

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 114

Introduced by McCoy, 39.

Read first time January 09, 2015

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to
- 2 amend sections 71-405 and 71-416, Reissue Revised Statutes of
- 3 Nebraska; to redefine ambulatory surgical center and health clinic;
- 4 and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-405, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-405 (1) Ambulatory surgical center means a facility (a) where
4 surgical services are provided to persons not requiring hospitalization
5 who are admitted to and discharged from such facility within the same
6 working day and are not permitted to stay overnight at such facility, (b)
7 which meets all applicable requirements for licensure as a health clinic
8 under the Health Care Facility Licensure Act, and (c) which has qualified
9 for a written agreement with the Health Care Financing Administration of
10 the United States Department of Health and Human Services or its
11 successor to participate in medicare as an ambulatory surgical center as
12 defined in 42 C.F.R. 416 et seq. or which receives other third-party
13 reimbursement for such services.

14 (2) Ambulatory surgical center includes a facility if five or more
15 abortions, as defined in subdivision (1) of section 28-326, are performed
16 during any one calendar month at such facility or if any second or third
17 trimester abortion is performed at such facility.

18 (3) Except as otherwise provided in subsection (2) of this section,
19 ambulatory ~~(2) Ambulatory~~ surgical center does not include an office or
20 clinic used solely by a practitioner or group of practitioners in the
21 practice of medicine, dentistry, or podiatry.

22 Sec. 2. Section 71-416, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 71-416 (1) Health clinic means a facility where advice, counseling,
25 diagnosis, treatment, surgery, care, or services relating to the
26 preservation or maintenance of health are provided on an outpatient basis
27 for a period of less than twenty-four consecutive hours to persons not
28 residing or confined at such facility. Health clinic includes, but is not
29 limited to, an ambulatory surgical center or a public health clinic.

30 (2) Health clinic does not include (a) a health care practitioner
31 facility (i) unless such facility is an ambulatory surgical center or

1 ~~(ii) , (ii) unless ten or more abortions, as defined in subdivision (1)~~
2 ~~of section 28-326, are performed during any one calendar week at such~~
3 ~~facility, or (iii) unless hemodialysis or labor and delivery services are~~
4 provided at such facility, or (b) a facility which provides only routine
5 health screenings, health education, or immunizations.

6 (3) For purposes of this section:

7 (a) Public health clinic means the department, any county, city-
8 county, or multicounty health department, or any private not-for-profit
9 family planning clinic licensed as a health clinic;

10 (b) Routine health screenings means the collection of health data
11 through the administration of a screening tool designed for a specific
12 health problem, evaluation and comparison of results to referral
13 criteria, and referral to appropriate sources of care, if indicated; and

14 (c) Screening tool means a simple interview or testing procedure to
15 collect basic information on health status.

16 Sec. 3. Original sections 71-405 and 71-416, Reissue Revised
17 Statutes of Nebraska, are repealed.