

## LEGISLATIVE BILL 415

Approved by the Governor May 26, 2003

Introduced by Speaker Bromm, 23; at the request of the Governor

AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-434, Revised Statutes Supplement, 2002; to change funding provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

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

Section 1. Section 71-434, Revised Statutes Supplement, 2002, is amended to read:

71-434. (1) Licensure activities under the Health Care Facility Licensure Act shall be funded by the General Fund and by license fees. An applicant for an initial or renewal license under section 71-433 shall pay a license fee as provided in this section.

(2) License fees shall include a base fee of fifty dollars and an additional fee based on:

(a) Variable costs to the department of inspections, architectural plan reviews, and receiving and investigating complaints, including staff salaries, travel, and other similar direct and indirect costs;

(b) The number of beds available to persons residing at the health care facility;

(c) The program capacity of the health care facility or health care service; or

(d) Other relevant factors as determined by the department.

Such additional fee shall be no more than one thousand dollars for an assisted-living facility, a hospital, an intermediate care facility, an intermediate care facility for the mentally retarded, a nursing facility, or a skilled nursing facility and no more than five hundred dollars for all other health care facilities and health care services.

(3) If the licensure application is denied, the license fee shall be returned to the applicant, except that the department may retain up to twenty-five dollars as an administrative fee and may retain the entire license fee if an inspection has been completed prior to such denial.

(4) The department shall also collect the fee provided in subsection (1) of this section for reinstatement of a license that has lapsed or has been suspended or revoked. The department shall collect a fee of ten dollars for a duplicate original license.

(5) The department shall adopt and promulgate rules and regulations for the establishment of license fees under this section.

(6) The department shall remit all license fees collected under this section to the State Treasurer for credit to the Department of Health and Human Services Regulation and Licensure Cash Fund. License fees collected under this section shall only be used for activities related to the licensure of health care facilities and health care services.

Sec. 2. This act becomes operative on July 1, 2003.

Sec. 3. Original section 71-434, Revised Statutes Supplement, 2002, is repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.