

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 892**

Introduced by McGill, 26; Dubas, 34.

Read first time January 09, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Uniform Credentialing Act; to amend  
2 section 38-101, Revised Statutes Cumulative Supplement,  
3 2010; to provide for licensure, certification, or  
4 registration by military training and experience and  
5 endorsement for military applicants and spouses; to  
6 provide an exception; to harmonize provisions; and to  
7 repeal the original section.

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

1                   Section 1. Section 38-101, Revised Statutes Cumulative  
2 Supplement, 2010, is amended to read:

3                   38-101 Sections 38-101 to 38-1,140 and section 2 of this  
4 act and the following practice acts shall be known and may be cited  
5 as the Uniform Credentialing Act:

- 6                   (1) The Advanced Practice Registered Nurse Practice Act;
- 7                   (2) The Alcohol and Drug Counseling Practice Act;
- 8                   (3) The Athletic Training Practice Act;
- 9                   (4) The Audiology and Speech-Language Pathology Practice  
10 Act;
- 11                   (5) The Certified Nurse Midwifery Practice Act;
- 12                   (6) The Certified Registered Nurse Anesthetist Practice  
13 Act;
- 14                   (7) The Chiropractic Practice Act;
- 15                   (8) The Clinical Nurse Specialist Practice Act;
- 16                   (9) The Cosmetology, Electrology, Esthetics, Nail  
17 Technology, and Body Art Practice Act;
- 18                   (10) The Dentistry Practice Act;
- 19                   (11) The Emergency Medical Services Practice Act;
- 20                   (12) The Environmental Health Specialists Practice Act;
- 21                   (13) The Funeral Directing and Embalming Practice Act;
- 22                   (14) The Hearing Instrument Specialists Practice Act;
- 23                   (15) The Licensed Practical Nurse-Certified Practice Act;
- 24                   (16) The Massage Therapy Practice Act;
- 25                   (17) The Medical Nutrition Therapy Practice Act;

- 1 (18) The Medical Radiography Practice Act;  
2 (19) The Medicine and Surgery Practice Act;  
3 (20) The Mental Health Practice Act;  
4 (21) The Nurse Practice Act;  
5 (22) The Nurse Practitioner Practice Act;  
6 (23) The Nursing Home Administrator Practice Act;  
7 (24) The Occupational Therapy Practice Act;  
8 (25) The Optometry Practice Act;  
9 (26) The Perfusion Practice Act;  
10 (27) The Pharmacy Practice Act;  
11 (28) The Physical Therapy Practice Act;  
12 (29) The Podiatry Practice Act;  
13 (30) The Psychology Practice Act;  
14 (31) The Respiratory Care Practice Act;  
15 (32) The Veterinary Medicine and Surgery Practice Act;  
16 and  
17 (33) The Water Well Standards and Contractors' Practice  
18 Act.

19 If there is any conflict between any provision of  
20 sections 38-101 to 38-1,139 and any provision of a practice act, the  
21 provision of the practice act shall prevail.

22 The Revisor of Statutes shall assign the Uniform  
23 Credentialing Act, including the practice acts enumerated in  
24 subdivisions (1) through (32) of this section, to consecutive  
25 articles within Chapter 38.

1           Sec. 2. (1) A board shall issue a license, certification,  
2 or registration to a military-trained applicant to allow the  
3 applicant to lawfully practice the applicant's occupation in this  
4 state if, upon application to the board, the applicant satisfies the  
5 following conditions:

6           (a) Has completed a military program of training, been  
7 awarded a military occupational specialty, and performed in that  
8 specialty at a level that is substantially equivalent to or exceeds  
9 the requirements for licensure, certification, or registration of the  
10 board for which the applicant is seeking licensure, certification, or  
11 registration in this state;

12           (b) Has engaged in the active practice of the occupation  
13 for which the person is seeking a license, certification, or permit  
14 from the board in this state for at least two of the five years  
15 preceding the date of the application under this section;

16           (c) Has not committed any act in any jurisdiction that  
17 would have constituted grounds for refusal, suspension, or revocation  
18 of a license to practice that occupation in this state at the time  
19 the act was committed; and

20           (d) Pays any fees required by the board for which the  
21 applicant is seeking licensure, certification, or registration in  
22 this state.

23           (2) A board shall issue a license, certification, or  
24 registration to a military spouse to allow the military spouse to  
25 lawfully practice the military spouse's occupation in this state if,

1 upon application to the board, the military spouse satisfies the  
2 following conditions:

3 (a) Holds a current license, certification, or  
4 registration from another jurisdiction, and that jurisdiction's  
5 requirements for licensure, certification, or registration are  
6 substantially equivalent to or exceed the requirements for licensure,  
7 certification, or registration of the board for which the applicant  
8 is seeking licensure, certification, or registration in this state;

9 (b) Can demonstrate competency in the occupation through  
10 methods as determined by the board, such as having completed  
11 continuing education units or having had recent experience for at  
12 least two of the five years preceding the date of the application  
13 under this section;

14 (c) Has not committed any act in any jurisdiction that  
15 would have constituted grounds for refusal, suspension, or revocation  
16 of a license to practice that occupation in this state at the time  
17 the act was committed;

18 (d) Is in good standing and has not been disciplined by  
19 the agency that had jurisdiction to issue the license, certification,  
20 or permit; and

21 (e) Pays any fees required by the board for which the  
22 applicant is seeking licensure, certification, or registration in  
23 this state.

24 (3) All relevant experience of a military service member  
25 in the discharge of official duties or, for a military spouse, all

1 relevant experience, including full-time and part-time experience,  
2 regardless of whether in a paid or volunteer capacity, shall be  
3 credited in the calculation of years of practice in an occupation as  
4 required under subsection (1) or (2) of this section.

5 (4) A nonresident licensed, certified, or registered  
6 under this section shall be entitled to the same rights and subject  
7 to the same obligations as required of a resident licensed,  
8 certified, or registered by a board in this state.

9 (5) A board may issue a temporary practice permit to a  
10 military-trained applicant or military spouse licensed, certified, or  
11 registered in another jurisdiction while the military-trained  
12 applicant or military spouse is satisfying the requirements for  
13 licensure under subsection (1) or (2) of this section if that  
14 jurisdiction has licensure, certification, or registration standards  
15 substantially equivalent to the standards for licensure,  
16 certification, or registration of the board in this state. The  
17 military-trained applicant or military spouse may practice under the  
18 temporary permit until a license, certification, or registration is  
19 granted or until a notice to deny a license, certification, or  
20 registration is issued in accordance with rules and regulations  
21 adopted and promulgated under the Uniform Credentialing Act.

22 (6) Nothing in this section shall be construed to  
23 prohibit a military-trained applicant or military spouse from  
24 proceeding under the other licensure, certification, or registration  
25 requirements established under the Uniform Credentialing Act.

1                   (7) This section shall not apply to licensure as a  
2 physician and surgeon.

3                   Sec. 3. Original section 38-101, Revised Statutes  
4 Cumulative Supplement, 2010, is repealed.