

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -  
2008**

**CORRECTED COMMITTEE STATEMENT**

**LB797**

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**Hearing Date:** January 23, 2008

**Committee On:** Health and Human Services

**Introducer(s):** (Health and Human Services Committee)

**Title:** Change provisions relating to health and human services

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**Roll Call Vote - Final Committee Action:**

Placed on General File

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**Vote Results:**

7 Yes                      Senators Erdman, Gay, Hansen, Howard, Johnson,  
Pankonin, Stuthman

0 No

0 Absent

0 Present, not voting

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**Proponents:**

Chris Peterson

**Representing:**

Nebraska Department of Health and Human  
Services

**Opponents:**

**Representing:**

**Neutral:**

Heather Swanson

**Representing:**

Self

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**Summary of purpose and/or change:**

LB 797 is the annual cleanup bill requested by the Department of Health and Human Services. The bill contains the emergency clause for portions of the bill and makes the following changes: Medical Assistance Act (section 1). The bill updates a reference to federal law in section 68-906. This portion of the bill becomes operative with the emergency clause.

Public Assistance Administrative Disqualification Process (sections 2, 15). The bill reinstates provisions of section 81-3109 which were outright repealed in LB 296 (2007) and originally adopted in LB 234 (2003) that require the Department of Health and Human Services to establish an administrative disqualification process for the Aid to Dependent Children (ADC) and child care subsidy programs. The department may initiate such hearing when there is reason to believe that sufficient documentary evidence exists to establish that a person has committed an intentional program violation. Hearings are subject to the Administrative Procedure Act. The bill requires that a period of disqualification be imposed for intentional program violations, which may be determined by the department after an administrative disqualification hearing or without a hearing if the person waives his or her right to a hearing. The period of disqualification is up to one year for a first violation, up to two years for a second violation, and permanent disqualification for a third violation. The same penalties are required to be imposed if the person is found by a court to have violated section 68-1017. Under the ADC program, only the person found to have committed the intentional program violation may be disqualified. For the child care subsidy program, the person committing the violation and his or her family are disqualified. The department must notify applicants for ADC or child care subsidy benefits of the penalties for intentional program violations each time an application for benefits is made. Intentional program violation is defined as any action by a person to intentionally make a false statement, conceal information, or alter one or more documents in order to obtain benefits for which the person is not entitled. The department may adopt and promulgate rules and regulations to implement the foregoing provisions. This portion of the bill becomes operative with the emergency clause.

DHHS Administrative References (sections 3, 14). The bill changes administrative references following reorganization of the Department of Health and Human Services (LB 296, 2007). In section 71-1901, the bill places the licensure of child care programs in the Division of Public Health within the department. In section 86-570, the Chief Executive Officer of the department or his or her designee is made a member of the Geographic Information System Steering Committee.

Rural Health Systems and Professional Incentive Act (sections 4-7). The bill makes technical changes to the Rural Health Systems and Professional Incentive Act (act). It updates a reference to existing law which is outright repealed on December 1, 2008, the effective date of LB 463 (2007). The bill changes references to advanced practice registered nurse to nurse practitioner to harmonize with changes made in LB 256 (2005) to expand the definition of advanced practice registered nurse to include more than just nurse practitioners.

Screening Mammography Program/Breast and Cervical Cancer (sections 8-11). The bill deletes provisions relating to the state screening mammography program to comport with federal law. The bill makes technical changes to statutes relating to the Breast and Cervical Cancer Advisory Committee found in sections 71-7010, 71-7012, and 71-7013 and outright repeals several sections.

Release of Case Specific Data to Trauma Quality Assurance Committees (section 12). The bill permits the department to release case specific, non-identifying trauma information to trauma quality assurance committees to enhance the flow of electronic information and improve the provision of emergency medical services and trauma care.

Cancer Registries (section 13). The bill permits the Centers for Disease Control and Prevention (CDC) and the North American Association of Central Cancer Registries (NAACCR) to re-release case specific information received from the Nebraska Cancer Registry.

Operative Dates/Emergency Clause (sections 16, 20). Sections 1, 2, 15-17, and 20 of the bill become operative with the emergency clause. Other sections become operative three calendar months after the Legislature adjourns.

Outright Repealer (section 19). The bill outright repeals sections 68-1736

and 68-1737 (Governor's Roundtable on welfare reform), and sections 71-7001 to 71-7009 and 71-7011 (breast and cervical cancer).

**Explanation of amendments, if any:**

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Senator Joel Johnson, Chairperson