

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

12-003 LICENSING REQUIREMENTS AND PROCEDURES: Any person intending to establish, operate, or maintain a skilled nursing facility, nursing facility, or intermediate care facility must first obtain a license from the Department. A facility must not hold itself out as a skilled nursing facility, nursing facility, or intermediate care facility or as providing skilled nursing, nursing or intermediate care nursing services unless licensed under the Health Care Facility Licensure Act. An applicant for an initial or renewal license must demonstrate that the facility meets the care, treatment, operational, and physical plant standards contained in 175 NAC 12.

12-003.01 Initial License: The initial license process occurs in two stages. The first stage consists of the applicant's submission of affirmative evidence of the ability to comply with the operational and physical plant standards contained in 175 NAC 12-006 and 12-007. The application is not complete until the Department receives documents specified in

175 NAC 12-003.01.

The second stage consists of the Department's review of the completed application together with an inspection of the skilled nursing facility, nursing facility, or intermediate care facility. The Department determines whether the applicant meets the standards contained in 175 NAC 12 and the Health Care Facility Licensure Act.

12-003.01A Applicant Responsibilities: An applicant for an initial skilled nursing facility, nursing facility, or intermediate care facility license must:

1. Intend to provide skilled nursing facility, nursing facility, or intermediate care facility services as defined;
2. Comply with the applicable codes, guidelines, and standards specified in 175 NAC 12-007;
3. Submit a written application to the Department as provided in 175 NAC 12-003.01B;
4. Receive approval, in writing from the Department, of schematic plans and, if new construction, of construction plans; and
5. Notify the Department at least 30 working days prior to planned resident occupancy.

12-003.01B Application Requirements: The applicant may construct an application or obtain an application form from the Department. The application must include:

1. Full name of the facility to be licensed, street and mailing address, telephone number, and facsimile number, if any;
2. Type of facility to be licensed;

3. Name of the administrator;
4. Name(s) and address(es) of the facility owner(s);
5. Ownership type;
6. Mailing address of the owner;
7. Preferred mailing address for receipt of official notices from the Department;
8. List of names and addresses of all persons in control of the facility. The list must include all individual owners, partners, limited liability company members, parent companies, and members of boards of directors owning or managing the operations and any other persons with financial interests or investments in the facility. In the case of publicly held corporations, the individual owners listed must include any stockholders who own 5% or more of the company's stock;
9. Legal name of the individual or business organization (government, corporation, partnership, limited liability company, or other type) to whom the license should be issued and a statement that such individual or organization accepts the legal responsibility for compliance with 175 NAC 12;
10. Applicant's federal employer identification number, if not an individual;
11. Applicant's social security number if the applicant is an individual. To ensure social security numbers are not part of public records and are used only for administrative purposes, applicants may submit social security numbers in a separate document;
12. Number of beds;
13. Signature(s) of:
 - a. The owner, if the applicant is an individual or partnership;
 - b. Two of its members, if the applicant is a limited liability company;
 - c. Two of its officers, if the applicant is a corporation; or
 - d. The head of the governmental unit having jurisdiction over the facility to be licensed, if the applicant is a governmental unit;
14. Copy of the registration as a foreign corporation filed with the Nebraska Secretary of State, if applicant is a foreign corporation;
15. Schematic plans;
16. For new construction, construction plans completed in accordance with the Engineers and Architects Regulation Act, Neb. Rev. Stat. §§ 81-3401 to 81-3455. Construction plans and description must include the following:

a. Project name; description of the project with quantity and floor area information on bed, care, treatment, bathing, toileting, dining, and activity locations, building systems, and medical equipment; street address; and contact person;

b. Site plan, floor plans, elevations, wall and building sections, construction details, plumbing and electrical diagrams, and construction component schedules;

c. Complete list of names, titles, and telephone numbers of other authorities reviewing or inspecting the construction;

d. Upon Department request, any additional information that may be required for review, such as structural and mechanical calculations, electrical system calculations, and product and equipment information; and

e. Certification, if any, from a licensed architect or engineer that the construction plan and any revisions thereof meet the requirements of 175 NAC 12-007;

17. Planned occupancy date;

18. Copies of zoning approval from the relevant jurisdiction;

19. Occupancy certificates issued by the State Fire Marshal or delegated authority;

20. Required licensure fee specified in 175 NAC 12-004.10; and

21. If applicable, the disclosure information required by the Alzheimer's Special Care Disclosure Act, Neb. Rev. Stat. §§ 71-516.01 to 71-516.04. The following information must be submitted:

a. The Alzheimer's special care unit's written statement of its overall philosophy and mission which reflects the needs of residents afflicted with Alzheimer's disease, dementia, or a related disorder;

b. The process and criteria for placement in, transfer to, or discharge from the unit;

c. The process used for assessment and establishment of the plan of care and its implementation, including the method by which the plan of care evolves and is responsible to changes in condition;

d. Staff training and continuing education practices;

e. The physical environment and design features appropriate to support the functioning of cognitively impaired adult residents;

f. The frequency and types of resident activities;

g. The involvement of families and the availability of family support programs; and

h. The costs of care and any additional fees.

12-003.01C Department Responsibilities: The Department will:

1. Review the application for completeness;
2. Provide notification to the applicant of any information needed to complete the application;
3. Confirm, either by Department review or by accepting certification from an architect or engineer, that the schematic plans and, if new construction, the construction plans meet the standards of 175 NAC 12-007;
4. Upon receipt of the requested information, conduct an on-site inspection in accordance with 175 NAC 12-005; and
5. Issue or deny a license based on the results of the initial inspection.

12-003.01D Denial of License: See 175 NAC 12-008.01 and 12-008.02 for grounds and procedures for the Department's denial of an initial license.

12-003.02 Renewal Licenses

12-003.02A Licensee Responsibilities: The licensee must submit a written application to the Department. The licensee may construct an application or obtain an application form from the Department. The application must include:

1. Full name of the facility to be licensed, street and mailing address, telephone number, and facsimile number, if any;
2. Type of facility to be licensed;
3. Name of the administrator;
4. Name(s) and address(es) of the facility owner(s);
5. Ownership type;
6. Mailing address(es) of the owner(s);
7. Preferred mailing address for receipt of official notices from the Department;
8. List of names and addresses of all persons in control of the facility. The list must include all individual owners, partners, limited liability company members, parent companies, and members of boards of directors owning or managing the operations and any other persons with financial interests or investments in the facility. In the case of publicly held corporations, the individual owners listed must include any stockholders who own 5% or more of the company's stock;
9. Legal name of the individual or business organization (government, corporation, partnership, limited liability company, or other type) to whom the license should be issued and a statement that the individual or organization accepts the legal responsibility for compliance with 175 NAC 12;
10. Applicant's federal employer identification number, if not an individual;

11. Applicant's social security number if the applicant is an individual. (To ensure social security numbers are not part of public records and are used only for administrative purposes, applicants may submit social security numbers in a separate document.);

12. Number of beds;

13. Signature(s) of:

a. The owner, if the applicant is an individual or partnership;

b. Two of its members, if the applicant is a limited liability company;

c. Two of its officers, if the applicant is a corporation; or

d. The head of the governmental unit having jurisdiction over the facility to be licensed, if the applicant is a governmental unit;

14. Occupancy certificates issued by the State Fire Marshal or delegated authority dated within the 18 months prior to the license expiration date;

15. Required licensure fee specified in 175 NAC 12-004.10; and

16. If applicable, the disclosure information required by the Alzheimer's Special Care Disclosure Act. The following information must be submitted:

a. The Alzheimer's special care unit's written statement of its overall philosophy and mission which reflects the needs of residents afflicted with Alzheimer's disease, dementia, or a related disorder;

b. The process and criteria for placement in, transfer to, or discharge from the unit;

c. The process used for assessment and establishment of the plan of care and its implementation, including the method by which the plan of care evolves and is responsible to changes in condition;

d. Staff training and continuing education practices;

e. The physical environment and design features appropriate to support the functioning of cognitively impaired adult residents;

f. The frequency and types of resident activities;

g. The involvement of families and the availability of family support programs; and

h. The costs of care and any additional fees.

12-003.02B Department Responsibilities: The Department will:

1. Send a notice of expiration and an application for renewal to the licensee's preferred mailing address not later than 30 days prior to the expiration date. The licensure renewal notice specifies:

- a. Date of expiration;
 - b. Fee for renewal;
 - c. License number; and
 - d. Name and address of the facility;
2. Issue a renewal license when it determines that the licensee has submitted a completed renewal application;
 3. Send to each licensee that fails to renew its license a second notice, which is the final notice and specifies that:
 - a. The licensee failed to pay its renewal fees or submit an application, or both;
 - b. The license has expired;
 - c. The Department will suspend action for 30 days following the date of expiration;
 - d. Upon receipt of the renewal fee and completed renewal application, the Department will issue the renewal license; and
 - e. Upon failure to receive the renewal fee and completed renewal application, the license will be lapsed; and
 4. Place the facility license on lapsed status for nonpayment of fees if the licensee fails to renew the license. During this time, the facility may not operate. The license remains in lapsed status until it is reinstated.

12-003.02C Refusal to Renew: See 175 NAC 12-008.01 and 12-008.02 for grounds and procedures for the Department's refusal to renew a license.

12-003.03 Reinstatement from Lapsed Status: A facility requesting reinstatement of its lapsed license must submit to the Department an application for reinstatement and pay the required licensure fee specified in 175 NAC 12-004.10. The application must conform to the requirements specified in 175 NAC 12-003.02.

12-003.03A The Department will review the application for completeness and will decide if an onsite inspection is needed to determine compliance with the operation, care, treatment, and physical plant requirements of 175 NAC 12-006 and 12-007. The decision is based on the following factors:

1. The length of time that has transpired from the date the license was placed on lapsed status to the date of the reinstatement application; and
2. Whether the facility has provided care or treatment from the site under a license that is different from the lapsed license.

12-003.03B When the Department decides that a reinstatement inspection is warranted, it will conduct the inspection in accordance with 175 NAC 12-005.

12-003.03C When the Department decides that a reinstatement inspection is not warranted, it will reinstate the license.

12-003.03D Refusal to Reinstatement: See 175 NAC 12-008.01 and 12-008.02 for grounds and procedures for the Department's refusal to reinstate a lapsed license.