

AMENDMENTS TO LB 203

(Amendments to Standing Committee amendments, AM171)

Introduced by Gay, 14

1 1. Strike sections 5 and 6 and insert the following new
2 sections:

3 Sec. 5. Section 71-452, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-452 Within fifteen days after service of a notice
6 under section 71-451, an applicant or a licensee shall notify the
7 director in writing that the applicant or licensee (1) desires
8 to contest the notice and request an informal conference with a
9 representative of the department in person or by other means at
10 the request of the applicant or licensee, (2) desires to contest
11 the notice and request an informal conference with a representative
12 peer review organization with which the department has contracted,
13 (3) desires to contest the notice and request a hearing, or (3)
14 (4) does not contest the notice. If the director does not receive
15 such notification within such fifteen-day period, the action of the
16 department shall be final.

17 Sec. 6. Section 71-453, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 71-453 (1) The director shall assign a representative of
20 the department, other than the individual who did the inspection
21 upon which the notice is based, or a representative peer review
22 organization to hold an informal conference with the applicant or

1 licensee within thirty days after receipt of a request made under
2 subdivision (1) or (2) of section 71-452. Within twenty working
3 days after the conclusion of the conference, the representative or
4 representative peer review organization shall report in writing to
5 the department its conclusion regarding whether to affirm, modify,
6 or dismiss the notice. The representative shall state in writing
7 and the specific reasons for affirming, modifying, or dismissing
8 the notice the conclusion and shall ~~immediately transmit copies of~~
9 ~~the statement~~ provide a copy of the report to the director and the
10 applicant or licensee. ~~The applicant's or licensee's copy of such~~
11 ~~statement shall be sent~~

12 (2) Within ten working days after receiving a report
13 under subsection (1) of this section, the department shall
14 consider such report and affirm, modify, or dismiss the notice
15 and shall state the specific reasons for such decision, including,
16 if applicable, the specific reasons for not adopting the conclusion
17 of the representative or representative peer review organization
18 as contained in such report. The department shall provide the
19 applicant or licensee with a copy of such decision by certified
20 mail to the last address shown in the records of the department.
21 If the applicant or licensee desires to contest ~~the~~ an affirmed
22 or modified notice, the applicant or licensee shall notify the
23 director in writing within five working days after receiving
24 such ~~statement~~ decision that the applicant or licensee requests a
25 hearing.

26 ~~(2)~~ (3) If an applicant or a licensee successfully
27 demonstrates during an informal conference or a hearing that the

1 deficiencies should not have been cited in the notice, (a) the
2 deficiencies shall be removed from the notice and the deficiency
3 statement and (b) any sanction imposed solely as a result of those
4 cited deficiencies shall be rescinded.