

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 347

Introduced by Gloor, 35.

Read first time January 18, 2013

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health care facilities; to amend section
2 71-401, Revised Statutes Cumulative Supplement, 2012; to
3 state intent; to provide for a moratorium on issuance of
4 certain licenses as prescribed; to harmonize provisions;
5 and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-401, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 71-401 Sections 71-401 to 71-468 and section 2 of this
4 act shall be known and may be cited as the Health Care Facility
5 Licensure Act.

6 Sec. 2. (1) Due to the possible expansion of medicaid as
7 authorized in the federal Patient Protection and Affordable Care Act,
8 in 2014 approximately one hundred twenty thousand residents may be
9 obtaining insurance coverage through medicaid and accessing health
10 care services. This possible increase in demand for services could
11 overwhelm the current health care facilities available in Nebraska
12 and spur an unsustainable growth in facilities. It is in the best
13 interest of the State of Nebraska and our residents that if the
14 optional medicaid expansion is authorized in Nebraska, health care
15 facility licenses be curtailed for a time to avoid the inflationary
16 cost spiral that comes with uncontrolled growth and provision of
17 services and to allow for unintended consequences and unknown costs
18 to become known and sustainable growth to be planned into the future.

19 (2) If the One Hundred Third Legislature, First Session,
20 expands the coverage under medicaid to persons eligible under 42
21 U.S.C. 1902(a)(10)(A)(i)(VIII), the department shall not accept an
22 application or issue a license for the following types of new
23 facilities beginning on September 1, 2014, and continuing through
24 August 31, 2017:

25 (a) Ambulatory surgical center;

- 1 (b) Critical access hospital;
- 2 (c) General acute hospital;
- 3 (d) Hospital;
- 4 (e) Mental health center;
- 5 (f) Psychiatric or mental hospital;
- 6 (g) Rehabilitation hospital;
- 7 (h) Substance abuse treatment center; and
- 8 (i) Health care practitioner facility or health clinic if
- 9 the primary service provided at the facility or clinic is diagnostic
- 10 imaging.

11 (3) A health care facility which has applied for a
12 license and which has a signed construction contract prior to
13 February 1, 2013, is exempt from this section.

14 Sec. 3. Original section 71-401, Revised Statutes
15 Cumulative Supplement, 2012, is repealed.