

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 222

Introduced by Gloor, 35; Campbell, 25.

Read first time January 10, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Nebraska Regulation of Health Professions
2 Act; to amend section 71-6221, Reissue Revised Statutes
3 of Nebraska; to change provisions regarding changes in
4 scope of practice; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-6221, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-6221 (1) After January 1, 1985, a health profession
4 shall be regulated by the state only when:

5 (a) Unregulated practice can clearly harm or endanger the
6 health, safety, or welfare of the public and the potential for the
7 harm is easily recognizable and not remote or dependent upon tenuous
8 argument;

9 (b) Regulation of the profession does not impose
10 significant new economic hardship on the public, significantly
11 diminish the supply of qualified practitioners, or otherwise create
12 barriers to service that are not consistent with the public welfare
13 and interest;

14 (c) The public needs, and can reasonably be expected to
15 benefit from, assurance of initial and continuing professional
16 ability by the state; and

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

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

23 (a) Absence of a separate regulated profession creates a
24 situation of harm or danger to the health, safety, or welfare of the
25 public and the potential for the harm is easily recognizable and not

1 remote or dependent upon tenuous argument;

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

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

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

9 (3) After March 18, 1988, the scope of practice of a
10 regulated health profession shall be changed only when:

11 ~~(a) The present scope of practice or limitations on the~~
12 ~~scope of practice create a situation of harm or danger to the health,~~
13 ~~safety, or welfare of the public and the potential for the harm is~~
14 ~~easily recognizable and not remote or dependent upon tenuous~~
15 ~~argument;~~

16 ~~(b)~~-(a) The proposed change in scope of practice does not
17 create a significant new danger to the health, safety, or welfare of
18 the public;

19 ~~(c)~~-(b) Enactment of the proposed change in scope of
20 practice would benefit the health, safety, or welfare of the public;
21 and

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

24 (4) The Division of Public Health shall, by rule and
25 regulation, establish standards for the application of each criterion

1 which shall be used by the review bodies in recommending whether
2 proposals for credentialing or change in scope of practice meet the
3 criteria.

4 Sec. 2. Original section 71-6221, Reissue Revised
5 Statutes of Nebraska, is repealed.