

LEGISLATIVE BILL 566

Approved by the Governor February 9, 1982

Introduced by Lamb, 43

AN ACT to amend sections 71-2031, 71-2032, 71-2038, 71-2039, and 71-3601, Reissue Revised Statutes of Nebraska, 1943, and section 71-2623, Revised Statutes Supplement, 1981, relating to the Department of Health; to change provisions relating to the substitution of certain terms; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 71-2031, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2031. As used in sections 71-2024, 71-2025, and 71-2031 to 71-2040, unless the context otherwise requires:

~~{1} Board shall mean the State Board of Health;~~

{2} {1} Council shall mean the Nursing Home Advisory Council as established by sections 71-2024, 71-2025, and 71-2031 to 71-2040;

~~{3} {2} Department shall mean the Department of Health and the section of Hospitals and Medical Facilities thereof; and~~

{4} {3} Nursing home shall mean a home for the aged or infirm as provided in sections 71-2017 to 71-2029.

Sec. 2. That section 71-2032, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2032. There is hereby established a Nursing Home Advisory Council to advise and assist the department ~~and the board~~ in carrying out the administration of the provisions of sections 71-2017 to 71-2029 and the rules and standards promulgated pursuant thereto, as the same apply to nursing homes.

Sec. 3. That section 71-2038, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2038. The council shall advise and make recommendations to ~~the board and~~ the department on all matters pertaining to the licensure and regulation of nursing homes in this state, and in furtherance of such powers, the council shall:

(1) Study, review, and make recommendations from time to time to the department board for rules and standards governing the licensing and operation of nursing homes in this state;

(2) Recommend procedures to the department in making inspections, reviewing applications, conducting hearings, and performing other duties of the department relative to nursing homes;

(3) Assist the department board in the formulation of minimum standards and regulations for nursing homes in this state; and

(4) Perform such other duties as may be necessary to carry out the purposes and intent of sections 71-2024, 71-2025, and 71-2031 to 71-2040.

Sec. 4. That section 71-2039, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2039. The council may study the operation and activities of any person, firm, association, or corporation suspected of operating a nursing home without first having obtained a license therefor. If the council shall obtain information concerning violations of the provisions of sections 71-2017 to 71-2029, such information shall be furnished the ~~board---and---the~~ department for appropriate action. The ~~board--and--the~~ department shall make a complete report to the council on the progress and results of the appropriate action taken.

Sec. 5. That section 71-2623, Revised Statutes Supplement, 1981, be amended to read as follows:

71-2623. Whenever the words State Board of Health appear in the statutes, other than ~~the sections of this act sections 71-2601 to 71-2607~~, after August 30, 1981, they shall be construed to mean and apply to the Department of Health. The Revisor of Statutes is authorized and directed to substitute the words Department of Health for State Board of Health in accordance with this act.

Sec. 6. That section 71-3601, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

71-3601. As used in sections 71-3601 to 71-3612, unless the context otherwise requires:

(1) State health officer shall mean the Director of Health; ~~employed-by-the-State-Board-of-Health;~~

(2) Local health officer shall mean the administrative medical officer of any organized local health department that is fully approved by the ~~State Board-of-Health~~ Department of Health, or the medical advisor to a county, city, or village board of health;

(3) Communicable tuberculosis shall mean tuberculosis manifested by a laboratory report of sputum or other body fluid or excretion found to contain tubercle bacilli or by chest X-ray findings interpreted as active tuberculosis by competent medical authority;

(4) Recalcitrant tuberculous person shall mean a person affected with tuberculosis in an active stage who by his or her conduct or mode of living endangers the health and well-being of other persons, by exposing them to tuberculosis, and who refuses to accept adequate treatment; and

(5) Facility shall mean a structure in which suitable isolation for tuberculosis can be given, and which is approved by the ~~State-Board~~ Department of Health for the detention of recalcitrant tuberculous persons.

Sec. 7. That original sections 71-2031, 71-2032, 71-2038, 71-2039, and 71-3601, Reissue Revised Statutes of Nebraska, 1943, and section 71-2623, Revised Statutes Supplement, 1981, are repealed.