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Ops law

81-6,111. Act, how cited.

Sections 81-6,111 to 81-6,119 shall be known and may be cited as the Outpatient Surgical Procedures Data Act.

Source: Laws 2003, LB 73, § 1. ;

81-6,112. Purposes of act.

The purposes of the Outpatient Surgical Procedures Data Act are to provide for: (1) The collection and compilation of outpatient surgical procedure information from hospitals and ambulatory surgical centers; (2) the use and disclosure of such information for public health purposes; and (3) periodic reporting to the Legislature and an annual statistical report.

Source: Laws 2003, LB 73, § 2. ;

81-6,113. Terms, defined.

For purposes of the Outpatient Surgical Procedures Data Act:

- (1) Department means the Department of Health and Human Services;
- (2) Medicaid means the medical assistance program established pursuant to the Medical Assistance Act;
- (3) Medicare means Title XVIII of the federal Social Security Act, as such title existed on January 1, 2003;
- (4) Outpatient surgical procedure means a surgical procedure provided to patients who do not require inpatient hospitalization;
- (5) Primary payor means the public payor or private payor which is expected to be responsible for the largest percentage of the patient's current bill;
- (6) Private payor means any nongovernmental source of funding; and
- (7) Public payor means medicaid, medicare, and any other governmental source of funding.

Source: Laws 2003, LB 73, § 3; ; Laws 2006, LB 1248, § 88; ; Laws 2007, LB296, § 752.; Operative date July 1, 2007

Cross Reference

Medical Assistance Act, see section 68-901.

81-6,114. Hospital and ambulatory surgical center; reports required.

(1) Every hospital or ambulatory surgical center licensed under the Health Care Facility Licensure Act shall annually report the following outpatient surgical and related information to the department no later than May 1 of each year for the preceding calendar year in a format as prescribed by the department in rule and regulation:

- (a) The name of the reporting facility;
- (b) The facility portion of billed charges for each patient served at such facility;
- (c) The county and state of residence by zip code for each patient served at such facility;
- (d) The primary outpatient surgical procedure performed for each patient at such facility;
- (e) The primary payor for each patient served at such facility; and
- (f) Such other outpatient surgical information as voluntarily reported by such facilities.

(2) The department may impose a late fee for failure to report such information as required by this section.

Source: Laws 2003, LB 73, § 4. ;

Cross Reference

Health Care Facility Licensure Act, see section 71-401.

81-6,115. Information; confidentiality.

All information reported to the department pursuant to section 81-6,114 shall be privileged communications, shall not be discoverable or subject to subpoena, and may not be used or offered or received in evidence in any legal proceeding of any kind or character. Such information shall remain confidential with the department and shall not be disclosed except as provided in sections 81-6,116 and 81-6,117.

Source: Laws 2003, LB 73, § 5. ;

81-6,116. Information; use.

(1) Information reported under section 81-6,114 may be used by the department for statistical and public health planning purposes and for other public health purposes as identified by the department in rule and regulation.

(2) The department shall periodically review information collected under section 81-6,114 for the purpose of identifying potential policies or practices of any reporting facility which may be detrimental to the public health, including, but not limited to, policies and practices which may have the effect of limiting access to needed health care services for Nebraska residents. The department shall provide recommendations to the Health and Human Services Committee of the Legislature relating to appropriate administrative and legislative responses to such policies and practices and shall provide an annual report to the chairperson of such committee of its findings and its current or planned activities under this section, if any.

Source: Laws 2003, LB 73, § 6. ;

81-6,117. Department; annual statistical report.

The department shall publish an annual statistical report from information collected under section 81-6,114 which shall include: (1) The twenty most frequently performed outpatient surgical procedures by type of procedure; (2) the total number of persons served for each listed procedure; (3) the total number of persons served by county and state of residence and region of service; and (4) the average billed charges for such procedures by county and state of residence. The department shall designate service regions for the purpose of aggregating and reporting information as required by this section. No information shall be published or disclosed by the department under this section in a manner that identifies or may be used to identify any individual hospital or ambulatory surgical center.

Source: Laws 2003, LB 73, § 7. ;

81-6,118. Costs; use in establishing licensure fees.

Costs associated with implementation of the Outpatient Surgical Procedures Data Act may be considered by the department in determining variable costs for purposes of establishing licensure fees under section 71-434 and shall not require an appropriation of General Funds.

Source: Laws 2003, LB 73, § 8. ;

81-6,119. Rules and regulations.

The department shall adopt and promulgate rules and regulations to implement the Outpatient Surgical Procedures Data Act. Such rules and regulations shall comply with all applicable provisions of federal law and shall minimize the imposition of additional costs to reporting facilities.

Source: Laws 2003, LB 73, § 9. ;