

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB367

Hearing Date: Thursday February 12, 2009
Committee On: Health and Human Services
Introducer: Gloor
One Liner: Change health care certificate of need provisions

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman
Nay:
Absent:
Present Not Voting:

Proponents:	Representing:
Senator Gloor	Introducer
Jack Vetter	Vetter Health Service
Anthony Johnson	Golden Living
Keith Fickenscher	Tabitha Health Care Services
Brendon Polt	Nebraska Health Care Association

Opponents:	Representing:
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Neutral:	Representing:
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Summary of purpose and/or changes:

LB 367 changes, eliminates, and adds health care certificate of need provisions. Current law requires a certificate of need (CON) for a "relocation of long-term care beds from a health care facility at one physical facility or contiguous site to another noncontiguous site 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 more than ten percent of the total bed capacity, whichever is less, over a two-year period" and any "relocation of long-term care beds from a health care facility located in one health planning region to a health care facility in a different health planning region" (section 71-5829.03). LB 367 deletes the current requirement.

The bill permits the "transfer or relocation of long-term care beds from one facility to another entity in any location." The bill requires the receiving entity to obtain a license for the transferred or relocated beds within three years of the transfer or relocation. If the receiving entity is unable to obtain a license within that period, the Department of Health and Human Services (department) is required to extend the time for three one-year periods on the condition that the receiving entity is making progress toward completion of the project requiring a license.

The bill clarifies provisions relating to the department's calculation of long-term care bed need. The bill requires the department to provide a detailed calculation of long-term care bed need including all components of the long-term care bed need formula as provided in section 71-5829.04(3).

Explanation of amendments:

The committee amendment (AM 532) replaces the bill as introduced and makes the following changes:

1. Moves transfer and relocation provisions from section 71-5829.04 (moratorium on long-term care beds) to section 71-5830.01 (exempt activities from CON requirement).

2. Revises and clarifies moratorium provisions in section 71-5829.04. The amendment clarifies provisions relating to the calculation of long-term care bed need under such section. The amendment revises definitions of "population," "utilization rate," and "minimum occupancy rate" for purposes of calculating long-term care bed need.

3. For purposes of making the calculations required under section 71-5829.04, the amendment requires each health care facility with long-term care beds to report to the department on a quarterly basis the number of residents at the facility on the last day of the immediately preceding quarter. The report must be provided no later than ninety days after the last day of the immediately preceding quarter. The amendment requires the department to provide the occupancy data collected from such reports upon request. Any facility that fails to timely report such information will be ineligible for any exception to the CON requirement under section 71-5830.01 and any exception to the moratorium under section 71-5829.04 and the facility may not receive, transfer, or relocate long-term care beds.

4. Exempts from CON requirements "a transfer or relocation of long-term care beds from one facility to another entity in the same health planning region or any other health planning region." The amendment requires the receiving entity to obtain a license for the transferred or relocated beds within two years after the transfer or relocation and requires the department to grant an extension of such time if the receiving entity is making progress toward the licensure of such beds.

5. Outright repeals section 71-5829.01 and 71-5829.02.

Tim Gay, Chairperson