

E AND R AMENDMENTS TO LB 834

Introduced by Larson, 40, Chairman Enrollment and Review

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. Section 38-151, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           38-151 (1) It is the intent of the Legislature that the  
6 revenue to cover the cost of the credentialing system administered  
7 by the department is to be derived from General Funds, cash  
8 funds, federal funds, gifts, grants, or fees from individuals or  
9 businesses seeking credentials. The credentialing system includes  
10 the totality of the credentialing infrastructure and the process  
11 of issuance and renewal of credentials, examinations, inspections,  
12 investigations, continuing competency, compliance assurance, and  
13 the periodic credentialing review process under section 38-128, and  
14 the activities conducted under the Nebraska Regulation of Health  
15 Professions Act, for individuals and businesses that provide health  
16 services, health-related services, and environmental services.

17           (2) The department shall determine the cost of the  
18 credentialing system for such individuals and businesses by  
19 calculating the total of the base costs, the variable costs, and  
20 any adjustments as provided in sections 38-152 to 38-154.

21           (3) When fees are to be established pursuant to section  
22 38-155 for individuals or businesses other than individuals in  
23 the practice of constructing or decommissioning water wells and

1 installing water well pumps and pumping equipment, the department,  
2 with the recommendation of the appropriate board if applicable,  
3 shall base the fees on the cost of the credentialing system and  
4 shall include usual and customary cost increases, a reasonable  
5 reserve, and the cost of any new or additional credentialing  
6 activities. For individuals in the practice of constructing or  
7 decommissioning water wells and installing water well pumps and  
8 pumping equipment, the Water Well Standards and Contractors'  
9 Licensing Board shall establish the fees as otherwise provided  
10 in this subsection. All such fees shall be used as provided in  
11 section 38-157.

12           Sec. 2. Section 38-157, Revised Statutes Cumulative  
13 Supplement, 2010, is amended to read:

14           38-157 (1) The Professional and Occupational  
15 Credentialing Cash Fund is created. Except as provided in  
16 section 71-17,113, the fund shall consist of all fees, gifts,  
17 grants, and other money, excluding fines and civil penalties,  
18 received or collected by the department under sections 38-151 to  
19 38-156 and the Nebraska Regulation of Health Professions Act.

20           (2) The department shall use the fund for the  
21 administration and enforcement of such laws regulating the  
22 individuals and businesses listed in section 38-121, ~~except for~~  
23 ~~a percentage of the fees credited to the Nebraska Regulation of~~  
24 ~~Health Professions Fund pursuant to section 71-6228.~~ Transfers may  
25 be made from the Professional and Occupational Credentialing Cash  
26 ~~Fund~~ fund to the General Fund at the direction of the Legislature.  
27 The State Treasurer shall transfer any money in the Nebraska

1 Regulation of Health Professions Fund on the effective date of this  
2 act to the Professional and Occupational Credentialing Cash Fund.

3 (3) Any money in the Professional and Occupational  
4 Credentialing Cash Fund available for investment shall be invested  
5 by the state investment officer pursuant to the Nebraska Capital  
6 Expansion Act and the Nebraska State Funds Investment Act.

7 Sec. 3. Section 71-6201, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 71-6201 Sections 71-6201 to 71-6229 and section 9 of this  
10 act shall be known and may be cited as the Nebraska Regulation of  
11 Health Professions Act.

12 Sec. 4. Section 71-6202, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 71-6202 The purpose of the Nebraska Regulation of Health  
15 Professions Act is to establish guidelines for the regulation of  
16 health professions which are not licensed or regulated ~~prior to~~  
17 ~~January 1, 1985,~~ and those licensed or regulated health professions  
18 which seek to change their scope of practice. ~~The act is not~~  
19 ~~intended and shall not be construed to apply to any regulatory~~  
20 ~~entity created prior to January 1, 1985, or to any remedial~~  
21 ~~or technical amendments to any laws which licensed or regulated~~  
22 ~~activity prior to January 1, 1985, except as provided in such act.~~  
23 The Legislature believes that all individuals should be permitted  
24 to enter into a health profession provide a health service, a  
25 health-related service, or an environmental service unless there is  
26 an overwhelming need for the state to protect ~~the interests of the~~  
27 public from harm.

1           Sec. 5. Section 71-6203, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           71-6203 For purposes of the Nebraska Regulation of  
4 Health Professions Act, unless the context otherwise requires,  
5 the definitions found in sections 71-6204 to 71-6220.01 and section  
6 9 of this act shall be used.

7           Sec. 6. Section 71-6204, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           71-6204 Applicant group shall mean any health  
10 professional group or organization, any individual, or any other  
11 interested party which proposes that any health professional group  
12 not previously regulated be regulated by the division or which  
13 proposes to change the scope of practice of a regulated health  
14 profession.

15           Sec. 7. Section 71-6206, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           71-6206 Certificate or certification shall mean a  
18 voluntary process by which a statutory regulatory entity grants  
19 recognition to an individual who has met certain prerequisite  
20 qualifications specified by such regulatory entity and who may  
21 assume or use certified in the title or designation to perform  
22 prescribed ~~health professional~~ tasks.

23           Sec. 8. Section 71-6208, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25           71-6208 Director shall mean the Director of Public Health  
26 of the Division of Public Health of the Department of Health and  
27 Human Services.

1           Sec. 9. Division shall mean the Division of Public Health  
2 of the Department of Health and Human Services.

3           Sec. 10. Section 71-6210, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           71-6210 Health profession shall mean ~~any regulated~~  
6 ~~health profession or any health professional group not previously~~  
7 ~~regulated.~~ a vocation involving health services, health-related  
8 services, or environmental services requiring specialized knowledge  
9 and training. Health profession does not include the vocation of  
10 duly recognized members of the clergy acting in their ministerial  
11 capacity.

12           Sec. 11. Section 71-6211, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           71-6211 Health professional group not previously  
15 regulated shall mean those persons or groups who are not currently  
16 licensed or otherwise regulated under the Uniform Credentialing  
17 Act, who are determined by the director to be qualified by  
18 training, education, or experience to perform the functions  
19 prescribed in this section, and whose principal functions,  
20 customarily performed for remuneration, are to render services  
21 directly or indirectly to individuals for the purpose of:

22           (1) Preventing physical, mental, or emotional injury or  
23 illness, excluding persons acting in their capacity as clergy;

24           (2) Facilitating recovery from injury or illness; ~~or~~

25           (3) Providing rehabilitative or continuing care following  
26 injury or illness; ~~or-~~

27           (4) Providing any other health service, health-related

1 service, or environmental service which may be subject to  
2 regulation by the division.

3           Sec. 12. Section 71-6213, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           71-6213 License, licensing, or licensure shall mean  
6 permission to engage in a health profession which would otherwise  
7 be unlawful in this state in the absence of such permission  
8 and which is granted to individuals who meet prerequisite  
9 qualifications and allows them to perform prescribed ~~health~~  
10 ~~professional~~ tasks and use a particular title.

11           Sec. 13. Section 71-6216, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           71-6216 Public member shall mean an individual who is  
14 not, and never was, a member of the health profession being  
15 regulated, the spouse of a member, or an individual who does  
16 not have and never has had a material financial interest in  
17 ~~the rendering of the health professional service~~ profession being  
18 regulated or an activity directly related to the health profession  
19 being regulated.

20           Sec. 14. Section 71-6217, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           71-6217 Registration shall mean the formal notification  
23 which, prior to rendering services, a practitioner submits to  
24 a state agency setting forth the name and address of the  
25 practitioner, the location, nature, and operation of the health  
26 activity to be practiced, and such other information which is  
27 required by the regulatory entity. A registered practitioner may

1 be subject to discipline and standards of professional conduct  
2 established by the regulatory entity ~~but shall not~~ and may be  
3 required to meet any test of education, experience, or training in  
4 order to render services.

5 Sec. 15. Section 71-6218, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 71-6218 Regulated health professions shall mean those  
8 persons or groups who are currently licensed or otherwise regulated  
9 under the Uniform Credentialing Act, who are qualified by training,  
10 education, or experience to perform the functions prescribed in  
11 this section, and whose principal functions, customarily performed  
12 for remuneration, are to render services directly or indirectly to  
13 individuals for the purpose of:

14 (1) Preventing physical, mental, or emotional injury or  
15 illness;

16 (2) Facilitating recovery from injury or illness; ~~or~~

17 (3) Providing rehabilitative or continuing care following  
18 injury or illness; or-

19 (4) Providing any other health service, health-related  
20 service, or environmental service which may be subject to  
21 regulation by the division.

22 Sec. 16. Section 71-6221, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 71-6221 (1) ~~After January 1, 1985,~~ a A health profession  
25 shall be regulated by the state only when:

26 (a) Unregulated practice can clearly harm or endanger the  
27 health, safety, or welfare of the public; and the potential for

1 ~~the harm is easily recognizable and not remote or dependent upon~~  
2 ~~tenuous argument;~~

3 (b) Regulation of the health profession does not impose  
4 significant new economic hardship on the public, significantly  
5 diminish the supply of qualified practitioners, or otherwise create  
6 barriers to service that are not consistent with the public welfare  
7 and interest;

8 (c) The public needs~~;~~ and can reasonably be expected to  
9 benefit ~~from~~ assurance from the state of initial and continuing  
10 professional ability~~; by the state;~~ and

11 (d) The public cannot be effectively protected by  
12 other means in a more cost-effective manner. a more effective  
13 alternative.

14 (2) If it is determined that practitioners of a health  
15 profession not currently regulated are prohibited from the full  
16 practice of their profession in Nebraska, then the following  
17 criteria shall be used to determine whether regulation is  
18 necessary:

19 (a) Absence of a separate regulated profession creates a  
20 situation of harm or danger to the health, safety, or welfare of  
21 the public; and the potential for the harm is easily recognizable  
22 ~~and not remote or dependent upon tenuous argument;~~

23 (b) Creation of a separate regulated profession would not  
24 create a significant new danger to the health, safety, or welfare  
25 of the public;

26 (c) Creation of a separate regulated profession would  
27 benefit the health, safety, or welfare of the public; and

1           (d) The public cannot be effectively protected by  
2 ~~other means in a more cost-effective manner. a more effective~~  
3 ~~alternative.~~

4           (3) ~~After March 18, 1988, the~~ The scope of practice of a  
5 regulated health profession shall be changed only when:

6           ~~(a) The present scope of practice or limitations on the~~  
7 ~~scope of practice create a situation of harm or danger to the~~  
8 ~~health, safety, or welfare of the public and the potential for~~  
9 ~~the harm is easily recognizable and not remote or dependent upon~~  
10 ~~tenuous argument;~~

11           ~~(b) The proposed change in scope of practice does not~~  
12 ~~create a significant new danger to the health, safety, or welfare~~  
13 ~~of the public;~~

14           (a) The health, safety, and welfare of the public  
15 are inadequately addressed by the present scope of practice or  
16 limitations on the scope of practice;

17           ~~(e) (b) Enactment of the proposed change in scope of~~  
18 ~~practice would benefit the health, safety, or welfare of the~~  
19 ~~public; and~~

20           ~~(d) The public cannot be effectively protected by other~~  
21 ~~means in a more cost-effective manner.~~

22           (c) The proposed change in scope of practice does not  
23 create a significant new danger to the health, safety, or welfare  
24 of the public;

25           (d) The current education and training for the health  
26 profession adequately prepares practitioners to perform the new  
27 skill or service;

1           (e) There are appropriate postprofessional programs  
2 and competence assessment measures available to assure that the  
3 practitioner is competent to perform the new skill or service in  
4 a safe manner; and

5           (f) There are adequate measures to assess whether  
6 practitioners are competently performing the new skill or service  
7 and to take appropriate action if they are not performing  
8 competently.

9           (4) ~~The Division of Public Health~~ division shall, by rule  
10 and regulation, establish standards for the application of each  
11 criterion which shall be used by the review bodies in recommending  
12 whether proposals for credentialing or change in scope of practice  
13 meet the criteria.

14           Sec. 17. Section 71-6223, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           71-6223 (1) An applicant group shall submit a letter of  
17 intent to file an application to the director on forms prescribed  
18 by the director. The letter of intent shall identify the applicant  
19 group, the proposed regulation or change in scope of practice  
20 sought, and information sufficient for the director to determine  
21 whether the application is eligible for review.

22           (2) The director shall notify the applicant group as to  
23 whether it is eligible for review within fifteen days ~~of~~ after the  
24 receipt of the letter of intent. The final application shall be  
25 submitted to the director who shall notify the applicant group of  
26 its acceptance for review within fifteen days ~~of~~ after receipt of  
27 the final application. If more than one application is received

1 in a given year, the director may establish the order in which  
2 applications shall be reviewed.

3 (3) The application shall include an explanation of:

4 ~~(1) The problem and why regulation or change of the~~  
5 ~~scope of practice of a health profession is necessary,~~ including  
6 ~~(a) the nature of the potential harm to the public if the health~~  
7 ~~profession is not regulated or the scope of practice of a health~~  
8 ~~profession is not changed and the extent to which there is a threat~~  
9 ~~to public health and safety,~~ ~~(b) the extent to which consumers~~  
10 ~~need,~~ and will benefit from, a method of regulation identifying  
11 ~~competent practitioners and indicating typical employers,~~ if any,  
12 ~~of practitioners in the health profession,~~ and ~~(c) the extent of~~  
13 ~~autonomy a practitioner has,~~ as indicated by the extent to which  
14 ~~the health profession calls for independent judgment,~~ the extent of  
15 ~~skill or experience required in making the independent judgment,~~  
16 ~~and the extent to which practitioners are supervised;~~

17 ~~(2) The efforts made to address the problem,~~ including  
18 ~~(a) voluntary efforts,~~ if any, by members of the health profession  
19 ~~to establish a code of ethics or help resolve disputes between~~  
20 ~~health practitioners and consumers and (b) recourse to,~~ and the  
21 ~~extent of use of,~~ applicable law and whether present law could be  
22 ~~strengthened to control the problem;~~

23 ~~(3) If the application is for the regulation of an~~  
24 ~~unregulated health profession,~~ an analysis of all feasible methods  
25 ~~of regulation,~~ including those methods listed in section 71-6222,  
26 ~~identifying why each method is or is not appropriate for regulation~~  
27 ~~of the profession;~~

1           (4) The benefit to the public if the health profession  
2 is regulated or the scope of practice of a health profession is  
3 changed, including:

4           (a) The extent to which the incidence of specific  
5 problems present in the unregulated health profession can  
6 reasonably be expected to be reduced by regulation;

7           (b) Whether the public can identify qualified  
8 practitioners;

9           (c) The extent to which the public can be confident that  
10 qualified practitioners are competent, as determined by:

11           (i) Whether the proposed regulatory entity would be a  
12 board composed of members of the profession and public members or  
13 a state agency, or both, and, if appropriate, their respective  
14 responsibilities in administering the system of registration,  
15 certification, or licensure, including the composition of the board  
16 and the number of public members, if any; the powers and duties of  
17 the board or state agency regarding examination and revocation,  
18 suspension, and nonrenewal of registrations, certificates, or  
19 licenses; the adoption and promulgation of rules and canons of  
20 ethics; the conduct of inspections; the receipt of complaints and  
21 disciplinary action taken against practitioners; and how fees would  
22 be levied and collected to cover the expenses of administering and  
23 operating the regulatory system;

24           (ii) If there is a grandfather clause, whether  
25 such practitioners will be required to meet the prerequisite  
26 qualifications established by the regulatory entity at a later  
27 date;

1           (iii) The nature of the standards proposed for  
2 registration, certification, or licensure as compared with the  
3 standards of other jurisdictions;

4           (iv) Whether the regulatory entity would be authorized to  
5 enter into reciprocity agreements with other jurisdictions; and

6           (v) The nature and duration of any training including,  
7 but not limited to, whether the training includes a substantial  
8 amount of supervised field experience; whether training programs  
9 exist in this state; if there will be an experience requirement;  
10 whether the experience must be acquired under a registered,  
11 certified, or licensed practitioner; whether there are alternative  
12 routes of entry or methods of meeting the prerequisite  
13 qualifications; whether all applicants will be required to pass an  
14 examination; and if an examination is required, by whom it will be  
15 developed and how the costs of development will be met; and

16           (d) Assurance of the public that practitioners have  
17 maintained their competence, including whether the registration,  
18 certification, or licensure will carry an expiration date and  
19 whether renewal will be based only upon payment of a fee or will  
20 involve reexamination, peer review, or other enforcement;

21           (a) The problem created by not regulating a health  
22 professional group not previously regulated or by not changing the  
23 scope of practice of a regulated health profession;

24           (b) If the application is for the regulation of a health  
25 professional group not previously regulated, all feasible methods  
26 of regulation, including those methods listed in section 71-6222,  
27 and the impact of such methods on the public;

1           (c) The benefit to the public of regulating a health  
2 professional group not previously regulated or changing the scope  
3 of practice of a regulated health profession;

4           ~~(5) (d) The extent to which regulation or the change of~~  
5 ~~scope of practice might harm the public; including~~

6           ~~(a) The extent to which regulation will restrict~~  
7 ~~entry into the health profession as determined by (i) whether~~  
8 ~~the proposed standards are more restrictive than necessary~~  
9 ~~to ensure safe and effective performance and (ii) whether~~  
10 ~~the proposed legislation requires registered, certificated, or~~  
11 ~~licensed practitioners in other jurisdictions who migrate to~~  
12 ~~this state to qualify in the same manner as state applicants~~  
13 ~~for registration, certification, and licensure when the other~~  
14 ~~jurisdiction has substantially equivalent requirements for~~  
15 ~~registration, certification, or licensure as those in this state;~~  
16 ~~and~~

17           ~~(b) Whether there are similar professions to that of~~  
18 ~~the applicant group which should be included in, or portions of~~  
19 ~~the applicant group which should be excluded from, the proposed~~  
20 ~~legislation;~~

21           ~~(6) The maintenance of standards, including (a) whether~~  
22 ~~effective quality assurance standards exist in the health~~  
23 ~~profession, such as legal requirements associated with specific~~  
24 ~~programs that define or enforce standards or a code of ethics, and~~  
25 ~~(b) how the proposed legislation will assure quality as determined~~  
26 ~~by the extent to which a code of ethics, if any, will be adopted~~  
27 ~~and the grounds for suspension or revocation of registration,~~

1 ~~certification, or licensure;~~

2 (e) The type of standards that exist to ensure that a  
3 practitioner of a health profession would maintain competency;

4 ~~(7)~~ (f) A description of the health professional group  
5 proposed for regulation, including a list of associations,  
6 organizations, and other groups representing the practitioners  
7 in this state, an estimate of the number of practitioners in  
8 each group, and whether the groups represent different levels of  
9 practice; and

10 (g) The role and availability of third-party  
11 reimbursement for the services provided by the applicant  
12 group;

13 (h) The experience of other jurisdictions in regulating  
14 the practitioners affected by the application;

15 ~~(8)~~ (i) The expected costs of regulation, including (a)  
16 (i) the impact registration, certification, or licensure will have  
17 on the costs of the services to the public and (b) (ii) the cost  
18 to the state and to the general public of implementing the proposed  
19 legislation; and-

20 (j) Other information relevant to the requested review as  
21 determined by the division.

22 Sec. 18. Section 71-6223.01, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 71-6223.01 Each application shall be accompanied by an  
25 application fee of five hundred dollars to be submitted at the  
26 time the letter of intent is filed. ~~All~~ The division shall  
27 remit all application fees shall be deposited in the Nebraska

1 Regulation of Health Professions to the State Treasurer for credit  
2 to the Professional and Occupational Credentialing Cash Fund. The  
3 application fee shall not be refundable, but the director may waive  
4 all or part of the fee if he or she finds it to be in the public  
5 interest to do so. Such a finding by the director may include,  
6 but shall not be limited to, circumstances in which the director  
7 determines that the application would be eligible for review and:

- 8 (1) The applicant group is an agency of state government;  
9 (2) Members of the applicant group will not be materially  
10 affected by the implementation of the proposed regulation or change  
11 in scope of practice; or  
12 (3) Payment of the application fee would impose  
13 unreasonable hardship on members of the applicant group.

14 Sec. 19. Section 71-6224, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 71-6224 (1) The director with the advice of the board  
17 shall appoint an appropriate technical committee to examine and  
18 investigate each application. The committee shall consist of  
19 six appointed members and one member of the board designated  
20 by the board who shall serve as chairperson of the committee.  
21 The chairperson of the committee shall not be a member of the  
22 applicant group, any health profession sought to be regulated by  
23 the application, or any health profession which is directly or  
24 indirectly affected by the application. The director shall ensure  
25 that the total composition of the committee is fair, impartial, and  
26 equitable. In no event shall more than ~~two members~~ one member of  
27 the same regulated health profession, the applicant group, or the

1 health profession sought to be regulated by an application serve on  
2 a technical committee.

3 (2) As soon as possible after its appointment, the  
4 committee shall meet and review the application assigned to it.  
5 ~~Each committee shall~~ The committee shall serve as a factfinding  
6 body and undertake such investigation as it deems necessary  
7 to address the issues identified in the application. As part  
8 of its investigation, each committee shall consider available  
9 scientific evidence and conduct public factfinding hearings, and  
10 ~~shall otherwise investigate the application.~~ Each committee shall  
11 comply with the Open Meetings Act.

12 (3) An applicant group shall have the burden of producing  
13 evidence to support its application.

14 ~~(3) Applicant groups shall have the burden of bringing~~  
15 ~~forth evidence upon which the committee shall make its findings.~~

16 (4) Each committee shall detail its findings in a report and  
17 file the report with the board and the director. Each committee  
18 shall evaluate the application presented to it on the basis  
19 of the appropriate criteria as established in sections 71-6221  
20 to 71-6223, shall make written findings on all criteria, and  
21 shall make a recommendation for approval or denial. Whether it  
22 recommends approval or denial of an application, the committee  
23 may make additional recommendations regarding changes to the  
24 proposal or other solutions to problems identified during the  
25 review and may comment on the anticipated benefits to the health,  
26 safety, and welfare of the public. If a committee finds that  
27 all appropriate criteria are not met, it shall recommend denial

1 of the application. If it finds that all appropriate criteria  
2 are met by the application as submitted, it shall recommend  
3 approval. If the committee finds that the criteria would be met  
4 if amendments were made to the application, it may recommend such  
5 amendments to the applicant group and it may allow such amendments  
6 to be made before making its final recommendations. If the  
7 committee recommends approval of an application for regulation of a  
8 health profession not currently regulated, it shall also recommend  
9 the least restrictive method of regulation to be implemented  
10 consistent with the cost-effective protection of the public and  
11 with section 71-6222. The committee may recommend a specific method  
12 of regulation not listed in section 71-6222 if it finds that such  
13 method is the best alternative method of regulation. Whether it  
14 recommends approval or denial of an application, the committee  
15 may make additional recommendations regarding solutions to problems  
16 identified during the review.

17           Sec. 20. Section 71-6225, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19           71-6225 The board shall receive reports from the  
20 technical committees and shall meet to review and discuss each  
21 report. The board shall apply the criteria established in sections  
22 71-6221 to 71-6223 and compile its own report, including its  
23 findings and recommendations, and submit such report, together with  
24 the committee report, to the director. The recommendation of the  
25 board shall be developed in a manner consistent with subsection ~~(3)~~  
26 (4) of section 71-6224.

27           Sec. 21. Section 71-6226, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           71-6226 (1) After receiving and considering reports from  
3 the committee or the board, the director shall prepare a final  
4 report for the Legislature. The final report shall include copies  
5 of the committee report and the board report, if any, but the  
6 director shall not be bound by the findings and recommendations of  
7 such reports. The director in compiling his or her report shall  
8 apply the criteria established in sections 71-6221 to 71-6223 and  
9 may consult with the board or the committee. The recommendation  
10 of the director shall be developed in a manner consistent with  
11 subsection ~~(3)~~ (4) of section 71-6224. The final report shall be  
12 submitted to the Speaker of the Legislature, the Chairperson of  
13 the Executive Board of the Legislature, and the Chairperson of the  
14 Health and Human Services Committee of the Legislature no later  
15 than ~~nine~~ twelve months after the application is submitted to the  
16 director and found to be complete and shall be made available to  
17 all other members of the Legislature upon request.

18           (2) The director may recommend that no legislative action  
19 be taken on an application. If the director recommends that an  
20 application of an applicant group be approved, the director shall  
21 recommend an agency to be responsible for the regulation and the  
22 level of regulation to be assigned to such applicant group.

23           (3) An application which is resubmitted shall be  
24 considered the same as a new application.

25           Sec. 22. Original sections 38-151, 71-6201, 71-6202,  
26 71-6203, 71-6204, 71-6206, 71-6208, 71-6210, 71-6211, 71-6213,  
27 71-6216, 71-6217, 71-6218, 71-6221, 71-6223, 71-6223.01, 71-6224,

1 71-6225, and 71-6226, Reissue Revised Statutes of Nebraska, and  
2 section 38-157, Revised Statutes Cumulative Supplement, 2010, are  
3 repealed.

4           Sec. 23. The following section is outright repealed:

5 Section 71-6228, Reissue Revised Statutes of Nebraska.