

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 406
Final Reading

Introduced by Cook, 13.

Read first time January 13, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Medicine and Surgery Practice Act; to
2 amend section 38-2026, Reissue Revised Statutes of
3 Nebraska, and section 38-2001, Revised Statutes
4 Cumulative Supplement, 2010; to provide for reentry
5 licenses; to harmonize provisions; and to repeal the
6 original sections.

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

1 Section 1. Section 38-2001, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 38-2001 Sections 38-2001 to 38-2062 and section 3 of this
4 act shall be known and may be cited as the Medicine and Surgery
5 Practice Act.

6 Sec. 2. Section 38-2026, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 38-2026 ~~Each~~ Except as otherwise provided in section
9 38-2027 and section 3 of this act, each applicant for a license to
10 practice medicine and surgery shall:

11 (1)(a) Present proof that he or she is a graduate of an
12 accredited school or college of medicine, (b) if a foreign medical
13 graduate, provide a copy of a permanent certificate issued by the
14 Educational Commission on Foreign Medical Graduates that is currently
15 effective and relates to such applicant or provide such credentials
16 as are necessary to certify that such foreign medical graduate has
17 successfully passed the Visa Qualifying Examination or its successor
18 or equivalent examination required by the United States Department of
19 Health and Human Services and the United States Citizenship and
20 Immigration Services, or (c) if a graduate of a foreign medical
21 school who has successfully completed a program of American medical
22 training designated as the Fifth Pathway and who additionally has
23 successfully passed the Educational Commission on Foreign Medical
24 Graduates examination but has not yet received the permanent
25 certificate attesting to the same, provide such credentials as

1 certify the same to the Division of Public Health of the Department
2 of Health and Human Services;

3 (2) Present proof that he or she has served at least one
4 year of graduate medical education approved by the board or, if a
5 foreign medical graduate, present proof that he or she has served at
6 least three years of graduate medical education approved by the
7 board;

8 (3) Pass a licensing examination approved by the board
9 covering appropriate medical subjects; and

10 (4) Present proof satisfactory to the department that he
11 or she, within the three years immediately preceding the application
12 for licensure, (a) has been in the active practice of the profession
13 of medicine and surgery in some other state, a territory, the
14 District of Columbia, or Canada for a period of one year, (b) has had
15 at least one year of graduate medical education as described in
16 subdivision (2) of this section, (c) has completed continuing
17 education in medicine and surgery approved by the board, (d) has
18 completed a refresher course in medicine and surgery approved by the
19 board, or (e) has completed the special purposes examination approved
20 by the board.

21 Sec. 3. (1) The department, with the recommendation of
22 the board, may issue a reentry license to a physician who has not
23 actively practiced medicine for the two-year period immediately
24 preceding the filing of an application for a reentry license or who
25 has not otherwise maintained continued competency during such period

1 as determined by the board.

2 (2) To qualify for a reentry license, the physician shall
3 meet the same requirements for licensure as a regular licensee and
4 submit to evaluations, assessments, and an educational program as
5 required by the board.

6 (3) If the board conducts an assessment and determines
7 that the applicant requires a period of supervised practice, the
8 department, with the recommendation of the board, may issue a reentry
9 license allowing the applicant to practice medicine under supervision
10 as specified by the board. After satisfactory completion of the
11 period of supervised practice as determined by the board, the reentry
12 licensee may apply to the department to convert the reentry license
13 to a license issued under section 38-2026.

14 (4) After an assessment and the completion of any
15 educational program that has been prescribed, if the board determines
16 that the applicant is competent and qualified to practice medicine
17 without supervision, the department, with the recommendation of the
18 board, may convert the reentry license to a license issued under
19 section 38-2026.

20 (5) A reentry license shall be valid for one year and may
21 be renewed for up to two additional years if approved by the
22 department, with the recommendation of the board.

23 (6) The issuance of a reentry license shall not
24 constitute a disciplinary action.

25 Sec. 4. Original section 38-2026, Reissue Revised

1 Statutes of Nebraska, and section 38-2001, Revised Statutes
2 Cumulative Supplement, 2010, are repealed.