



One Hundred First Legislature - First Session - 2009
Introducer's Statement of Intent
LB 367

Chairperson: Tim Gay
Committee: Health and Human Services
Date of Hearing: February 12, 2009

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Nebraska Revised Statute § 71-5829.03(4) prohibits a relocation of long-term care beds from one health care facility to another facility *within* the same health planning region if the relocation will cause an aggregate increase in long-term care beds between those locations of more than ten beds or ten percent over two years.

Subsection (5) prohibits any relocation of long-term care beds from a health care facility to another facility in a *different* health planning region. Nebraska is divided into 26 health planning regions as established in the Nebraska State Health Plan.

LB 367 removes these restrictions so that facilities may buy and sell beds where they are needed based upon population and demand. Statewide, total bed capacity would remain unchanged.

LB 367 gives the receiving entity three years from the sale, "relocation" or "transfer" to re-license the beds with the department. This is necessary because a facility seeking beds may not have even broken ground on a project at the time another facility is reducing its beds.

Section 71-5829.04(2) contains a formula based upon occupancy rates in the area surrounding a proposed expansion that if satisfied would permit an exception to the moratorium. However, calculation of the formula is virtually impossible because the data, including occupancy by quarter, geographic area, and demographic group is not available. LB367 requires the Department to calculate long-term care bed need upon request.

Principal Introducer:

Senator Mike Gloor