

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 174

Introduced by Jensen, 20

Read first time January 7, 2005

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health care facilities; to amend section
2 71-434, Reissue Revised Statutes of Nebraska; to change
3 license fee provisions; and to repeal the original
4 section.

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

1 Section 1. Section 71-434, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-434. (1) Licensure activities under the Health Care
4 Facility Licensure Act shall be funded by license fees. An
5 applicant for an initial or renewal license under section 71-433
6 shall pay a license fee as provided in this section.

7 (2) License fees shall include a base fee of fifty
8 dollars and an additional fee based on:

9 (a) Variable costs to the department of inspections,
10 architectural plan reviews, and receiving and investigating
11 complaints, including staff salaries, travel, and other similar
12 direct and indirect costs;

13 (b) The number of beds available to persons residing at
14 the health care facility;

15 (c) The program capacity of the health care facility or
16 health care service; or

17 (d) Other relevant factors as determined by the
18 department.

19 Such additional fee shall be no more than ~~one~~ two
20 thousand six hundred dollars for ~~an assisted-living facility,~~ a
21 hospital or a health clinic operating as an ambulatory surgical
22 center, no more than two thousand dollars for an assisted-living
23 facility, a health clinic providing hemodialysis or labor and
24 delivery services, an intermediate care facility, an intermediate
25 care facility for the mentally retarded, a nursing facility, or a
26 skilled nursing facility, no more than one thousand dollars for
27 home health agencies, hospice services, and centers for the
28 developmentally disabled, and no more than ~~five~~ seven hundred

1 dollars for all other health care facilities and health care
2 services.

3 (3) If the licensure application is denied, the license
4 fee shall be returned to the applicant, except that the department
5 may retain up to twenty-five dollars as an administrative fee and
6 may retain the entire license fee if an inspection has been
7 completed prior to such denial.

8 (4) The department shall also collect the fee provided in
9 subsection (1) of this section for reinstatement of a license that
10 has lapsed or has been suspended or revoked. The department shall
11 collect a fee of ten dollars for a duplicate original license.

12 (5) The department shall adopt and promulgate rules and
13 regulations for the establishment of license fees under this
14 section.

15 (6) The department shall remit all license fees collected
16 under this section to the State Treasurer for credit to the
17 Department of Health and Human Services Regulation and Licensure
18 Cash Fund. License fees collected under this section shall only be
19 used for activities related to the licensure of health care
20 facilities and health care services.

21 Sec. 2. Original section 71-434, Reissue Revised
22 Statutes of Nebraska, is repealed.