LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 114

Introduced by McCoy, 39.
Read first time January 09, 2015
Committee: Judiciary

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend sections 71-405 and 71-416, Reissue Revised Statutes of Nebraska; to redefine ambulatory surgical center and health clinic; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 71-405, Reissue Revised Statutes of Nebraska, is amended to read:

71-405 (1) Ambulatory surgical center means a facility (a) where surgical services are provided to persons not requiring hospitalization who are admitted to and discharged from such facility within the same working day and are not permitted to stay overnight at such facility, (b) which meets all applicable requirements for licensure as a health clinic under the Health Care Facility Licensure Act, and (c) which has qualified for a written agreement with the Health Care Financing Administration of the United States Department of Health and Human Services or its successor to participate in medicare as an ambulatory surgical center as defined in 42 C.F.R. 416 et seq. or which receives other third-party reimbursement for such services.

(2) Ambulatory surgical center includes a facility if five or more abortions, as defined in subdivision (1) of section 28-326, are performed during any one calendar month at such facility or if any second or third trimester abortion is performed at such facility.

(3) Except as otherwise provided in subsection (2) of this section, ambulatory surgical center does not include an office or clinic used solely by a practitioner or group of practitioners in the practice of medicine, dentistry, or podiatry.

Sec. 2. Section 71-416, Reissue Revised Statutes of Nebraska, is amended to read:

71-416 (1) Health clinic means a facility where advice, counseling, diagnosis, treatment, surgery, care, or services relating to the preservation or maintenance of health are provided on an outpatient basis for a period of less than twenty-four consecutive hours to persons not residing or confined at such facility. Health clinic includes, but is not limited to, an ambulatory surgical center or a public health clinic.

(2) Health clinic does not include (a) a health care practitioner facility (i) unless such facility is an ambulatory surgical center or
(ii) unless ten or more abortions, as defined in subdivision (1) of section 28-326, are performed during any one calendar week at such facility, or (iii) unless hemodialysis or labor and delivery services are provided at such facility, or (b) a facility which provides only routine health screenings, health education, or immunizations.

(3) For purposes of this section:

(a) Public health clinic means the department, any county, city-county, or multicounty health department, or any private not-for-profit family planning clinic licensed as a health clinic;

(b) Routine health screenings means the collection of health data through the administration of a screening tool designed for a specific health problem, evaluation and comparison of results to referral criteria, and referral to appropriate sources of care, if indicated; and

(c) Screening tool means a simple interview or testing procedure to collect basic information on health status.

Sec. 3. Original sections 71-405 and 71-416, Reissue Revised Statutes of Nebraska, are repealed.