

LEGISLATIVE BILL 315

Approved by the Governor March 25, 1985

Introduced by Wesely, 26; Withem, 14

AN ACT relating to the Department of Public Institutions; to amend section 83-109, Reissue Revised Statutes of Nebraska, 1943; to authorize the release of certain records as prescribed; and to repeal the original section.

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

Section 1. That section 83-109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-109. The Department of Public Institutions shall have general control over the admission of patients and residents to all institutions over which it has jurisdiction. Each individual shall be assigned to the institution best adapted to care for him or her. A record of every patient or resident of every institution shall be kept complete from the date of his or her entrance to the date of his or her discharge or death, such records to be accessible only to the department, a legislative committee, the Governor, any federal agency requiring medical records to adjudicate claims for federal benefits, any public or private agency under contract to provide facilities, programs, and patient services, or upon order of a judge or court. In addition, a patient or resident, or his or her legally authorized representative, may authorize the specific release of his or her records, or portions thereof, by filing with the department a signed written consent. Transfers of patients or residents from one institution to another shall be within the exclusive jurisdiction of the department and shall be recorded in the office of the department, with the reasons for such transfers. When the department is unable to assign a patient to a regional center or commit him or her to any other institution at the time of application, a record thereof shall be kept, and the patient accepted at the earliest practicable date. The superintendents of the regional centers and Beatrice State Developmental Center shall notify the department immediately whenever there is any question regarding the propriety of the commitment, detention, transfer, or placement of any person admitted to a state institution. The department shall then investigate the matter and take such action as shall be proper. Any interested party who is not satisfied with such action may appeal his or her case to the district court in the district where such party resides. The department shall have full authority on its own

suggestion, or upon the application of any interested person, to investigate the physical and mental status of any patient or resident of any regional center or the Beatrice State Developmental Center. If upon such investigation the department shall consider such patient or resident fit to be released from the regional center or Beatrice State Developmental Center, it shall cause such patient or resident to be discharged or released on convalescent leave.

Sec. 2. That original section 83-109, Reissue Revised Statutes of Nebraska, 1943, is repealed.