

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 902

Introduced by Dungan, 26.

Read first time January 08, 2026

Committee: Judiciary

1 A BILL FOR AN ACT relating to incarcerated individuals; to amend sections
2 50-1901, 50-1904, 50-1906, 50-1907, and 50-1912, Revised Statutes
3 Supplement, 2025; to adopt the Medical Standards for Incarcerated
4 Individuals Act; to define a term; to provide powers and duties for
5 the Inspector General, the Department of Correctional Services, and
6 the Director of Correctional Services; to change provisions of the
7 Office of Inspector General of the Nebraska Correctional System Act;
8 to require audits and reports; to harmonize provisions; and to
9 repeal the original sections.

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

1 **Section 1.** Sections 1 to 7 of this act shall be known and may be
2 cited as the Medical Standards for Incarcerated Individuals Act.

3 **Sec. 2.** (1) The Legislature finds and declares:

4 (a) Incarcerated individuals are entirely dependent on the state for
5 access to medical care, and the state has a constitutional and moral duty
6 to provide such care;

7 (b) Sections 83-4,154 and 83-4,155 require the Department of
8 Correctional Services to provide inmates with medical services to the
9 community standard of health care. This standard is vague and does not
10 offer clear guidance. It has not been interpreted uniformly or
11 consistently enforced. As a result, there is a significant variability in
12 the community standard of health care provided at the department's
13 various facilities;

14 (c) Inconsistent medical protocols, delayed diagnostic testing,
15 inadequate follow-up procedures, and unclear reporting requirements
16 contribute to preventable medical harm in Nebraska correctional
17 facilities; and

18 (d) It is the intent of the Legislature to establish uniform minimum
19 procedures that support, clarify, and operationalize the department's
20 duty to provide inmates with the community standard of health care.

21 (2) The purposes of the Medical Standards for Incarcerated
22 Individuals Act are to:

23 (a) Clarify and strengthen medical care standards in Nebraska
24 correctional facilities;

25 (b) Ensure timely and adequate treatment of chronic and acute health
26 conditions;

27 (c) Create mandatory reporting requirements for suspected medical
28 neglect; and

29 (d) Provide independent investigation of inmate deaths potentially
30 related to medical care failures.

31 **Sec. 3.** For purposes of the Medical Standards for Incarcerated

1 Individuals Act:

2 (1) Chronic or acute medical condition means any condition requiring
3 ongoing management, periodic monitoring, specialized testing, or prompt
4 diagnostic evaluation;

5 (2) Community standard of health care has the same meaning as in
6 section 83-4, 154;

7 (3) Department means the Department of Correctional Services;

8 (4) Health care services has the same meaning as in section
9 83-4, 154;

10 (5) Health complaint means any verbal or written request for health
11 care services made by an inmate;

12 (6) Inmate has the same meaning as in section 83-4, 154;

13 (7) Facility has the same meaning as in section 83-170;

14 (8) Medical director means the medical director for the department
15 appointed under section 83-4, 156; and

16 (9) Medical neglect means the failure to provide timely evaluation,
17 treatment, monitoring, or follow-up care in a manner that aligns with
18 professional standards of medical practice.

19 **Sec. 4.** (1) The medical director shall develop and implement
20 standardized medical care protocols for inmates' chronic and acute
21 medical conditions. Such protocols shall be used by the department when
22 administering health care services to inmates.

23 (2) Such protocols shall include:

24 (a) Ongoing monitoring of diagnosed health conditions;

25 (b) Timely access to medications, diagnostic testing, and specialist
26 care;

27 (c) Documentation and tracking of all assessments and treatment
28 plans; and

29 (d) Routine screening and early detection procedures for individuals
30 reporting persistent symptoms or presenting risk factors for chronic or
31 acute medical conditions. Screening must occur within a timeframe not to

1 exceed forty-eight hours after symptoms are reported, except that
2 screening shall occur as soon as possible when immediate care is
3 required.

4 (3) The medical director shall annually review the protocols
5 developed under this section and update them to reflect current medical
6 guidelines.

7 **Sec. 5.** (1) The department shall document any health complaint of
8 an inmate upon receipt of such health complaint.

9 (2) Each facility shall establish a maximum timeframe, not to exceed
10 forty-eight hours, for medical staff to conduct an initial assessment in
11 response to an inmate's health complaint. In the case of urgent or
12 immediate symptoms, such initial assessment shall be conducted as soon as
13 possible.

14 (3) The department shall maintain a record of all actions taken in
15 response to each health complaint. Such records shall immediately be made
16 available to the office of Inspector General of the Nebraska Correctional
17 System upon request.

18 **Sec. 6.** (1) Any department employee or contractor who witnesses or
19 suspects medical neglect shall make a report to the office of Inspector
20 General of the Nebraska Correctional System. Reports shall be submitted
21 in a form and manner prescribed by the office.

22 (2) Any person making a report of medical neglect that such person
23 reasonably believes is required by this section or participating in any
24 investigation or proceeding arising from such report shall be immune from
25 any liability, civil or criminal, that might otherwise be incurred or
26 imposed, except for maliciously false statements.

27 **Sec. 7.** The department and medical director shall implement all
28 required protocols, reporting systems, and oversight coordination
29 necessary to carry out the Medical Standards for Incarcerated Individuals
30 Act on or before January 1, 2028.

31 **Sec. 8.** Section 50-1901, Revised Statutes Supplement, 2025, is

1 amended to read:

2 50-1901 Sections 50-1901 to 50-1921 and section 13 of this act shall
3 be known and may be cited as the Office of Inspector General of the
4 Nebraska Correctional System Act.

5 **Sec. 9.** Section 50-1904, Revised Statutes Supplement, 2025, is
6 amended to read:

7 50-1904 For purposes of the Office of Inspector General of the
8 Nebraska Correctional System Act, the following definitions apply:

9 (1) Administrator means a person charged with administration of (a)
10 a program or an office of the department or (b) a private agency;

11 (2) Department means the Department of Correctional Services;

12 (3) Director means the Director of Correctional Services;

13 (4) Inspector General means the Inspector General of the Nebraska
14 Correctional System appointed under section 50-1905;

15 (5) Malfeasance means a wrongful act that the actor has no legal
16 right to do or any wrongful conduct that affects, interrupts, or
17 interferes with performance of an official duty;

18 (6) Management means supervision of subordinate employees;

19 (7) Medical neglect has the same meaning as in section 3 of this
20 act;

21 (8) (7) Misfeasance means the improper performance of some act that
22 a person may lawfully do;

23 (9) (8) Obstruction means hindering an investigation, preventing an
24 investigation from progressing, stopping or delaying the progress of an
25 investigation, or making the progress of an investigation difficult or
26 slow;

27 (10) (9) Office means the office of Inspector General of the
28 Nebraska Correctional System and includes the Inspector General and other
29 employees of the office;

30 (11) (10) Private agency means an entity that contracts with the
31 department or contracts to provide services to another entity that

1 contracts with the department; and

2 (12) (11) Record means any recording in written, audio, electronic,
3 or computer storage form, including, but not limited to, a draft,
4 memorandum, note, report, computer printout, notation, message, medical
5 record, mental health record, case file, clinical record, financial
6 record, and administrative record.

7 **Sec. 10.** Section 50-1906, Revised Statutes Supplement, 2025, is
8 amended to read:

9 50-1906 (1) The office shall investigate:

10 (a) Allegations or incidents of possible misconduct, misfeasance,
11 malfeasance, or violations of statutes or of rules or regulations of the
12 department by an employee of or a person under contract with the
13 department or a private agency;

14 (b) Death or serious injury of individuals in the custody or under
15 the supervision of the department. The department shall report all such
16 cases of death or serious injury to the Inspector General as soon as
17 reasonably possible after the department learns of such death or serious
18 injury. The department shall also report all cases of the death or
19 serious injury of an employee when acting in such employee's capacity as
20 an employee of the department as soon as reasonably possible after the
21 department learns of such death or serious injury. The department shall
22 also report all cases when an employee is hospitalized in response to an
23 injury received when such employee is acting in such employee's capacity
24 as an employee of the department as soon as reasonably possible after the
25 department learns of such hospitalization. For purposes of this
26 subdivision, serious injury means an injury which requires urgent and
27 immediate medical treatment and restricts the injured person's usual
28 activity; and

29 (c) Allegations or incidents of medical neglect of individuals in
30 the custody or under the supervision of the department; and

31 (d) (e) Any other matter as provided in the annual work plans or key

1 performance indicators approved by the Legislative Oversight Committee
2 pursuant to section 50-1702.

3 (2) Any investigation conducted by the Inspector General shall be
4 independent of and separate from an investigation pursuant to sections
5 23-1821 to 23-1823.

6 (3) The department shall notify the Inspector General as soon as
7 practicable when a criminal investigation involving a death or serious
8 injury required to be reported to the Inspector General under subdivision
9 (1)(b) of this section has commenced and when such criminal investigation
10 has concluded.

11 (4) Notwithstanding the fact that a criminal investigation, a
12 criminal prosecution, or both are in progress, all law enforcement
13 agencies and prosecuting attorneys may cooperate with any investigation
14 conducted by the Inspector General and may, upon request by the Inspector
15 General, provide the Inspector General with copies of all law enforcement
16 reports which are relevant to the Inspector General's investigation. All
17 law enforcement reports which have been provided to the Inspector General
18 pursuant to this section are not public records for purposes of sections
19 84-712 to 84-712.09 and shall not be subject to discovery by any other
20 person or entity. Except to the extent that disclosure of information is
21 otherwise provided for in the Office of Inspector General of the Nebraska
22 Correctional System Act, the Inspector General shall maintain the
23 confidentiality of all law enforcement reports received pursuant to its
24 request under this section. Law enforcement agencies and prosecuting
25 attorneys may, when requested by the Inspector General, collaborate with
26 the Inspector General regarding all other information relevant to the
27 Inspector General's investigation. The Inspector General shall, when
28 requested to do so by a law enforcement agency or prosecuting attorney,
29 suspend an investigation by the office until a criminal investigation or
30 prosecution is completed or has proceeded to a point that, in the
31 judgment of the Inspector General, reinstatement of the Inspector

1 General's investigation will not impede or infringe upon the criminal
2 investigation or prosecution.

3 (5) Consistent with the Nebraska Rules of Professional Conduct,
4 counsel for the entity under investigation shall not represent a witness.
5 A witness may request that counsel for the entity under investigation be
6 present while being questioned, but such entity shall not require a
7 witness to make such a request. If such a request is made, the entity
8 under investigation shall inform the witness that such entity's counsel
9 does not represent the witness. For purposes of this subsection, entity
10 under investigation means the entity that is the subject of an
11 investigation under the Office of Inspector General of the Nebraska
12 Correctional System Act and includes the department and a private agency.

13 (6) The office may conduct audits, inspections, investigations, and
14 other oversight as necessary to perform the duties of the office and to
15 carry out the purposes of the Office of Inspector General of the Nebraska
16 Correctional System Act.

17 **Sec. 11.** Section 50-1907, Revised Statutes Supplement, 2025, is
18 amended to read:

19 50-1907 (1) Complaints to the office may be made in writing. Reports
20 of medical neglect under section 6 of this act may be made to the office
21 in the form and manner prescribed by the office.

22 (2) A complaint or report of medical neglect shall be evaluated to
23 determine if it alleges possible misconduct, misfeasance, malfeasance,
24 medical neglect, or violation of a statute or of rules and regulations of
25 the department by an employee of or a person under contract with the
26 department or a private agency. All complaints and reports shall be
27 evaluated to determine whether a full investigation is warranted.

28 (3) (2) The office shall not conduct a full investigation of a
29 complaint or report unless:

30 (a) The complaint or report alleges misconduct, misfeasance,
31 malfeasance, medical neglect, or violation of a statute or of rules and

1 regulations of the department;

2 (b) The complaint or report is against a person within the
3 jurisdiction of the office; and

4 (c) The allegations can be independently verified through
5 investigation.

6 (3) After receipt of a complaint or report, the Inspector General
7 shall determine whether the office will conduct a full investigation.

8 (4) When a full investigation is opened on a private agency that
9 contracts with the department, the Inspector General shall give notice of
10 such investigation to the department.

11 **Sec. 12.** Section 50-1912, Revised Statutes Supplement, 2025, is
12 amended to read:

13 50-1912 (1) Except as provided in subsection (6) of this section,
14 reports Reports of investigations conducted by the office shall not be
15 distributed beyond the entity that is the subject of the report without
16 the consent of the Inspector General.

17 (2) The office shall redact confidential information before
18 distributing a report of an investigation.

19 (3) The office may disclose confidential information to the
20 chairperson of the Legislative Oversight Committee at the chairperson's
21 request. The office may also disclose confidential information to the
22 chairperson of the Legislative Oversight Committee, the chairperson of
23 the Executive Board of the Legislative Council, and the chairperson of
24 the Judiciary Committee of the Legislature when such disclosure is, in
25 the judgment of the Director of Legislative Oversight, appropriate to
26 keep the Legislature informed of important events, issues, and
27 developments in the Nebraska correctional system.

28 (4) The office may also disclose such confidential information to
29 the Legislative Oversight Committee when such disclosure is, in the
30 judgment of the chairperson of the Legislative Oversight Committee,
31 appropriate to keep the Legislature informed of important events, issues,

1 and developments in the Nebraska correctional system.

2 (5)(a) This subsection does not apply to reports of investigations
3 required under subsection (6) of this section.

4 (b) A summarized final report based on an investigation may be
5 publicly released in order to bring awareness to systemic issues.

6 (c) (b) Such report shall be released only:

7 (i) After a disclosure is made to the chairperson of the Legislative
8 Oversight Committee pursuant to subsection (3) of this section; and

9 (ii) If a determination is made by the Inspector General with the
10 chairperson of the Legislative Oversight Committee that doing so would be
11 in the best interest of the public.

12 (d) (e) If there is disagreement about whether releasing the report
13 would be in the best interest of the public, the chairperson of the
14 Executive Board of the Legislative Council shall make the final decision.

15 (6) When the office completes an investigation of a death of an
16 individual in the custody or under the supervision of the department in
17 which medical neglect is suspected, alleged, or reasonably indicated, the
18 office shall release a public report of the investigation. Such report
19 shall be released within fifteen days after the office has complied with
20 sections 50-1914 and 50-1915.

21 (7) (d) The Legislative Oversight Committee shall be notified prior
22 to a report of an investigation being publicly released under this
23 section.

24 (8) (6) Records and documents, regardless of physical form, that are
25 obtained or produced by the office in the course of an investigation are
26 not public records for purposes of sections 84-712 to 84-712.09. Reports
27 of investigations conducted by the office are not public records for
28 purposes of sections 84-712 to 84-712.09.

29 (9) (7) The office may withhold the identity of sources of
30 information to protect from retaliation any person who files a complaint
31 or provides information in good faith pursuant to the Office of Inspector

1 General of the Nebraska Correctional System Act.

2 **Sec. 13.** (1) On or before May 15, 2028, and on or before each May
3 15 thereafter, the office shall:

4 (a) Conduct an audit of the department's compliance with the Medical
5 Standards for Incarcerated Individuals Act and the protocols developed
6 under section 4 of this act; and

7 (b) Present a report of the audit to the Director of Legislative
8 Oversight and the chairperson of the Legislative Oversight Committee. The
9 Inspector General shall present the report of an investigation to the
10 Director of Correctional Services within three business days after the
11 report is presented to the Director of Legislative Oversight and the
12 chairperson of the Legislative Oversight Committee.

13 (2) Any person receiving a report under this section shall not
14 further distribute the report or any confidential information contained
15 in the report. The report shall not be distributed beyond the parties
16 except through the appropriate court procedures to the judge.

17 (3) A report that identifies misconduct, misfeasance, malfeasance,
18 violation of statute, or violation of rules and regulations by an
19 employee of the department or a private agency that is relevant to
20 providing appropriate supervision of an employee may be shared with the
21 employer of such employee. The employer shall not further distribute the
22 report or any confidential information contained in the report.

23 (4) Within thirty business days after a report is presented to the
24 director:

25 (a) The director may determine whether to accept, reject, or request
26 modification of the recommendations contained in the report. Any response
27 shall be in writing and may include corrections of factual errors; and

28 (b) The director shall submit to the Inspector General a corrective
29 action plan to address any misconduct, misfeasance, malfeasance,
30 violation of statute, or violation of rules and regulations identified in
31 the report.

1 (5) The Inspector General, with input from the Director of
2 Legislative Oversight, may consider any request for modifications but is
3 not obligated to accept such request.

4 (6) Such report shall become final (a) upon the decision of the
5 director to accept or reject the recommendations in the report, (b)
6 within fifteen business days after the director requests modifications or
7 after the Inspector General incorporates such modifications, whichever
8 occurs earlier, or (c) thirty business days after the report is presented
9 to the director if no response is made. If the Inspector General does not
10 accept a requested modification, the recommendation for which such
11 modification was requested shall be considered to be rejected by the
12 director.

13 (7) Within fifteen business days after the report is presented to
14 the director, the report shall be presented to the private agency or
15 other provider of correctional services that is the subject of the report
16 and to persons involved in the implementation of the recommendations in
17 the report. Within fifteen business days after receipt of the report, the
18 private agency or other provider may submit a written response to the
19 office to correct any factual errors in the report. The Inspector
20 General, with input from the Director of Legislative Oversight, shall
21 consider all materials submitted under this subsection to determine
22 whether a corrected report shall be issued. If the Inspector General
23 determines that a corrected report is necessary, the corrected report
24 shall be issued within fifteen business days after receipt of the written
25 response.

26 (8) If the Inspector General does not issue a corrected report
27 pursuant to subsection (7) of this section or if the corrected report
28 does not address all issues raised in the written response, the private
29 agency or other provider may request that its written response, or
30 portions of the response, be appended to the report or corrected report.

31 (9) On or before October 1, 2028, and on or before each October 1

1 thereafter, the Inspector General shall release a public summary report
2 of the audit and report completed under this section. The public summary
3 report shall not contain any confidential or identifying information
4 concerning the subjects of the reports and investigations.

5 **Sec. 14.** Original sections 50-1901, 50-1904, 50-1906, 50-1907, and
6 50-1912, Revised Statutes Supplement, 2025, are repealed.