

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 399

Introduced by Johnson, 37

Read first time January 16, 2007

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Uniform Licensing Law; to amend sections
2 71-101, 71-102, 71-107, 71-110, 71-112, 71-113, 71-116,
3 and 71-162, Revised Statutes Cumulative Supplement, 2006;
4 to adopt the Perfusion Practice Act; to harmonize
5 provisions; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-101, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 71-101 Sections 71-101 to 71-1,107.30, 71-1,133 to
4 71-1,338, 71-1,343 to 71-1,361, and 71-1301 to 71-1354, the
5 Perfusion Practice Act, and the Physical Therapy Practice Act shall
6 be known and may be cited as the Uniform Licensing Law.

7 For purposes of the Uniform Licensing Law, unless the
8 context otherwise requires:

9 (1) Board or professional board means one of the boards
10 appointed by the State Board of Health pursuant to sections 71-111
11 and 71-112;

12 (2) Licensed, when applied to any licensee in any of the
13 professions named in section 71-102, means a person licensed under
14 the Uniform Licensing Law;

15 (3) Profession or health profession means any of the
16 several groups named in section 71-102;

17 (4) Department means the Department of Health and Human
18 Services Regulation and Licensure;

19 (5) Whenever a particular gender is used, it is construed
20 to include both the masculine and the feminine, and the singular
21 number includes the plural when consistent with the intent of the
22 Uniform Licensing Law;

23 (6) License, licensing, or licensure means permission to
24 engage in a health profession which would otherwise be unlawful
25 in this state in the absence of such permission and which is

1 granted to individuals who meet prerequisite qualifications and
2 allows them to perform prescribed health professional tasks and use
3 a particular title;

4 (7) Certificate, certify, or certification, with respect
5 to professions, means a voluntary process by which a statutory,
6 regulatory entity grants recognition to an individual who has met
7 certain prerequisite qualifications specified by such regulatory
8 entity and who may assume or use the word certified in the title or
9 designation to perform prescribed health professional tasks. When
10 appropriate, certificate means a document issued by the department
11 which designates particular credentials for an individual;

12 (8) Lapse means the termination of the right or privilege
13 to represent oneself as a licensed, certified, or registered person
14 and to practice the profession when a license, certificate, or
15 registration is required to do so;

16 (9) Credentialing means the totality of the process
17 associated with obtaining state approval to provide health care
18 services or human services or changing aspects of a current
19 approval. Credentialing grants permission to use a protected
20 title that signifies that a person is qualified to provide the
21 services of a certain profession. Credential includes a license,
22 certificate, or registration; and

23 (10) Dependence means a compulsive or chronic need for
24 or an active addiction to alcohol or any controlled substance or
25 narcotic drug.

1 Sec. 2. Section 71-102, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 71-102 (1) No person shall engage in the practice
4 of medicine and surgery, athletic training, respiratory care,
5 osteopathic medicine, chiropractic, dentistry, dental hygiene,
6 pharmacy, podiatry, optometry, massage therapy, physical therapy,
7 audiology, speech-language pathology, embalming, funeral directing,
8 psychology, veterinary medicine and surgery, medical nutrition
9 therapy, acupuncture, mental health practice, ~~ex~~ alcohol and drug
10 counseling, or perfusion unless such person has obtained a license
11 from the Department of Health and Human Services Regulation and
12 Licensure for that purpose.

13 (2) No person shall hold himself or herself out as a
14 certified social worker or certified master social worker unless
15 such person has obtained a certificate from the department for that
16 purpose.

17 (3) No person shall hold himself or herself out as a
18 certified professional counselor unless such person has obtained a
19 certificate from the department for such purpose.

20 (4) No person shall hold himself or herself out as a
21 certified marriage and family therapist unless such person has
22 obtained a certificate from the department for such purpose.

23 Sec. 3. Section 71-107, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 71-107 Every person credentialed under the Uniform

1 Licensing Law to practice a profession shall keep the credential
2 available in an office or place in which he or she practices and
3 shall show such proof of credentialing upon request.

4 On all signs, announcements, stationery, and
5 advertisements of persons credentialed to practice osteopathic
6 medicine, chiropractic, podiatry, optometry, audiology,
7 speech-language pathology, medical nutrition therapy, professional
8 counseling, social work, marriage and family therapy, mental
9 health practice, massage therapy, physical therapy, ~~or~~ alcohol
10 and drug counseling, or perfusion shall be placed the word
11 Osteopathic Physician, Chiropractor, Podiatrist, Optometrist,
12 Audiologist, Speech-Language Pathologist, Medical Nutrition
13 Therapist, Professional Counselor, Social Worker, Master Social
14 Worker, Marriage and Family Therapist, Mental Health Practitioner,
15 Massage Therapist, Physical Therapist, ~~or~~ Alcohol and Drug
16 Counselor, or Perfusionist, as the case may be.

17 Sec. 4. Section 71-110, Revised Statutes Cumulative
18 Supplement, 2006, is amended to read:

19 71-110 (1) The credential to practice a profession
20 shall be renewed biennially without examination upon request
21 of the credentialed person and upon documentation of continuing
22 competency pursuant to sections 71-161.09 and 71-161.10. The
23 biennial credential renewals provided for in this section shall
24 be accomplished in such manner as the department, with the approval
25 of the designated professional board, shall establish by rule

1 and regulation. The biennial expiration date in the different
2 professions shall be as follows:

- 3 (a) January, pharmacy and psychology;
4 (b) February, funeral directing and embalming;
5 (c) March, dentistry and dental hygiene;
6 (d) April, podiatry and veterinary medicine and surgery;
7 (e) May, athletic training and acupuncture;
8 (f) June, respiratory care;
9 (g) August, chiropractic and optometry;
10 (h) September, alcohol and drug counseling, medical
11 nutrition therapy, mental health practice including any associated
12 certification, and osteopathic medicine;
13 (i) October, medicine and surgery and perfusion;
14 (j) November, massage therapy and physical therapy; and
15 (k) December, audiology and speech-language pathology.

16 The request for renewal need not be in any particular
17 form and shall be accompanied by the renewal fee. Such fee shall be
18 paid not later than the date of the expiration of such credential,
19 except that while actively engaged in the military service of
20 the United States, as defined in the Soldiers' and Sailors' Civil
21 Relief Act of 1940, as the act existed on January 1, 2002, persons
22 credentialed to practice the professions listed in this subsection
23 shall not be required to pay the renewal fee.

24 (2) When a person credentialed pursuant to the Uniform
25 Licensing Law desires to have his or her credential lapse upon

1 expiration, he or she shall notify the department of such desire
2 in writing. The department shall notify the credentialed person in
3 writing of the acceptance or denial of the request to allow the
4 credential to lapse. When the lapsed status becomes effective, the
5 right to represent himself or herself as a credentialed person and
6 to practice the profession in which a license is required shall
7 terminate. To restore the credential from lapsed to active status,
8 such person shall be required to meet the requirements for initial
9 credentialing which are in effect at the time that he or she wishes
10 to restore the credential.

11 (3) When a person credentialed pursuant to the Uniform
12 Licensing Law desires to have his or her credential placed on
13 inactive status upon its expiration, he or she shall notify the
14 department of such desire in writing and pay the inactive status
15 fee. The department shall notify the credentialed person in writing
16 of the acceptance or denial of the request to allow the credential
17 to be placed on inactive status. When the credential is placed on
18 inactive status, the credentialed person shall not engage in the
19 practice of such profession. A credential may remain on inactive
20 status for an indefinite period of time. In order to move a
21 credential from inactive to active status, a person shall be
22 required to meet the requirements for renewal which are in effect
23 at the time he or she wishes to regain active status.

24 (4) At least thirty days before the expiration of a
25 credential, the department shall notify each credentialed person

1 by a letter addressed to him or her at his or her last place of
2 residence as noted upon its records. Any credentialed person who
3 fails to notify the department of his or her desire to let his
4 or her credential lapse or be placed on inactive status upon its
5 expiration or who fails to meet the requirements for renewal on
6 or before the date of expiration of his or her credential shall
7 be given a second notice in the same manner as the first notice
8 advising him or her (a) of the failure to meet the requirements for
9 renewal, (b) that the credential has expired, (c) that the person
10 is subject to an administrative penalty under section 71-164.01 if
11 he or she practices after the expiration date and prior to renewal
12 of the credential, (d) that upon the receipt of the renewal fee
13 and the required late fee within thirty days after the expiration
14 date, no order of revocation will be entered, and (e) that upon the
15 failure to comply with subdivision (d) of this subsection within
16 such time, the credential will be revoked in the manner prescribed
17 in section 71-149.

18 (5) Any credentialed person who desires to reinstate the
19 credential not more than one year after the date of revocation
20 for failure to meet the renewal requirements shall apply to the
21 department for reinstatement. The credential may be reinstated upon
22 the recommendation of the board for his or her profession and the
23 receipt of evidence of meeting the renewal requirements and paying
24 the required late fee.

25 (6) Any credentialed person who desires to reinstate the

1 credential more than one year after the date of revocation for
2 failure to meet the renewal requirements shall petition the board
3 to recommend reinstatement as prescribed in section 71-161.05. The
4 credential may be reinstated upon the recommendation of the board
5 for his or her profession and the receipt of evidence of meeting
6 the renewal requirements and paying the required late fee.

7 Sec. 5. Section 71-112, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 71-112 (1) Professional boards under the Uniform
10 Licensing Law shall be designated as follows:

11 (a) For medicine and surgery, acupuncture, and
12 osteopathic medicine and surgery, Board of Medicine and Surgery;

13 (b) For athletic training, Board of Athletic Training;

14 (c) For respiratory care, Board of Respiratory Care
15 Practice;

16 (d) For chiropractic, Board of Chiropractic;

17 (e) For dentistry and dental hygiene, Board of Dentistry;

18 (f) For optometry, Board of Optometry;

19 (g) For massage therapy, Board of Massage Therapy;

20 (h) For physical therapy, Board of Physical Therapy;

21 (i) For pharmacy, Board of Pharmacy;

22 (j) For audiology and speech-language pathology, Board of
23 Audiology and Speech-Language Pathology;

24 (k) For medical nutrition therapy, Board of Medical
25 Nutrition Therapy;

1 (1) For funeral directing and embalming, Board of Funeral
2 Directing and Embalming;

3 (m) For podiatry, Board of Podiatry;

4 (n) For psychology, Board of Psychologists;

5 (o) For veterinary medicine and surgery, Board of
6 Veterinary Medicine and Surgery;

7 (p) For mental health practice, Board of Mental Health
8 Practice; ~~and~~

9 (q) For alcohol and drug counseling, Board of Alcohol and
10 Drug Counseling; and -

11 (r) For perfusion, Board of Perfusion.

12 (2) Any change made by the Legislature of the names of
13 boards listed in this section shall not change the membership of
14 such boards or affect the validity of any action taken by or the
15 status of any action pending before any of such boards. Any such
16 board newly named by the Legislature shall be the direct and only
17 successor to the board as previously named.

18 Sec. 6. Section 71-113, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 71-113 (1) Each professional board shall consist of four
21 members, including one public member, except as otherwise provided
22 in this section. A public member of a professional board (a) shall
23 be a resident of this state who has attained the age of majority,
24 (b) shall represent the interests and viewpoints of consumers, and
25 (c) shall not be a present or former member of a credentialed

1 profession, an employee of a member of a credentialed profession,
2 or an immediate family or household member of any person presently
3 regulated by such board.

4 (2) (a) In audiology and speech-language pathology the
5 board shall consist of five members, including at least one public
6 member, (b) in dentistry the board shall consist of ten members,
7 including at least two public members, (c) in medicine and surgery
8 the board shall consist of eight members, including at least two
9 public members, (d) in pharmacy the board shall consist of five
10 members, including at least one public member, (e) in psychology
11 the board shall consist of seven members, including at least two
12 public members, (f) in medical nutrition therapy the board shall
13 consist of five members, including at least one public member,
14 (g) in mental health practice the board shall consist of not
15 more than ten members, including at least two public members, (h)
16 in alcohol and drug counseling the board shall consist of nine
17 members, including two public members, (i) in veterinary medicine
18 and surgery the board shall consist of five members, including at
19 least one public member, (j) in perfusion the board shall consist
20 of six members, including one public member, and ~~(j)~~ (k) boards
21 with eleven or more members shall have at least three public
22 members.

23 (3) Membership on the Board of Audiology and
24 Speech-Language Pathology shall consist of two members who are
25 audiologists, two members who are speech-language pathologists, and

1 at least one public member.

2 (4) Membership on the Board of Athletic Training shall
3 consist of three athletic trainers and at least one public member.

4 (5) Membership on the Board of Respiratory Care Practice
5 shall consist of two respiratory care practitioners, one physician,
6 and at least one public member.

7 (6) Two of the six professional members of the Board
8 of Medicine and Surgery shall be officials or members of the
9 instructional staff of an accredited medical school in this state.

10 (7) Two of the eight professional members of the Board
11 of Dentistry shall be dentists who are officials or members of the
12 instructional staff of an accredited school or college of dentistry
13 in this state, and two of the members of the board shall be dental
14 hygienists licensed under the Uniform Licensing Law.

15 (8) Membership on the Board of Medical Nutrition Therapy
16 shall consist of two medical nutrition therapists, one physician,
17 and at least one public member.

18 (9) Membership on the Board of Mental Health Practice
19 shall consist of not more than two certified master social workers,
20 not more than two certified professional counselors, not more than
21 two certified marriage and family therapists, and at least two
22 public members. At least one professional member of the board
23 shall be a member of a racial or ethnic minority. When ten or
24 more persons hold licenses as mental health practitioners without
25 holding an associated certificate, not more than two such licensed

1 mental health practitioners shall be added to the board.

2 (10) Membership on the Board of Alcohol and Drug
3 Counseling shall consist of six alcohol and drug counselors
4 three of whom may be licensed as psychologists or mental health
5 practitioners and three of whom are not licensed as psychologists
6 or mental health practitioners, one person who is a psychiatrist,
7 psychologist, or mental health practitioner, and two public
8 members.

9 (11) Membership on the Board of Veterinary Medicine
10 and Surgery shall consist of three veterinarians, one veterinary
11 technician, and one public member.

12 Sec. 7. Section 71-116, Revised Statutes Cumulative
13 Supplement, 2006, is amended to read:

14 71-116 (1) The members of each professional board shall
15 be residents of the State of Nebraska and shall be appointed for
16 terms of five years. No member shall be appointed for or serve for
17 more than two consecutive full five-year terms.

18 (2) The members of the Board of Dentistry shall be
19 appointed as follows: As of December 1, 1971, one member shall
20 be appointed for a term of five years and one member shall be
21 appointed for a term of three years; as of December 1, 1972,
22 one member shall be appointed for a term of three years; as of
23 December 1, 1973, one member shall be appointed for a term of
24 three years; as of December 1 of each year thereafter, two members
25 shall be appointed for terms of five years; as of December 1,

1 1979, one member who is a dental hygienist licensed under the
2 Uniform Licensing Law and who complies with section 71-114 shall
3 be appointed for a term of five years; as of December 1, 1984,
4 one public member shall be appointed for a term of five years; and
5 as of December 1, 1994, a second member who is a dental hygienist
6 licensed under the Uniform Licensing Law and who complies with
7 section 71-114 and a second public member shall be appointed for
8 terms of five years. Thereafter successors with like qualifications
9 shall be appointed for five-year terms.

10 (3) The members of the Board of Medicine and Surgery
11 shall be appointed as follows: Within thirty days after May 25,
12 1943, five members shall be appointed, one of whom shall hold
13 office until December 1, 1944, one until December 1, 1945, one
14 until December 1, 1946, one until December 1, 1947, and one until
15 December 1, 1948; upon the expiration of such terms, successors
16 shall be appointed for terms of five years each. Within thirty
17 days after October 19, 1963, a sixth member, who shall be a person
18 eligible for appointment to the Board of Examiners in Osteopathy
19 who also has a license to practice medicine and surgery in the
20 State of Nebraska, shall be appointed for a term expiring on
21 December 1, 1968. As of December 1, 1984, one public member shall
22 be appointed for a term of five years, and as of December 1, 1994,
23 a second public member shall be appointed for a term of five years.
24 Thereafter successors with like qualifications shall be appointed
25 for five-year terms. Upon the expiration of the five-year term of

1 such sixth member of the board after April 19, 1986, his or her
2 eligible successor shall be a person who has a license to practice
3 osteopathic medicine or osteopathic medicine and surgery in the
4 State of Nebraska.

5 (4) The members of the Board of Audiology and
6 Speech-Language Pathology shall be appointed as follows: Within
7 sixty days after July 22, 1978, four members shall be appointed,
8 two of whom shall hold office until December 1, 1979, and two until
9 December 1, 1980. As of December 1, 1984, one public member shall
10 be appointed for a term of five years. Upon the expiration of such
11 terms, the successors shall be appointed for terms of five years
12 each.

13 (5) The Board of Pharmacy shall be composed of five
14 members, including four actively practicing pharmacists, one of
15 whom practices within the confines of a hospital, and a public
16 member who is interested in the health of the people of Nebraska.
17 The members of the Board of Pharmacy shall be appointed as follows:
18 As of December 1, 1983, the hospital pharmacist member shall be
19 appointed for a term of five years and the public member shall be
20 appointed for a term of three years. Upon the expiration of such
21 terms and the terms of existing members, the successors shall be
22 appointed for terms of five years each.

23 (6) The members of the Board of Psychologists appointed
24 as successors to the members serving on February 25, 1984, shall be
25 appointed for terms of five years. The terms of members serving on

1 February 25, 1984, are hereby extended to December 1 of the year in
2 which they would otherwise expire.

3 (7) The three members serving on the Board of Examiners
4 in Massage on August 1, 1988, shall be appointed as members of the
5 Board of Massage Therapy. Successors shall be massage therapists
6 and shall be appointed for terms of five years each. One public
7 member shall be appointed on December 1, 1988, for a term of
8 five years. Upon the expiration of the public member's term, each
9 subsequent public member shall be appointed for a five-year term.

10 (8) The initial members of the Board of Mental Health
11 Practice appointed from the Board of Examiners in Social Work
12 and the Board of Examiners in Professional Counseling, as such
13 boards existed immediately prior to September 1, 1994, shall serve
14 until the expiration of the terms they would have served on
15 their respective boards. One initial public member and one initial
16 marriage and family therapist shall hold office until December 1
17 of the fourth year following September 1, 1994, and one initial
18 public member and one initial marriage and family therapist shall
19 hold office until December 1 of the fifth year following September
20 1, 1994.

21 (9) The initial members of the Board of Alcohol and
22 Drug Counseling shall be appointed within ninety days after July
23 1, 2004, to hold office as follows: Of the six alcohol and drug
24 counselors, one shall hold office until April 1, 2006, two until
25 April 1, 2007, one until April 1, 2008, one until April 1,

1 2009, and one until April 1, 2010, as designated at the time of
2 appointment; the person who is a psychiatrist, psychologist, or
3 mental health practitioner shall hold office until April 1, 2008;
4 and of the two public members, one shall hold office until April
5 1, 2009, and one until April 1, 2010, as designated at the time of
6 appointment.

7 (10) The members of the Board of Perfusion shall be
8 appointed for terms of five years, except that of those first
9 appointed, one shall be appointed for a term of one year, one shall
10 be appointed for a term of two years, one shall be appointed for
11 a term of three years, one shall be appointed for a term of four
12 years, and one shall be appointed for a term of five years.

13 ~~(10)~~ (11) Except as otherwise specifically provided, the
14 term of each member provided for in this section shall commence
15 on the first day of December following the expiration of the term
16 of the member whom such person succeeds and shall be rotated in
17 such a manner that no more than one professional member shall
18 retire during any year in which a term expires unless the number of
19 members on a board makes it impractical to do so.

20 ~~(11)~~ (12) Except as otherwise specifically provided, the
21 members of boards for professions coming under the scope of the
22 Uniform Licensing Law for the first time shall be appointed within
23 thirty days after the effective or operative date, whichever is
24 later, of the act providing for credentialing of the profession,
25 the terms of the initial board members to be as follows: One

1 member shall hold office until December 1 of the third year, one
2 until December 1 of the fourth year, and two, including the public
3 member, until December 1 of the fifth year following the year in
4 which the act providing for credentialing of the profession became
5 effective.

6 Sec. 8. Section 71-162, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 71-162 (1) It is the intent of the Legislature that the
9 revenue to cover the cost of the credentialing system administered
10 by the department is to be derived from General Funds, cash funds,
11 federal funds, gifts, grants, or fees from individuals or entities
12 seeking credentials. The credentialing system includes the totality
13 of the credentialing infrastructure and the process of issuance and
14 renewal of credentials, examinations, inspections, investigations,
15 continuing competency, compliance assurance, and the credentialing
16 review process for the following individuals and entities that
17 provide health services and health-related services:

18 (a) Individuals in the practice of acupuncture;
19 advanced practice nursing; alcohol and drug counseling; asbestos
20 abatement, inspection, project design, and training; athletic
21 training; audiology; speech-language pathology; chiropractic;
22 dentistry; dental hygiene; environmental health; hearing aid
23 instrument dispensing and fitting; lead-based paint abatement,
24 inspection, project design, and training; medical nutrition
25 therapy; medical radiography; medication aide services; medicine

1 and surgery; mental health practice; nursing; nursing assistant
2 or paid dining assistant services; nursing home administration;
3 occupational therapy; optometry; osteopathic medicine; perfusion;
4 pharmacy; physical therapy; podiatry; psychology; radon detection,
5 measurement, and mitigation; respiratory care; social work;
6 swimming pool operation; veterinary medicine and surgery; water
7 system operation; constructing or decommissioning water wells and
8 installing water well pumps and pumping equipment; and

9 (b) Individuals in the practice of and entities in the
10 business of body art; cosmetology; electrology; emergency medical
11 services; esthetics; funeral directing and embalming; massage
12 therapy; and nail technology.

13 (2) The department shall determine the cost of the
14 credentialing system for such individuals and entities by
15 calculating the total of the base costs, the variable costs, and
16 any adjustments as provided in sections 71-162.01 to 71-162.03.

17 (3) When fees are to be established pursuant to section
18 71-162.04 for individuals or entities other than individuals in
19 the practice of constructing or decommissioning water wells and
20 installing water well pumps and pumping equipment, the department,
21 upon recommendation of the appropriate board if applicable, shall
22 base the fees on the cost of the credentialing system and shall
23 include usual and customary cost increases, a reasonable reserve,
24 and the cost of any new or additional credentialing activities.
25 For individuals in the practice of constructing or decommissioning

1 water wells and installing water well pumps and pumping equipment,
2 the Water Well Standards and Contractors' Licensing Board shall
3 establish the fees as otherwise provided in this subsection. All
4 such fees shall be collected as provided in section 71-163.

5 Sec. 9. Sections 9 to 19 of this act shall be known and
6 may be cited as the Perfusion Practice Act.

7 Sec. 10. The Legislature finds and declares that the
8 public interest requires the regulation of the practice of
9 perfusion and the establishment of clear licensure standards for
10 perfusionists and that the health and welfare of the residents
11 of the State of Nebraska will be protected by identifying to the
12 public those individuals who are qualified and legally authorized
13 to practice perfusion.

14 Sec. 11. For purposes of the Perfusion Practice Act:

15 (1) Board means the Board of Perfusion;

16 (2) Extracorporeal circulation means the diversion of a
17 patient's blood through a heart-lung machine or a similar device
18 that assumes the functions of the patient's heart, lungs, kidney,
19 liver, or other organs;

20 (3) Perfusion means the functions necessary for the
21 support, treatment, measurement, or supplementation of the
22 cardiovascular, circulatory, and respiratory systems or other
23 organs, or a combination of such activities, and to ensure the safe
24 management of physiologic functions by monitoring and analyzing the
25 parameters of the systems under an order and under the supervision

1 of a licensed physician, including:

2 (a) The use of extracorporeal circulation, long-term
3 cardiopulmonary support techniques including extracorporeal carbon
4 dioxide removal and extracorporeal membrane oxygenation, and
5 associated therapeutic and diagnostic technologies;

6 (b) Counterpulsation, ventricular assistance,
7 autotransfusion, blood conservation techniques, myocardial and
8 organ preservation, extracorporeal life support, and isolated limb
9 perfusion;

10 (c) The use of techniques involving blood management,
11 advanced life support, and other related functions; and

12 (d) In the performance of the acts described in
13 subdivisions (a) through (c) of this subdivision:

14 (i) The administration of:

15 (A) Pharmacological and therapeutic agents; and

16 (B) Blood products or anesthetic agents through the
17 extracorporeal circuit or through an intravenous line as ordered by
18 a physician;

19 (ii) The performance and use of:

20 (A) Anticoagulation monitoring and analysis;

21 (B) Physiologic monitoring and analysis;

22 (C) Blood gas and chemistry monitoring and analysis;

23 (D) Hematologic monitoring and analysis;

24 (E) Hypothermia and hyperthermia;

25 (F) Hemoconcentration and hemodilution; and

1 (G) Hemodialysis; and
2 (iii) The observation of signs and symptoms related to
3 perfusion services, the determination of whether the signs and
4 symptoms exhibit abnormal characteristics, and the implementation
5 of appropriate reporting, clinical perfusion protocols, or changes
6 in, or the initiation of, emergency procedures; and

7 (4) Perfusionist means a person who is licensed to
8 practice perfusion pursuant to the Perfusion Practice Act.

9 Sec. 12. After the effective date of this act, no person
10 shall practice perfusion, whether or not compensation is received
11 or expected, unless the person holds a valid license to practice
12 perfusion under the Perfusion Practice Act, except that nothing in
13 the act shall be construed to:

14 (1) Prohibit any person credentialed to practice under
15 any other law from engaging in the practice for which he or she is
16 credentialed;

17 (2) Prohibit any student enrolled in a bona fide
18 perfusion training program recognized by the board from performing
19 those duties which are necessary for the student's course of study,
20 if the duties are performed under the supervision and direction
21 of a perfusionist who is on duty and immediately available in the
22 assigned patient care area; or

23 (3) Prohibit any person from practicing perfusion within
24 the scope of his or her official duties when employed by an agency,
25 bureau, or division of the federal government, serving in the

1 Armed Forces or the Public Health Service of the United States, or
2 employed by the Veterans Administration.

3 Sec. 13. To be eligible to be licensed as a perfusionist,
4 an applicant shall fulfill the following requirements:

5 (1) Submit a complete application to the department as
6 required under the Uniform Licensing Law;

7 (2) Pay the fee established and collected as provided in
8 sections 71-162 to 71-162.05;

9 (3) Submit evidence of successful completion of a
10 perfusion education program with standards established by the
11 Accreditation Committee for Perfusion Education and approved by the
12 Commission on Accreditation of Allied Health Education Programs
13 or a program with substantially equivalent education standards
14 approved by the board; and

15 (4) Submit evidence of successful completion of the
16 certification examinations offered by the American Board of
17 Cardiovascular Perfusion, or its successor, or a substantially
18 equivalent examination approved by the board.

19 Sec. 14. The board may waive the education and
20 examination requirements under section 13 of this act for an
21 applicant who:

22 (1) Within one hundred eighty days after the effective
23 date of this act, submits evidence satisfactory to the board that
24 he or she has been operating cardiopulmonary bypass systems for
25 cardiac surgical patients as his or her primary function in a

1 licensed health care facility for at least two of the last ten
2 years prior to the effective date of this act;

3 (2) Submits evidence of holding a current certificate as
4 a Certified Clinical Perfusionist issued by the American Board of
5 Cardiovascular Perfusion, or its successor; or

6 (3) Submits evidence of holding a credential as a
7 perfusionist issued by another state or possession of the
8 United States or the District of Columbia which has standards
9 substantially equivalent to those of this state.

10 Sec. 15. The department shall issue a temporary license
11 to a person who has applied for licensure pursuant to the Perfusion
12 Practice Act and who, in the judgment of the department, with
13 the recommendation of the board, is eligible for examination. An
14 applicant with a temporary license may practice only under the
15 direct supervision of a perfusionist. The board may adopt and
16 promulgate rules and regulations governing such direct supervision
17 which do not require the immediate physical presence of the
18 supervising perfusionist. A temporary license shall expire one year
19 after the date of issuance and may be renewed for a subsequent
20 one-year period, subject to the rules and regulations adopted under
21 the act. A temporary license shall be surrendered to the department
22 upon its expiration.

23 Sec. 16. Each perfusionist shall, in the period since
24 his or her license was issued or last renewed, complete continuing
25 competency activities as required by the board pursuant to section

1 71-161.09 as a prerequisite for the licensee's next subsequent
2 license renewal.

3 Sec. 17. No person shall use the title Perfusionist, the
4 abbreviation LP, or any other title, designation, words, letters,
5 abbreviations, or insignia indicating the practice of perfusion
6 unless licensed to practice perfusion.

7 Sec. 18. The department, with the recommendation of the
8 board, shall adopt and promulgate rules and regulations to carry
9 out the Perfusion Practice Act.

10 Sec. 19. The board shall adopt and publish a code
11 of ethics for perfusionists and maintain a record of every
12 perfusionist licensed in this state which includes his or her
13 place of business, place of residence, and license date and number.

14 Sec. 20. Original sections 71-101, 71-102, 71-107,
15 71-110, 71-112, 71-113, 71-116, and 71-162, Revised Statutes
16 Cumulative Supplement, 2006, are repealed.