

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 409

Introduced by Kolowski, 31.

Read first time January 18, 2019

Committee:

- 1 A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to
- 2 amend section 71-439, Reissue Revised Statutes of Nebraska; to adopt
- 3 design standards for health care facilities; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-439, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-439 (1) The Legislature adopts the 2018 Guidelines for Design and
4 Construction of Hospitals, the 2018 Guidelines for Design and
5 Construction of Outpatient Facilities, and the 2018 Guidelines for Design
6 and Construction of Residential Health, Care, and Support Facilities
7 published by the Facility Guidelines Institute for the construction of
8 any health care facility on or after the effective date of this act and
9 for any major addition, remodeling, restoration, repair, or renovation of
10 any health care facility on or after the effective date of this act as
11 determined by the department.

12 (2) The department may waive any rule, regulation, or standard
13 adopted and promulgated by the department relating to construction or
14 physical plant requirements of a licensed health care facility or health
15 care service upon proof by the licensee satisfactory to the department
16 (a) that such waiver would not unduly jeopardize the health, safety, or
17 welfare of the persons residing in or served by the facility or service,
18 (b) that such rule, regulation, or standard would create an unreasonable
19 hardship for the facility or service, and (c) that such waiver would not
20 cause the State of Nebraska to fail to comply with any applicable
21 requirements of medicare or medicaid so as to make the state ineligible
22 for the receipt of all funds to which it might otherwise be entitled.

23 (3) ~~(2)~~ In evaluating the issue of unreasonable hardship, the
24 department shall consider the following:

- 25 (a) The estimated cost of the modification or installation;
- 26 (b) The extent and duration of the disruption of the normal use of
27 areas used by persons residing in or served by the facility or service
28 resulting from construction work;
- 29 (c) The estimated period over which the cost would be recovered
30 through reduced insurance premiums and increased reimbursement related to
31 cost;

1 (d) The availability of financing; and

2 (e) The remaining useful life of the building.

3 (4) ~~(3)~~ Any such waiver may be granted under such terms and
4 conditions and for such period of time as provided in rules and
5 regulations adopted and promulgated by the department.

6 Sec. 2. Original section 71-439, Reissue Revised Statutes of
7 Nebraska, is repealed.