

ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020
COMMITTEE STATEMENT
LB783

Hearing Date: Thursday February 20, 2020
Committee On: Health and Human Services
Introducer: Lowe
One Liner: Change the definition of ambulatory surgical center

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

Vote Results:
Aye: 7 Senators Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:

Senator John Lowe
Dr. David McConnell
Kent Rogert

Dr. Douglas Ramos
Daniel Larose
Dr. Vish Bhoopalan

Lee Hilka
Margaret Summerfelt
Tracy Hoeft-Hoffman

Representing:

Introducer
Heartland Surgery Center
Nebraska Association of Nurse Anesthetists; and
Nebraska Podiatric Medical Association
Self
Advanced Surgery Center
Nebraska Medical Association; and American College of
Cardiology
Riverview Surgery Center
Advanced Surgery Center
Heartland Surgery Center

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB783 would amend the Health Care Facility Licensure Act (Neb. Rev. Stat. Section 71-405). It would change the definition of an ambulatory surgical center to include facilities that admit and discharge persons within the same working day if no anesthesia is administered (Green copy, Section 1, p. 2, line 6), or persons who are discharged within 24 hours after administering anesthesia. (Green copy, Section 1, p. 2, lines 7-8). It would also allow patients to stay overnight at such facility. (Green copy, Section 1, p. 2, lines 8-9).

Explanation of amendments:

Committee Amendment AM 2775 replaces the green copy of the bill and contains the amended provisions of LB 783, the original provisions of LB 1104, and the amended provisions of LB 838.

The amended provisions of LB 783 are found in Section 2 of AM 2775, on pages 4-5. AM 2775 amends LB 838 by defining an ambulatory surgical center as a facility where the patient is discharged within twenty-three hours and fifty nine minutes from the time of the admission of the patient. It removes the requirement that the patient be discharged within the same working day. (AM 2775, Section 2, pp. 4-5).

LB 838

The amended provisions of LB 838 are found in Section 1 of AM 2775, on pages 1-4. AM 2775 amends Neb. Rev. Stat. Section 38-2025 regarding exemptions to the unauthorized practice of medicine and adds a new exemption for specific individuals. These individuals are people who are not licensed, certified, or registered under the Uniform Credentialing Act, to whom are assigned tasks by a licensed physician. Those tasks must be routine care, activities, and procedures that: 1) are part of the routine functions of such person; 2) reoccur frequently in the care of a patient or group of patients; 3) do not require such persons to exercise clinical judgment; 4) do not require performance of a complex task; 5) have predictable results and minimal potential risk; and 6) utilize a standard, unchanging procedure. (AM 2775, Section 1, pp. 3-4).

Motion to include LB 838 as amended into the committee amendment AM 2775:

Vote: 7-0-0-0

Voting Aye: Senators Arch, Cavanaugh, B. Hansen, Howard, Murman, Walz, Williams

Voting Nay: None

Absent: None

Present Not Voting: None

Public Hearing (2-26-20) testifiers

Proponents:

Senator John Arch - Introducer

Dr. Michael Israel - Nebraska Medical Association

Rita Weber - Nebraska Nurses Association

Abbie Fougeron - Nebraska Medical Association

Opponents: None

Neutral: None

LB 1104

The provisions of LB 1104 are found in Section 3 of AM 2775, on page 5. LB1104 would amend the Health Care Quality Improvement Act (Neb. Rev. Stat. Section 71-7910.01) to include entities organized under the Nebraska Nonprofit Corporation Act which render health care services, as a professional health care service entity. (AM 2775, Section 3, p. 5).

Motion to include LB 1104 into committee amendment AM 2775:

Vote: 7-0-0-0

Voting Aye: Senators Arch, Cavanaugh, B. Hansen, Howard, Murman, Walz, Williams

Absent: None

Present Not Voting: None

Public Hearing (2-20-20) testifiers

Proponents:

Senator John Arch - Introducer

Matt Schaefer - Nebraska Medical Association

Opponents: None

Neutral: None

Sara Howard, Chairperson