

## LEGISLATIVE BILL 921

Approved by the Governor April 18, 1986

Introduced by Public Health & Welfare Committee, Wesely,  
26, Chairperson; Smith, 33; Lynch, 13;  
Hall, 7

AN ACT relating to public health and welfare; to amend sections 71-2041.01 and 71-2042, Reissue Revised Statutes of Nebraska, 1943, sections 71-2017.02, 71-2024, 71-6030, and 71-6039, Revised Statutes Supplement, 1984, and sections 71-2017, 71-2017.01, 71-2017.03, 71-2018, and 71-2020, Revised Statutes Supplement, 1985; to provide for the licensure of and termination of licensure of intermediate care facilities for the mentally retarded; to define and redefine terms; to provide for nursing care as prescribed; to change provisions relating to rules, regulations, and standards of the Department of Health; to provide powers and duties; to change provisions relating to the administrators of certain facilities; to change provisions relating to the administration of certain medication by the staff of a health care facility; to change a provision relating to informal conferences as prescribed; to change a training course provision for nursing assistants; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 71-2017, Revised Statutes Supplement, 1985, be amended to read as follows:

71-2017. The purposes of sections 71-2017 to 71-2029 and 81-604.01 and the Nebraska Nursing Home Act are: (1) To provide for the development, establishment, and enforcement of basic standards (a) for the care of persons in hospitals, health clinics, skilled nursing facilities, intermediate care facilities one, intermediate care facilities two, intermediate care facilities three, intermediate care facilities for the mentally retarded, domiciliary facilities, mental health centers, centers for the developmentally disabled,

alcoholic treatment centers, residential care facilities, and drug treatment centers or persons using the services of a home health agency and (b) for the construction, maintenance, and operation of such health care facilities which, in light of existing knowledge, will insure safe and adequate care of such persons in such health care facilities; (2) to recognize the coordinated development of health care facilities and services; (3) to promote the development of multi-institutional systems that will coordinate and consolidate the delivery of health care services and multi-institutional arrangements for the sharing of support services; and (4) to promote the development of capacity to provide various levels of care on a geographically integrated basis to meet the special needs of residents of the State of Nebraska for health services.

Any hospital or other health care facility owned or operated by a fraternal organization mentioned in section 21-608 exclusively for its own members shall be exempt, unless any such fraternal organization owning or operating such a hospital or other health care facility is issued a license for such hospital or other health care facility upon its written application and upon its agreeing to comply with sections 71-2017 to 71-2029 and the Nebraska Nursing Home Act.

The Department of Health may waive any rule, regulation, or standard adopted and promulgated by the department relating to licensed health services or facilities when in the opinion of the department the waiver of such rule, regulation, or standard will not unduly jeopardize the health or welfare of the patients or residents and the closing of the service or facility would create an undue hardship on the community in taking care of the needs of such persons. Any such waiver may be under such terms and conditions and for such period of time, not to exceed one year at a time, as the department may prescribe. The department may each year waive such rule, regulation, or standard for an additional year if the department determines that the continued waiver of such rule, regulation, or standard for an additional year will not constitute an imminent hazard to the health or welfare of the patients or residents by continued operation of the service or facility and the closing of the service or facility would create an undue hardship on the community in taking care of the needs of such persons. No waiver shall be allowed if it would cause the State of Nebraska to fail to comply with any of the applicable

requirements of Medicare or Medicaid so as to make the state ineligible for the receipt of all funds to which it might otherwise be entitled.

Nothing in sections 71-2017 to 71-2029, 71-2031 to 71-2040, 81-604.01, the Nebraska Nursing Home Act, or any rule or regulation adopted and promulgated pursuant thereto shall be construed to authorize or require any facility which is operated by and for members of a church which includes healing by prayer and spiritual means as a part of its religious practices to be licensed or inspected by the Department of Health except as such licensure and inspection pertain solely to sanitation, fire prevention, and safety standards and building and construction codes applicable to the facilities mentioned in subdivision (1) of this section, nor shall any patients, residents, or personnel thereof be subjected to any medical supervision, regulation, or control in connection with the operation of any such facility.

Sec. 2. That section 71-2017.01, Revised Statutes Supplement, 1985, be amended to read as follows:

71-2017.01. As used in sections 71-2017 to 71-2029, unless the context otherwise requires:

(1) Care shall mean the exercise of concern or responsibility for the comfort and welfare of the residents of a facility by the owner, occupant, administrator, or operator of the facility in addition to the provision of food and shelter to the residents and shall include, but not be limited to, the maintenance of a minimum amount of supervision of the activities of the residents of the facility as well as the providing of a minimum amount of assistance to the residents and shall also include personal care, hereby defined as the provision of health-related services for individuals who are in need of a protective environment but who are otherwise able to manage the normal activities of daily living;

(2) Hospital shall mean (a) any institution, facility, place, or building which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or medical care over a period exceeding twenty-four consecutive hours of two or more nonrelated individuals suffering from illness, condition, injury, or deformity, (b) a place which is devoted primarily to the rendering over a period exceeding twenty-four consecutive hours of obstetrical or other medical care for two or more nonrelated individuals, or (c) any institution, facility, place, or

building in which any accommodation is primarily maintained, furnished, or offered for the medical and nursing care over a period exceeding twenty-four consecutive hours of two or more nonrelated aged or infirm persons requiring or receiving convalescent care, and shall include, but not be restricted to, facilities or parts of facilities which provide space for general acute hospitals, short-term hospitals, rehabilitation hospitals, long-term care hospitals, psychiatric or mental hospitals, and emergency hospitals or treatment centers and shall not be construed to include the residence, office, or clinic of a private physician or of an association of physicians, any other health practitioner, or any practitioner or association of practitioners licensed pursuant to Chapter 71, in which residence, office, or clinic patients are not treated or given care for a period in excess of twenty-four consecutive hours;

(3) General acute hospital shall mean a hospital having a duly constituted governing body which exercises administrative and professional responsibility and an organized medical staff which provides inpatient care, including medical, nursing, surgical, anesthesia, laboratory, diagnostic radiology, pharmacy, and dietary services. Such services may be provided through a contract or agreement;

(4) Short-term hospital shall mean a hospital that (a) is primarily devoted to the diagnosis and treatment of individuals requiring short-term treatment or treatment of diagnosis consistent with the medical support available and (b) has written coordination agreements with a general acute hospital for transfers and quality assurance programs. Short-term hospital shall not mean a facility for the treatment of mental diseases, shall not mean a rehabilitation hospital, shall not mean an alcoholic treatment center, and shall not mean a drug treatment center;

(5) Rehabilitation hospital shall mean an inpatient facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical and other services provided under professional supervision;

(6) Long-term care hospital shall mean any hospital, any distinct part of any hospital, or any portion of a hospital which is primarily devoted to providing the care and services as set forth in subdivisions (10), (11), and (12) of this section;

(7) Psychiatric or mental hospital shall mean a hospital which is primarily engaged in providing to

inpatients, by or under the supervision of a physician, psychiatric services for the diagnosis and treatment of mentally ill persons;

(8) Emergency hospital or treatment center shall mean a hospital primarily devoted to the diagnosis and treatment of individuals requiring emergency outpatient services and emergency care and with written coordination agreements with a general acute hospital for transfers and quality assurance programs;

(9) Health clinic shall mean any institution, facility, place, building, or agency which is operated under the name or title of health clinic, health center, or any other word or phrase of like or similar import, either independently or in connection with any other purpose, for the purpose of providing or making available at such institution, facility, place, building, or agency on an outpatient basis and for a period not exceeding twenty-four consecutive hours advice, counseling, diagnosis, treatment, care, or services relating to the preservation or maintenance of health primarily or exclusively to persons not residing or confined in such institution, facility, place, or building and which is not licensed as a hospital. Satellite clinics operated on an intermittent basis at a specific location or site and providing services within a portion of the total geographic area served by a licensed health clinic need not be licensed, but may operate as a part of the parent clinic and share administration and services. Specific types or categories of health clinics may be further defined by appropriate regulation of the Department of Health not inconsistent with this definition and in no case shall be construed to include the residence, office, or clinic of a private physician or an association of physicians, any other health practitioner or association of practitioners, or any practitioner licensed pursuant to Chapter 71 unless ten or more abortions, as defined in subdivision (1) of section 28-326, are performed during any one calendar week in such residence, office, or clinic;

(10) Skilled nursing facility shall mean any institution or facility, or a distinct part of any institution or facility, which is primarily devoted to providing to inpatients skilled nursing care and related services for patients who require medical or nursing care or rehabilitation services for the rehabilitation of injured, disabled, or sick persons. A skilled nursing facility shall provide at least one registered nurse on duty on the day shift seven days per week and a

licensed registered nurse or licensed practical nurse on the other two shifts seven days per week. The Director of Nursing Services shall be a licensed registered nurse;

(11) Intermediate care facility one shall mean any institution, facility, place, or building in which accommodation and board for a period exceeding twenty-four consecutive hours and also nursing care and related medical services are provided for two or more nonrelated individuals who are ill, injured, or disabled but not in need of hospital care, but who by reason of illness, disease, injury, deformity, disability, convalescence, or physical or mental infirmity require such nursing care. An intermediate care facility one shall provide at least one licensed registered nurse on duty on the day shift seven days per week and a licensed registered nurse or licensed practical nurse on the other two shifts seven days per week. The Director of Nursing Services shall be a licensed registered nurse;

(12) Intermediate care facility two shall mean any institution, facility, place, or building in which accommodation and board for a period exceeding twenty-four consecutive hours and also nursing care and related medical services are provided for two or more nonrelated individuals who are ill, injured, or disabled but not in need of hospital care, but who by reason of illness, disease, injury, deformity, disability, convalescence, or physical or mental infirmity require such nursing care. An intermediate care facility two shall provide at least one licensed registered nurse, licensed practical nurse, or care staff member on duty seven days per week twenty-four hours per day and a registered nurse or licensed practical nurse on duty at least on the day shift seven days a week. The Director of Nursing Services shall be a licensed registered nurse;

(13) Intermediate care facility three shall mean any institution, facility, place, or building in which there are provided for a period exceeding twenty-four consecutive hours accommodation, board, and nursing care for two or more nonrelated individuals who are ill, injured, or disabled but not in need of hospital care, but who by reason of illness, disease, injury, deformity, disability, convalescence, or physical or mental infirmity need care and need assistance in taking their medication. An intermediate care facility three shall provide at least one care staff member on duty seven days per week twenty-four hours per day and at least one licensed practical nurse

on the day shift seven days per week. The Health Service Supervisor may be a licensed practical nurse;

{14} Until October 1, 1988, intermediate care facility for the mentally retarded shall mean any institution, facility, place, or building, not licensed as a hospital, that provides accommodation, board, training or habilitation services, advice, counseling, diagnosis, treatment, and care, including nursing care and related medical services, for a period exceeding twenty-four consecutive hours for four or more unrelated individuals who have mental retardation or related conditions, including epilepsy, cerebral palsy, or other developmental disabilities. On and after October 1, 1988, all references to intermediate care facilities for the mentally retarded shall be void;

{14} {15} Residential care facility shall mean any institution, facility, place, or building in which there is provided for a period exceeding twenty-four consecutive hours accommodation, board, and care, such as personal assistance in feeding, dressing, and other essential daily living activities, to four or more unrelated individuals who by reason of illness, disease, injury, deformity, disability, or physical or mental infirmity are unable to sufficiently or properly care for themselves or manage their own affairs, but do not require the daily services of a licensed registered or practical nurse;

{15} {16} Domiciliary facility shall mean any institution, facility, place, or building in which there are provided for a period exceeding twenty-four consecutive hours accommodation and supervision to four or more individuals, not related to the owner, occupant, manager, or administrator thereof, who are essentially capable of managing their own affairs, but who are in need of supervision, including supervision of nutrition, by the facility on a regular, continuing basis, but not necessarily on a consecutive twenty-four hour basis. This definition shall not include those homes or facilities providing casual care at irregular intervals;

{16} {17} Mental health center shall mean any institution, facility, place, or building which is used to provide, for a period exceeding twenty-four consecutive hours, accommodation, board, and advice, counseling, diagnosis, treatment, care, or services primarily or exclusively to persons residing or confined in the facility who are afflicted with a mental disease, disorder, or disability and which is not licensed as a hospital;

{17} {18} Center for the developmentally

disabled shall mean any residential facility, place, or building, not licensed as a hospital, which is used to provide accommodation, board, and training, advice, counseling, diagnosis, treatment, care, including medical care when appropriate, or services primarily or exclusively to four or more persons residing in the facility who have developmental disabilities; are developmentally disabled; which term shall include those persons suffering from mental retardation, cerebral palsy, epilepsy, or other neurological handicapping conditions which require care similar to the care required for persons suffering from such conditions;

(18) (19) Alcoholic treatment center shall mean any institution, facility, place, or building, not licensed as a hospital, including any private dwelling, which is used to provide residential care, treatment, services, maintenance, accommodation, or board in a group setting primarily or exclusively for individuals having any type of habituation, dependency, or addiction to the use of alcohol and in which there are provided guidance, supervision, and personal services relating to those areas of adjustment which enable the alcohol dependent or alcoholic to move into independent living in normal surroundings, but not services that can be rendered only by a physician or within the confines of a hospital, and which is not a permanent residence but only a temporary one, and shall include facilities in which there are provided nonresidential programs and services primarily or exclusively to nonresidents of the facility having any type of habituation, dependency, or addiction to the use of alcohol. Specific types or categories of alcoholic treatment centers may be further defined by appropriate regulation of the Department of Health not inconsistent with this definition;

(19) (20) Drug treatment center shall mean any institution, facility, place, or building, not licensed as a hospital, including any private dwelling, which is used to provide residential care, treatment, services, maintenance, accommodation, or board in a group setting primarily or exclusively for individuals who have any type of habituation, dependency, or addiction to the use of any kind of controlled substance, narcotic drug, or other type of drug and in which there are provided guidance, supervision, and personal services relating to those areas of adjustment which enable the drug user, dependent, or addict to move into independent living in normal surroundings, but not services that can be rendered only by a physician or within the confines of a hospital, and which is not a permanent residence but



only a temporary one, and shall include facilities in which there are provided nonresidential programs and services primarily or exclusively to nonresidents of the facility having any type of habituation, dependency, or addiction to the use of any kind of controlled substance, narcotic drug, or other type of drug. Specific types or categories of drug treatment centers may be further defined by appropriate regulation of the Department of Health not inconsistent with this definition; and

~~(20)~~ (21) Home health agency shall mean a public agency, private organization, or subdivision of such an agency or organization which is primarily engaged in providing skilled nursing care or a minimum of one other therapeutic service as defined by the department on a full-time, part-time, or intermittent basis to patients in a place of temporary or permanent residence used as the patient's home under a plan of care as prescribed by the attending physician and which meets the regulations and standards as established by the Department of Health. Parent home health agency shall mean the primary home health agency which establishes, maintains, and assures administrative and supervisory control of branch offices and subunits. Branch office shall mean a home health agency which is at a location or site providing services within a portion of the total geographic area served by the parent agency and is in sufficient proximity to share administration, supervision, and services with its parent agency in a manner that renders it unnecessary for the branch independently to meet licensure requirements. A branch office shall be part of its parent home health agency and share administration and services. Subunit shall mean a home health agency which serves patients in a geographic area different from that of the parent agency and which, by virtue of the distance between it and the parent agency, is judged incapable of sharing administration, supervision, and services on a daily basis and shall independently meet the licensing requirements for home health agencies. Home health agency shall not include private duty nursing registries as long as the individual is the direct payee from the patient. Home health agency shall not apply to the practice of home health care by other licensed medical persons as authorized by the practice of their particular specialty nor to the individuals providing homemaker or chore services within the home.

(22) Developmental disability shall mean a severe, chronic disability of a person which (a) is

attributable to a mental or physical impairment or combination of mental and physical impairment, (b) is manifested before the person attains the age of twenty-two, (c) is likely to continue indefinitely, (d) results in substantial functional limitations in three or more of the following areas of major life activity: Self-care; receptive and expressive language; learning; mobility; self-direction; capacity for independent living; and economic self-sufficiency, and (e) reflects the person's need for a combination and sequence of special interdisciplinary or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated, and

(23) Director of Nursing Services shall mean the supervisor of health services in skilled care facilities and intermediate care facilities. The supervisor of health services in an intermediate health care facility may provide nursing care and such care may be counted toward meeting the patient care requirements.

Sec. 3. That section 71-2017.02, Revised Statutes Supplement, 1984, be amended to read as follows:

71-2017.02. Nothing contained in sections 71-2017 to 71-2029 and 81-604.01 shall prohibit the licensee, as a convenience, from administering to or assisting a resident of a domiciliary facility, residential care facility, mental health center, or center for the developmentally disabled in taking routine oral or external medications prescribed for the resident by a licensed physician and dispensed by a licensed pharmacist, or from providing storage and handling of such medication as long as there is such supervision as is determined necessary by the resident's physician. This service shall be permitted only pursuant to rules and regulations adopted and promulgated by the Department of Health which (1) approve existing training courses in a domiciliary facility, residential care facility, mental health center, or center for the developmentally disabled, (2) provide for establishment of new training courses and their content, length of training, and requirements for certification approval for facility staff administering medications, and (3) insure proper storage, handling, and disposal of controlled substances and all other drugs. Such rules and regulations shall conform to all state and federal statutes, rules and regulations, and standards regarding the dispensing, prescribing, and storage of controlled substances and all other drugs.

No unlicensed member of the staff of such a care facility shall provide the service of administering medications unless ~~certified~~ approved by the Department of Health to do so. Such ~~certification~~ approval may be denied or revoked by the department for violation of sections 71-2017 to 71-2029, or 81-604.01, or the rules and regulations of the department or for other due cause.

Sec. 4. That section 71-2017.03, Revised Statutes Supplement, 1985, be amended to read as follows:

71-2017.03. Whenever the terms home for the aged, home for the aged or infirm, or nursing home are mentioned in any statute, unless such statute specifically designates otherwise, they all shall be construed to refer exclusively to skilled nursing facilities, and to intermediate care facilities one, two, and three, and to intermediate care facilities for the mentally retarded.

Sec. 5. That section 71-2018, Revised Statutes Supplement, 1985, be amended to read as follows:

71-2018. No institution or facility ~~{1} which maintains and operates facilities for the care or supervision of two or more nonrelated persons suffering from illness, injury, infirmity, or deformity, or {2} where obstetrical or other care is rendered over a period exceeding twenty-four hours, or {3} where day care is provided as an organized program in mental health centers or for adults in intermediate care facilities three or residential care facilities, or {4} which is mentioned in subdivision (1) of section 71-2017 shall be established, conducted, or maintained in the State of Nebraska without first obtaining a license therefor from the Department of Health in the manner provided in sections 71-2017 to 71-2029. Facilities licensed under Chapter 71, article 19, need not be licensed under Chapter 71, article 20.~~

Sec. 6. That section 71-2020, Revised Statutes Supplement, 1985, be amended to read as follows:

71-2020. Applicants for license shall file applications under oath with the Department of Health upon forms prescribed and shall pay a license fee of fifty dollars as a base fee, except that hospitals, skilled nursing facilities, intermediate care facilities one, intermediate care facilities two, and intermediate care facilities three, and intermediate care facilities for the mentally retarded shall pay a license fee of one

hundred twenty-five dollars as a base fee. In addition to such base fee, hospitals, skilled nursing facilities, intermediate care facilities one, intermediate care facilities two, ~~and intermediate care facilities three, and intermediate care facilities for the mentally retarded~~ shall pay a fee of five dollars for each bed available for patients of the facility, and all other types of facilities shall pay a fee of one dollar for each bed available for patients thereof. Such fees shall be paid into the state treasury and by the State Treasurer credited to the General Fund, or if the license is denied, that part of the fees paid for beds available shall be returned to the applicant.

Applications shall be signed (1) by the owner, if an individual or partnership, (2) by two of its officers, if a corporation, or (3) by the head of the governmental department having jurisdiction over it, if a governmental unit. Applications shall set forth the full name and address of the institution for which license is sought, and of the owner in case of different address, the names of the persons in control thereof, and such additional information as the Department of Health may require, including affirmative evidence of ability to comply with such reasonable standards, rules, and regulations as may be lawfully prescribed hereunder.

Sec. 7. That section 71-2024, Revised Statutes Supplement, 1984, be amended to read as follows:

71-2024. The Department of Health shall adopt, promulgate, and enforce rules, regulations, and standards with respect to the different types of hospitals and related institutions except nursing homes to be licensed hereunder as may be designed to further the accomplishment of the purposes of sections 71-2017 to 71-2029. Such rules, regulations, and standards shall be modified, amended, or rescinded from time to time in the public interest by the department. The Department of Health, with the advice of the Nursing Home Advisory Council, shall adopt, promulgate, and enforce rules, regulations, and standards with respect to nursing homes. Such rules, regulations, and standards shall be in compliance with sections 71-6008 to 71-6037 and subdivision (23) of section 2 of this act. Such rules, regulations, and standards shall be modified, amended, or rescinded from time to time in the public interest by the department with the advice of the Nursing Home Advisory Council.

Sec. 8. That section 71-2041.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

71-2041.01. For the purpose of ~~this act~~ sections 71-2041.01 to 71-2045.09, unless the context otherwise requires:

(1) Board shall mean the Board of Examiners in Nursing Home Administration;

(2) ~~Administrator of a home for the aged or infirm~~ or nursing home administrator shall mean any individual responsible for planning, organizing, directing, and controlling the operation of a home for the aged or infirm or an intermediate care facility for the mentally retarded, or who in fact performs such functions, whether or not such functions are shared by one or more other persons. ~~Each ; Provided, that each such~~ administrator shall be full time and responsible for the operation of only one such licensed facility; ~~and~~

(3) Home for the aged or infirm or nursing home shall mean any institution or facility licensed as such by the Department of Health pursuant to sections 71-2017 to 71-2029, except an intermediate care facility for the mentally retarded, whether proprietary or nonprofit, including, but not limited to, homes for the aged or infirm owned or administered by the federal or state government or an agency or political subdivision thereof; ~~and~~

(4) Until October 1, 1988, intermediate care facility for the mentally retarded shall mean any institution or facility licensed as such by the Department of Health pursuant to sections 71-2017 to 71-2029, whether proprietary or nonprofit, including, but not limited to, intermediate care facilities for the mentally retarded owned or administered by the federal or state government or an agency or political subdivision thereof. On and after October 1, 1988, all references to intermediate care facilities for the mentally retarded shall be void.

Sec. 9. That section 71-2042, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2042. It shall be the duty of the board to:

(1) Develop, impose, and enforce standards which must be met by individuals in order to receive a license as an administrator of a home for the aged or infirm and in order to receive a license as an administrator of an intermediate care facility for the mentally retarded, which standards shall be designed to insure that such administrators of homes for the aged or

~~infirm~~ will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as either administrators of homes for the aged or infirm or administrators of intermediate care facilities for the mentally retarded;

(2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

(3) Issue licenses to individuals determined, after the application of such techniques, to meet such standards, and revoke or suspend licenses previously issued by the board in any case in which the individual holding any such license failed to conform to such standards;

(4) Establish and carry out procedures designed to insure that individuals licensed as ~~administrators of homes for the aged or infirm~~ will, during any period that they serve as such, comply with the requirements of such standards;

(5) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the Department of Health to the effect that any individual licensed as an administrator of a ~~home for the aged or infirm~~ failed to comply with the requirements of such standards;

(6) Conduct a continuing study and investigation of homes for the aged or infirm and intermediate care facilities for the mentally retarded and administrators of such facilities ~~homes for the aged or infirm~~ within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards; and

(7) Conduct or cause to be conducted by making use of the resources available, one or more courses of instruction and training sufficient to meet the requirements of this act sections 71-2041.01 to 71-2045.09, and ~~to~~ make provisions for such courses and their accessibility to residents of this state unless it finds that there are a sufficient number of approved courses which are taught by others within this state. In lieu thereof, the board may approve courses taught within and without this state as sufficient to meet the education and training requirements of this act sections 71-2041.01 to 71-2045.09. For purposes of this subdivision, the board shall have the authority to receive and disburse federal funds received pursuant to section 1908 (e) (1) of the Social Security Act.

Sec. 10. That section 71-6030, Revised Statutes Supplement, 1984, be amended to read as follows:

71-6030. The director shall assign a representative of the department, other than the inspector upon whose inspection the contested citation is based, to hold an informal conference with the licensee of the nursing home within ~~ten~~ fifteen working days after receipt of a request made pursuant to subdivision (2) of section 71-6029. Within ~~five~~ seven working days of the conclusion of such conference the representative shall affirm, modify, or dismiss the citation. The representative shall state in writing the specific reasons for affirming, modifying, or dismissing the citation and shall immediately transmit copies of the statement to the director and the nursing home. The nursing home's copy of such statement shall be transmitted by certified mail. If the nursing home does not desire to further contest an affirmed or modified citation, it shall, within five working days after the receipt of the written explanation of the representative, comply with subdivision (1) of section 71-6029.

Sec. 11. That section 71-6039, Revised Statutes Supplement, 1984, be amended to read as follows:

71-6039. No person shall act as a nursing assistant in a nursing home, unless such person:

- (1) Is at least sixteen years of age and has not been convicted of a crime involving moral turpitude;
- (2) Is able to speak and understand the English language or a language understood by a substantial portion of the nursing home's residents;
- (3) Has successfully completed a ~~current~~ course of training approved by the department for nursing assistants not later than January 1, 1984, or within one hundred twenty days of initial employment in the capacity of a nursing assistant at any nursing home if employment begins after January 1, 1984. The department may prescribe a curriculum for training nursing assistants and may adopt and promulgate rules and regulations for such courses of training. The department may also approve courses of training developed by associations, educational institutions, health care facilities, or other entities so long as such courses of training meet the criteria set out in the rules and regulations adopted and promulgated by the Department of Health. Such courses of training shall include instruction on the responsibility of each

nursing assistant to report suspected abuse or neglect pursuant to section 28-711. Such rules and regulations shall include procedures for nursing homes to carry out approved courses of training within the nursing home. Such rules and regulations shall provide that the prescribed training be administered by a registered nurse. Such courses of instruction shall be no less than twenty hours in duration, and shall include at least fifteen hours of basic personal care training and five hours of basic therapeutic and emergency procedure training. This section shall not prohibit any facility from exceeding the minimum hourly or training requirements.

Sec. 12. On and after October 1, 1988, all references to intermediate care facilities for the mentally retarded shall be void and such facilities shall be recognized and licensed as they were prior to the effective date of this act.

Sec. 13. That original sections 71-2041.01 and 71-2042, Reissue Revised Statutes of Nebraska, 1943, sections 71-2017.02, 71-2024, 71-6030, and 71-6039, Revised Statutes Supplement, 1984, and sections 71-2017, 71-2017.01, 71-2017.03, 71-2018, and 71-2020, Revised Statutes Supplement, 1985, are repealed.