

LEGISLATIVE BILL 860

Approved by the Governor February 7, 1992

Introduced by Executive Board: Warner, 25, Chairperson

AN ACT relating to health; to amend sections 71-117, 71-1001, 71-1631, 71-3401, 71-3402, 71-3602, and 71-5505, Reissue Revised Statutes of Nebraska, 1943; to change incorrect references to the Department of Health and the State Board of Health; to eliminate a requirement for the substitution of terms; and to repeal the original sections, and also section 71-2623, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 71-117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-117. The regular state association or society, or its managing board, for each profession may submit each year to the ~~Department~~ State Board of Health a list of five persons of recognized ability in such profession who have the qualifications prescribed for examiners for that particular profession. Each ~~7~~ PROVIDED, each professional member of the Board of Examiners in Pharmacy shall be the recipient of a diploma of graduation from an accredited school or college of pharmacy. If such a list is submitted, the ~~department~~ State Board of Health, in making an appointment of a professional person to the board of examiners for such profession, shall consider the names on such list, and may appoint one of the persons so named. Any person who desires to be considered by the ~~department~~ for an appointment to a board of examiners and who possesses the necessary qualifications for such appointment may apply on a form provided by the ~~department~~ State Board of Health any time prior to October 1 of each year. The ~~Department~~ State Board of Health shall consider such applications and may appoint any qualified person so applying to the board of examiners, even though such person is not named on a list submitted by the association or society.

Sec. 2. That section 71-1001, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1001. The heads of the anatomy departments of the medical schools and colleges of this state, one professor of anatomy appointed by the head of the anatomy department from each medical school or college of this state, one professor of anatomy appointed from each dental school or college of this state, and one layperson appointed by the State Board Department of Health shall constitute the State Anatomical Board of the State of Nebraska for the distribution, delivery, and use of certain dead human bodies, described in section 71-1002, to and among such schools, colleges, and persons as are entitled thereto under the provisions of said such section. The board shall have power to establish rules and regulations for its government; and for the collection, storage, and distribution of dead human bodies for anatomical purposes. It shall have power to appoint and remove its officers and agents. It shall keep minutes of its meetings. It shall cause a record to be kept of all of its transactions, and of bodies received and distributed by it, and of the school, college, or person receiving every such body, and its records shall be open at all times to the inspection of each member of the board, and to every county attorney within this state.

Sec. 3. That section 71-1631, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1631. The board of health of each county, district, or city-county health department organized under sections 71-1626 to 71-1636 shall, immediately after appointment, meet and organize by the election of one of its own members as president, one as vice president, and another as secretary and, either from its own members or otherwise, a treasurer and shall have the power herein set forth in this section. It may elect such other officers, as it may deem necessary, and make and may adopt and promulgate such rules and regulations for its own guidance and for the government of such health department as may be necessary, not inconsistent with said sections 71-1626 to 71-1636. It shall, with the approval of the county board of county commissioners and the municipality, whenever a city is a party in such a city-county health department:

(1) ~~select~~ Select the health director of such department, who shall be (a) well-trained in public health work though he or she need not be a graduate of an accredited medical school, but if he or she is not such a graduate, he or she shall be assisted at least part time by at least one medical consultant who shall

be a licensed physician, (b) qualified in accordance with the merit system regulations of the state, and (c) approved by the Department of Health;

(2) ~~held~~ Hold an annual meeting each year, at which meeting officers shall be elected for the ensuing year;

(3) ~~held~~ Hold meetings quarterly each year;

(4) ~~held~~ Hold special meetings upon a written request signed by two of its members and filed with the secretary;

(5) ~~make provision for~~ Provide suitable offices, facilities, and equipment for the health director and assistants and their pay and traveling expenses in the performance of their duties, with mileage to be computed at the rate provided in section 23-1112; ~~for county officers and employees;~~

(6) ~~publish~~ Publish, on or soon after the second Tuesday in July of each year, in pamphlet form for free distribution, an annual report showing (a) the condition of its trust for each year, (b) the sums of money received from all sources, giving the name of any donor, (c) how all money has been expended and for what purpose, and (d) such other statistics and information ~~in with~~ regard to the work of such health department as may be of general interest;

(7) ~~enact~~ Enact rules and regulations, subsequent to public hearing held after due public notice of such hearing by publication at least once in a newspaper having general circulation in the county or district at least ten days prior to such hearing, and enforce the same for the protection of public health and the prevention of communicable diseases within its jurisdiction, subject to the review and approval of such rules and regulations by the State Board Department of Health;

(8) ~~make~~ Make all necessary sanitary and health investigations and inspections;

(9) ~~in in~~ counties having a population of more than three hundred thousand inhabitants, enact rules and regulations for the protection of public health and the prevention of communicable diseases within the district, except; PROVIDED; that such rules and regulations shall have no application within the jurisdictional limits of any city of the metropolitan class; nor be in effect until (a) thirty days after the completion of a three-week publication in a legal newspaper, (b) approved by the county attorney with his or her written approval attached thereto, and (c) filed in the office of the county clerk of such county;

(10) ~~investigate~~ Investigate the existence of any contagious or infectious disease and adopt measures, with the approval of the Department of Health, to arrest the progress of the same;

(11) ~~distribute~~ Distribute free, as the local needs may require, all vaccines, drugs, serums, and other preparations obtained from the Department of Health or purchased for public health purposes by the county board;

(12) ~~upon~~ Upon request, give professional advice and information to all city, village, and school authorities on all matters pertaining to sanitation and public health;

(13) ~~fix~~ Fix the salaries of all employees, including the health director. Such city-county health department may also establish an independent pension plan, retirement plan, or health insurance plan; or, by agreement with any participating city or county, provide for the coverage of officers and employees of such city-county health department under such city or county pension plan, retirement plan, or health insurance plan. Officers and employees of a county health department shall be eligible to participate in the county pension plan, retirement plan, or health insurance plan of such county; and

(14) ~~establish~~ Establish fees for the costs of all services, including those services for which third-party payment is available.

Sec. 4. That section 71-3401, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3401. Any person, hospital, sanitarium, nursing or rest home, or other organization may provide information, interviews, reports, statements, memoranda, or other data relating to the condition and treatment of any person to the ~~State Board~~ Department of Health, the Nebraska State Medical Association or any of its allied medical societies, or any inhospital staff committee, to be used in the course of any study for the purpose of reducing morbidity or mortality, and no liability of any kind or character for damages or other relief shall arise or be enforced against any person or organization by reason of having provided such information or material, or by reason of having released or published the findings and conclusions of such groups to advance medical research and medical education, or by reason of having released or published generally a summary of such studies.

Sec. 5. That section 71-3402, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

71-3402. The State Board Department of Health, the Nebraska State Medical Association or any of its allied medical societies, or any inhospital staff committee shall use or publish said the material specified in section 71-3401 only for the purpose of advancing medical research or medical education in the interest of reducing morbidity or mortality, except that a summary of such studies may be released by any such group for general publication. In all events the identity of any person whose condition or treatment has been studied shall be confidential and shall not be revealed under any circumstances.

Sec. 6. That section 71-3602, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3602. When a person with communicable tuberculosis violates the rules, regulations, or orders promulgated by the State Board Department of Health and is thereby conducting himself or herself in such a way as to expose others to danger of infection, after having been ordered by the state health officer or by a local health officer to comply with such rules, the state or local health officer shall institute proceedings for commitment, returnable to the county court of the county in which the person resides or, if the person is a nonresident or has no permanent residence, in the county in which the person is found. Strictness of pleading shall not be required, and a general allegation that the public health requires commitment of the person shall therein be sufficient.

Sec. 7. That section 71-5505, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5505. The Department State Board of Health shall make the initial appointments to the board within sixty days after March 21, 1977. In the making of initial appointments, three physicians and one registered nurse shall be appointed to serve for a term of one year, two physicians, a consumer, and a physician's assistant shall be appointed to serve for a term of two years, and a physician, a registered nurse, and a paramedic program administrator shall be appointed to serve for a term of three years. Thereafter, all members shall be appointed for three-year terms. Each member shall hold office until the expiration of his or her term or until a successor has been appointed. Any vacancy occurring on the board membership, other than by

expiration of term, shall be filled within sixty days by the Department State Board of Health by appointment from the appropriate class for the unexpired term.

Sec. 8. That original sections 71-117, 71-1001, 71-1631, 71-3401, 71-3402, 71-3602, and 71-5505, Reissue Revised Statutes of Nebraska, 1943, and also section 71-2623, Reissue Revised Statutes of Nebraska, 1943, are repealed.