

LEGISLATIVE BILL 1270

Approved by the Governor April 10, 1972

Introduced by Gerald A. Storer, 36th District

AN ACT relating to public health; to establish in the Department of Health a program for the care of persons suffering from chronic renal diseases; to establish a renal disease advisory committee; to designate the powers and duties in relation thereto; to make appropriations; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. The Department of Health shall establish a program for the care and treatment of persons suffering from chronic renal diseases. This program shall assist persons suffering from chronic renal diseases who require life saving care and treatment for such renal disease, but who are unable to pay for such services on a continuing basis. For the purposes of this act, chronic renal disease is defined as that stage of renal function in which the kidney is no longer able to maintain the integrity of the internal environment of the organism which condition is of a permanent and deteriorating state. Such condition shall include but not be limited to the following: (1) Chronic glomerulo nephritis; (2) chronic pyelo nephritis; (3) nephrotic syndrome; (4) polycystic kidney disease; (5) kimmelstiel wilson disease; or (6) progressive focal glomerulitis such as lupus nephritis. For the purposes of this act, life saving care and treatment is that care and treatment which requires constant medical attention and frequent hospitalization capable of restoring life or extending life beyond that normal for a person suffering from chronic renal disease.

Sec. 2. The Governor shall appoint a renal disease advisory committee to consult with and advise the Department of Health in the administration of the provisions of this act. Members of such committee shall be chosen with geographical balance. The committee shall be composed of four persons representing hospitals, medical centers, and physicians trained in the area of renal disease. Of the members of the committee to be appointed, one shall be appointed from the Medical Center of the University of Nebraska, one shall be a practicing physician within the State of Nebraska who has a special interest in the care, treatment, and study of renal disease and has a current practice and training in that

field, and one shall be an administrator from a hospital in the State of Nebraska who has an active unit engaged in hemodialysis treatments or other renal disease treatments. The fourth member shall be chosen from voluntary agencies within the State of Nebraska interested in kidney diseases. Each member shall hold office for a term of two years and until his successor is appointed and qualified, except that the terms of the members first taking office shall expire as designated at the time of appointment, two at the end of the first year and two at the end of the second year after the date of appointment. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. The committee shall meet as frequently as the Director of Health or the chairman of the renal disease advisory committee deems necessary, but not less than twice each year. Committee members, while serving on business of the committee, shall receive compensation at the rate of twenty dollars per day and shall also be entitled to receive actual and necessary travel subsistence expenses while so serving away from their places of residence. Upon request of three or more members, it shall be the duty of the Director of Health to call a meeting of the committee.

Sec. 3. The Department of Health shall:

(1) With the advice and consent of the renal disease advisory committee, develop standards for determining eligibility for care and treatment under this program and establish standards and qualifications of those patients unable to pay for treatment of chronic renal disease on a continuing basis. Such standards shall require that an individual:

(a) Shall be a bona fide resident of the State of Nebraska;

(b) Shall not be able to pay the total cost of such needed care and treatment without depriving himself or those legally dependent upon him for their necessities of life;

(c) Shall not have deprived himself, directly or indirectly, of any property for the purpose of qualifying for assistance under the provisions of this act;

(d) Shall not have relatives legally responsible to provide such care and treatment who refuse or neglect to provide such care and treatment in whole or in part without good cause; and

(e) Shall be a proper candidate for such care and treatment, including willingness of that person to receive such care and treatment;

(2) Assist in the development and expansion of programs for the care and treatment of persons suffering from chronic renal diseases, including dialysis, transplant, and other medical procedures and techniques which will have a life-saving effect in the care and treatment of persons suffering from these diseases;

(3) Assist in the development of programs for the prevention of chronic renal diseases;

(4) Extend financial assistance to persons suffering from chronic renal diseases in obtaining the medical, nursing, pharmaceutical, and technical services necessary in caring for such diseases, including the renting of home dialysis equipment, and extend financial assistance to donors to persons suffering from chronic renal diseases in obtaining the medical, nursing, pharmaceutical and technical services necessary in caring for such donors;

(5) Assist in equipping dialysis centers and the planning of such on the basis of consultation with the comprehensive health planning office; and

(6) Institute and carry on an educational program among physicians, hospitals, public health departments, and the public concerning chronic renal diseases, including the dissemination of information and the conducting of educational programs concerning the prevention of chronic renal diseases and the methods for the care and treatment of persons suffering from these diseases.

Sec. 4. There is hereby appropriated six hundred dollars from the state General Fund for the period ending June 30, 1972, and one hundred forty thousand dollars for the period of July 1, 1972 to June 30, 1973, from the state General Fund, together with any funds available from federal grant and assistance programs to the Department of Health, Program No. 621 - Special Health Services, for the purpose of caring for those persons suffering from chronic renal disease as defined in section 1 of this act, and such funds shall be expended for no other purpose. There is also appropriated an additional sixty thousand dollars for the period of July 1, 1972 to June 30, 1973, from the state General Fund, together with any federal funds to the Department of Public Welfare, Program No. 341 - Public Assistance, to further aid in carrying out the provisions

of this act, and such funds shall not be expended for any other purpose.

Sec. 5. There is hereby created in the Department of Health the Chronic Renal Disease Cash Fund. The fund shall be used for payment of services, granting of financial assistance, and participation in other state and federal programs for the purpose of caring for persons suffering from chronic renal disease. All funds in the Chronic Renal Disease Cash Fund for the period of July 1, 1972 to June 30, 1973, are hereby appropriated.

Sec. 6. The Director of Administrative Services is hereby authorized and directed to draw his warrants upon the proper funds in the state treasury for, but never in excess of, the sums herein specified upon presentation of proper vouchers. The State Treasurer shall pay the warrants out of money in the proper funds not otherwise appropriated.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.