

AMENDMENTS TO LB517

Introduced by Walz, 15.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 71-401, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 71-401 Sections 71-401 to 71-479 and section 2 of this act shall be
6 known and may be cited as the Health Care Facility Licensure Act.

7 Sec. 2. (1) The department shall pay a transfer incentive to each
8 skilled nursing facility, nursing facility, or swing-bed hospital as
9 described in 42 U.S.C. 1395tt, that accepts a patient with complex health
10 needs when such patient is medically stable and ready to be discharged
11 from an acute care hospital if the acute care hospital (a) is not
12 designated as a critical access hospital by the Centers for Medicare and
13 Medicaid Services and (b) has reached or exceeded eighty percent of
14 available staffed capacity for adult intensive-care-unit beds and acute
15 care inpatient medical-surgical beds.

16 (2) The one-time transfer incentives for post-acute skilled nursing
17 facility care shall be paid as follows:

18 (a) Six thousand dollars for each patient placement in a nursing
19 facility; and

20 (b) Three thousand dollars for each patient placement in a skilled
21 nursing facility or swing-bed hospital.

22 (3) The department shall work with representatives of acute care
23 hospitals, skilled nursing facilities, and nursing care facilities to
24 determine the:

25 (a) Criteria to define patients with complex health needs eligible
26 for the transfer incentives;

27 (b) Process by which acute care hospitals shall determine and report

1 changes in capacity to the department; and

2 (c) Process by which the transfer incentives may be subject to
3 recoupment by the department upon readmission to an acute care inpatient
4 hospital setting.

5 (4) For purposes of this section, patient means a person who is
6 medically stable and who the provider believes, with a reasonable medical
7 probability and in accordance with recognized medical standards, is safe
8 to be discharged or transferred and is not expected to have his or her
9 condition negatively impacted during, or as a result of, the discharge or
10 transfer.

11 (5) Any transfer incentive payment made for a patient with medicaid
12 or medicare shall comply with all medicaid and medicare reimbursement
13 policies for skilled nursing facilities, nursing facilities, and swing-
14 bed hospitals.

15 (6) Nothing in this section shall create any new requirement to
16 accept a patient transfer for skilled nursing facilities, nursing
17 facilities, or swing-bed hospitals.

18 (7) Transfer incentives are not available for transfers that occur
19 between facilities under common ownership.

20 Sec. 3. This act becomes operative on September 10, 2023.

21 Sec. 4. Original section 71-401, Revised Statutes Cumulative
22 Supplement, 2022, is repealed.