
- 56 Original sections repealed.
- 57 Outright repeals the State Hospital Survey and Construction Act.
- 58 Emergency clause.

Explanation of amendments, if any: The committee amendment (AM 3220) makes technical changes to the original bill and adds provisions of three bills advanced unanimously by the committee to General File. The amendment strikes original sections 4, 27, 34, and 54 to 57 of the bill.

The amendment changes a reference to the operative date of the State Disbursement Unit in section 43-3342.03, and removes April 1, 2000 date.

Section 5, and sections 7-10 of the amendment contain provisions of **LB 892** as amended by the committee with AM 2580. LB 892 provides for the issuance of licenses to practice dentistry to dental school faculty. The Department of Health and Human Services Regulation and Licensure must issue a faculty license to persons who meet the following requirements. To be eligible for faculty licensure:

(1) a person who has graduated from an accredited dental education institution in the United States must: (a) have a license to practice dentistry in another state, (b) have a contract to be employed as full-time faculty at an accredited dental education institution in Nebraska, (c) pass the a jurisprudence examination administered by the Board of Dentistry, and (d) agree to demonstrate continuing clinical competency as a condition of renewal if required by the board.

(2) a person who has graduated from a nonaccredited dental education institution must: (a) have completed at least two years of postgraduate education at an accredited dental education institution and received a certificate or degree from such institution, (b) have a contract to be employed as full-time faculty at an accredited dental education institution in Nebraska, (c) pass the a jurisprudence examination administered by the Board of Dentistry, (d) agree to demonstrate continuing clinical competency as a condition of renewal if required by the board, and (e) have passed Part I and Part II of the National Board Dental Examinations or its equivalent as determined by the board.

A faculty licensee may practice dentistry only as a faculty member at an accredited dental education institution in Nebraska, and may teach dentistry, conduct research, and participate in an institutionally administered faculty practice only at such institution. A faculty licensee from a nonaccredited dental education institution must limit his or her practice to the clinical discipline in which he or she has received postgraduate education at an accredited dental education institution.

A person seeking a faculty license must file a written application with the department. The application must include information regarding the applicant's professional qualification, experience, and licensure. The application must also be accompanied by a copy of the applicant's dental degree, any other degrees or certificates for postgraduate education of the applicant, the required license fee and certification from the dean of an accredited dental education institution in Nebraska that the applicant has a contract to be employed as full-time faculty at such institution.

Faculty licenses are subject to the same renewal requirements as a regular dental license, except that a faculty license may only remain valid or be renewed if (1) the licensee remains employed as a full-time faculty member at a dental education institution in Nebraska, and (2) the licensee demonstrates continuing clinical competence if required by the Board of Dentistry.

Sections 44 and 60 of the amendment contain provisions of **LB 1152** as amended by the committee with AM 2697. The amendment provides that a hospital patient who is 19 years of age or older or an emancipated minor may designate, orally or in writing, up to five individuals not legally related by marriage or blood to the patient to be given the same visitation privileges as an immediate family member of the patient. The patient may rescind the designation, either

orally or in writing, and the designation or rescission must be noted by the hospital on the patient's medical record. Medical record is defined as the hospital's record of a patient's health history and treatment rendered. Section 60 directs the Revisor of Statutes to assign section 44 to Chapter 71, article 20.

Sections 33, 57, and 64 of the amendment contain provisions of **LB 896**. LB 896 removes references to respite care services from the Health Care Facility Licensure Act. The definition of respite care service is removed from the definition of "health care services" in section 71-415. Section 71-7611.04 of the Nebraska Health Care Funding Act is amended to require that funding appropriated from the Nebraska Health Care Cash Fund for FY 2001-02 and FY 2002-03 for the development of new respite programs also be used for the implementation of such programs. Section 71-428, containing a definition for respite care services in the act, is outright repealed.

Technical changes are made to sections 5,6, and 21 of the bill relating to the licensure of physicians and osteopathic physicians who have been engaged in active practice in another state preceding licensure or relicensure in Nebraska, and to section 48 of the bill relating to the establishment of nursing home administrator fees, requiring that such fees be established in rules and regulations adopted and promulgated by the Department of Health and Human Services Regulation and Licensure.

The amendment provides a regular operative date of three calendar months after adjournment for sections of 2-4, 6, 11-60, 63, and 64 of the bill. The bill as introduced contains the emergency clause.

Senator Jim Jensen, Chairperson