

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 859**

FINAL READING

Introduced by Campbell, 25.

Read first time January 11, 2016

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend
- 2 sections 38-140 and 38-1,124, Reissue Revised Statutes of Nebraska;
- 3 to change provisions relating to cease and desist orders; to repeal
- 4 the original sections; and to declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-140, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 38-140 Every business credentialed under the Uniform Credentialing  
4 Act shall report to the department the name of every person without a  
5 credential that he or she has reason to believe is engaged in practicing  
6 any profession or operating any business for which a credential is  
7 required by the Uniform Credentialing Act. The department may, along with  
8 other law enforcement agencies, investigate such reports or other  
9 complaints of unauthorized practice or unauthorized operation of a  
10 business. The director, with the recommendation of the appropriate board,  
11 may issue an order to cease and desist the unauthorized practice of such  
12 profession or unauthorized operation of such business as a measure to  
13 obtain compliance with the applicable credentialing requirements by the  
14 person or business prior to referral of the matter to the Attorney  
15 General for action. For businesses that do not have a board, the  
16 department may issue such cease and desist orders. Practice of such  
17 profession or operation of such business without a credential after  
18 receiving a cease and desist order is a Class III felony.

19 Sec. 2. Section 38-1,124, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 38-1,124 (1) The department shall enforce the Uniform Credentialing  
22 Act and for that purpose shall make necessary investigations. Every  
23 credential holder and every member of a board shall furnish the  
24 department such evidence as he or she may have relative to any alleged  
25 violation which is being investigated.

26 (2) Every credential holder shall report to the department the name  
27 of every person without a credential that he or she has reason to believe  
28 is engaged in practicing any profession or operating any business for  
29 which a credential is required by the Uniform Credentialing Act. The  
30 department may, along with the Attorney General and other law enforcement  
31 agencies, investigate such reports or other complaints of unauthorized

1 practice. The director, with the recommendation of the appropriate board,  
2 may issue an order to cease and desist the unauthorized practice of such  
3 profession or the unauthorized operation of such business as a measure to  
4 obtain compliance with the applicable credentialing requirements by the  
5 person prior to referral of the matter to the Attorney General for  
6 action. Practice of such profession or operation of such business without  
7 a credential after receiving a cease and desist order is a Class III  
8 felony.

9 (3) Any credential holder who is required to file a report of loss  
10 or theft of a controlled substance to the federal Drug Enforcement  
11 Administration shall provide a copy of such report to the department.

12 Sec. 3. Original sections 38-140 and 38-1,124, Reissue Revised  
13 Statutes of Nebraska, are repealed.

14 Sec. 4. Since an emergency exists, this act takes effect when  
15 passed and approved according to law.