

NEBRASKA HEALTH AND HUMAN SERVICES  
REGULATION AND LICENSURE

175 HEALTH CARE FACILITIES AND SERVICES LICENSURE

CHAPTER 12 SKILLED NURSING FACILITIES, NURSING FACILITIES, AND  
INTERMEDIATE CARE FACILITIES

12-004 GENERAL REQUIREMENTS

12-004.01 Separate License: An applicant must obtain a separate license for each type of health care facility or health care service that the applicant seeks to operate. All buildings in which care and treatment is provided must comply with 175 NAC 12-006 and, if applicable, 175 NAC 12-007. A single license may be issued for:

1. A facility operating in separate buildings or structures on the same premises under one management;
2. An inpatient facility that provides services on an outpatient basis at multiple locations;  
or
3. A health clinic operating satellite clinics on an intermittent basis within a portion of the total geographic area served by such health clinic and sharing administration with such clinics.

12-004.02 Single License Document: The Department may issue one license document that indicates the various types of health care facilities or health care services for which the entity is licensed.

12-004.03 Effective Date and Term of License: Skilled nursing facility, nursing facility, and intermediate care facility licenses expire on March 31st of each year.

12-004.04 License Not Transferable: A license is issued only for the premises and persons named in the application and is not transferable or assignable. Change of ownership (sale, whether of stock, title, or assets, lease, discontinuance of operations) or change of premises terminates the license. If there is a change of ownership and the facility remains on the same premises, the inspection in 175 NAC 12-005 is not required. If there is a change of premises, the facility must pass the inspection specified in 175 NAC 12-005.

12-004.05 Bed Capacity, Usage, and Location: The facility must not use more beds than the total number of beds for which the facility is licensed. Changes in the use and location of beds may occur at any time without Department approval for licensure purposes. The facility must not locate more residents in a sleeping room/bedroom than the capacity for which the room was originally approved.

12-004.06 Change of Ownership or Premises: The licensee must notify the Department in writing ten days before a skilled nursing facility, nursing facility, or intermediate care facility is sold, leased, discontinued, or moved to new premises.

12-004.07 Notification: An applicant or licensee must notify the Department in writing by electronic mail, facsimile, or postal service:

1. At the time of license renewal, of any change in the use or location of beds;
2. At least 30 working days prior to the date it wishes to increase the number of beds for which the facility is licensed;
3. To request a single license document;
4. To request simultaneous facility or service licensure inspections for all types of licensure held or sought;
5. If new construction is planned, and submit construction plans for Department approval prior to any new construction affecting resident living, care, or treatment portions of the facility. The Department may accept certification from an architect or engineer in lieu of Department review;
6. Within 24 hours of any resident death that occurred due to suicide, a violent act, or the resident's leaving the facility without staff knowledge when departure presented a threat to the safety of the resident or others;
7. Within 24 hours if a facility has reason to believe that a resident death was due to abuse or neglect by staff;
8. Within 24 hours of any facility fire requiring fire department response; or
9. Within 24 hours of an accident or natural disaster resulting in damage to the physical plant and having a direct or immediate adverse effect on the health, safety, and security of residents. This must include a description of the well-being of the facility's residents and the steps being taken to assure resident safety, well-being, and continuity of care and treatment. The notification may be made by telephone if the accident or natural disaster has affected the facility's capacity to communicate.

12-004.08 Information Available to Public: The licensee must make available for public inspection upon request licenses, license record information, and inspection reports. This information may be displayed on the licensed premises.

#### 12-004.09 Deemed Compliance

12-004.09A Accreditation or Certification: The Department may deem an applicant or licensee in compliance with 175 NAC 12-006 based on its accreditation as a skilled nursing facility, nursing facility, or intermediate care facility by the:

1. Joint Commission on Accreditation of Health Organizations;
2. Commission on Accreditation of Rehabilitation Facilities; or
3. Medicare or Medicaid certification program.

12-004.09A1 The applicant or licensee must request the Department to deem its facility in compliance with 175 NAC 12-006 based upon accreditation or certification. The request must be:

1. Submitted in writing within 30 days of receipt of a report granting accreditation or certification; and
2. Accompanied by a copy of the accreditation or certification report.

12-004.09A2 Upon receipt of the request the Department will deem the facility in compliance with 175 NAC 12-006 and will provide written notification of the decision to the facility within 10 working days of receipt of the request.

12-004.09A3 The Department will exclude a facility that has been deemed in compliance with 175 NAC 12-006 from the random selection of up to 25% of facilities for compliance inspections under 175 NAC 12-005.04A. The facility may be selected for a compliance inspection under 175 NAC 12-005.04B.

12-004.09A4 To maintain deemed compliance, the licensee must maintain the accreditation or certification on which its license was issued. If the accreditation or certification has been sanctioned, modified, terminated, or withdrawn, the licensee must notify the Department within 15 days of receipt of notification of the action. After giving the notice, the facility may continue to operate unless the Department determines that the facility no longer meets the requirements for licensure under the Health Care Facilities Licensing Act. If the Department determines the facility no longer qualifies for deemed compliance, the facility is subject to inspections under 175 NAC 12-005.

12-004.10 Fees: The licensee must pay fees for licensure and services as set forth below:

1. Initial and renewal licensure fees:

- a. 1 to 50 Beds \$1,550
- b. 51 to 100 Beds \$1,750
- c. 101 or more Beds \$1,950

2. Duplicate license: \$ 10

3. Refunds for denied applications:

- a. If the Department did not perform an inspection, the license fee is refunded except for an administrative fee of \$25.
- b. If the Department performed an inspection, the license fee is not refunded.