



Hundredth Legislature - First Session - 2007
Committee Statement
LB 203

Hearing Date: January 19, 2007
Committee On: Health and Human Services

Introducer(s): (Gay, 14)

Title: Provide an informal conference process for disciplinary action regarding health care facilities

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

7	Yes	Senator(s): Johnson, Erdman, Hansen, Howard, Gay, Stuthman, Pankonin
	No	
	Present, not voting	
	Absent	

Proponents:

Senator Gay
Dale E. Michels M.D.

Brendon Polt
Ron Jensen

George Voigtlander M.D.
Alex Willford
Nicki Brigham
John Pinkerton
Rachel Pinkerton
Bruce Rieker

Representing:

Introducer
Nebraska Medical Directors Association and
Nebraska Medical Association
Nebraska Health Care Association
Nebraska Association of Homes and Services for
the Aging
Nebraska Medical Directors Association
Fremont Area Medical Center
Morys Haven
Pinkerton Properties
Pinkerton Places
Nebraska Hospital Association

Opponents:

Representing:

Neutral:

Greg Schieke
Luisa Rounds
Dr. Joann Schaefer

Representing:

CIMRO of Nebraska
Self
Health and Human Services System

Summary of purpose and/or changes:

LB 203 (Gay) Provide an informal conference process for disciplinary action regarding health care facilities.

LB 203 provides for an alternative dispute resolution process under the Health Care Facility Licensure Act. If a facility is provided a disciplinary notice under section 71-451, the bill would allow for the facility to request an informal conference with an independent peer organization.

The Director of Regulation and Licensure is required to contract with an independent peer review organization to facilitate such conferences. Fees for the informal conference would be paid by the facility. Qualifications necessary to be an independent peer review organization and conduct such hearings are provided.

The informal conference, if requested, must take place within thirty days of receipt of the request. Within twenty working days after conclusion of the conference, the organization must either affirm, modify, or dismiss the notice.

If the facility desires to contest the organization's decision to affirm or modify the notice, the facility must notify the director in writing within five working days after receiving the decision.

If the facility successfully demonstrates that the deficiencies alleged should not have been cited, the bill requires such deficiencies be removed from the notice and deficiency statement, and that any sanction imposed solely due to those cited deficiencies be rescinded.

The committee amendment (AM 171) replaces the bill as introduced. The amendment continues to provide for an informal dispute resolution process by permitting a licensed facility to request an informal conference with a "representative peer review organization" as the term is defined in section 1152 of the federal Social Security Act. The amendment deletes the term "independent peer review organization." The amendment still requires the requesting facility to pay the costs of such conference.

Explanation of amendments, if any:

Senator Joel Johnson, Chairperson