

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 88

FINAL READING

Introduced by Blood, 3; Hansen, 26; Morfeld, 46; Wayne, 13; Williams, 36;
Brewer, 43; Linehan, 39; Crawford, 45; Halloran, 33.

Read first time January 05, 2017

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to health; to amend sections 38-101, 38-105,
2 38-121, 38-126, 38-186, 38-208, 38-319, 38-413, 38-517, 38-518,
3 38-615, 38-708, 38-809, 38-1066, 38-1067, 38-1070, 38-10,132,
4 38-1121, 38-1217, 38-1218, 38-1312, 38-1421, 38-1507, 38-1509,
5 38-1512, 38-1513, 38-1516, 38-1711, 38-1712, 38-1814, 38-1917,
6 38-1917.02, 38-2028, 38-2034, 38-2049, 38-2125, 38-2130, 38-2201,
7 38-2211, 38-2216, 38-2220, 38-2223, 38-2225, 38-2305, 38-2314.01,
8 38-2316, 38-2317, 38-2318, 38-2322, 38-2421, 38-2517, 38-2523,
9 38-2609, 38-2707, 38-2853, 38-2924, 38-3120, 38-3212, 38-3327, and
10 38-3419, Reissue Revised Statutes of Nebraska; to adopt the
11 Interstate Medical Licensure Compact; to terminate a prior Nurse
12 Licensure Compact and adopt a new Nurse Licensure Compact; to
13 provide for issuance of a temporary credential under the Uniform
14 Credentialing Act to the spouse of a military member based on
15 reciprocity as prescribed; to eliminate the Licensed Practical
16 Nurse-Certified Practice Act; to eliminate obsolete provisions; to
17 define and redefine terms; to authorize a licensed practical nurse
18 to provide intravenous therapy under the Nurse Practice Act; to
19 change program and licensure provisions under the Nurse Practitioner
20 Act, the Hearing Instrument Specialists Practice Act, and the Nurse
21 Practice Act; to harmonize provisions; to provide operative dates;

1 to repeal the original sections; to outright repeal sections
2 38-1601, 38-1602, 38-1603, 38-1604, 38-1605, 38-1606, 38-1607,
3 38-1608, 38-1609, 38-1610, 38-1611, 38-1612, 38-1613, 38-1614,
4 38-1615, 38-1616, 38-1617, 38-1618, 38-1619, 38-1620, 38-1621,
5 38-1622, 38-1623, 38-1624, and 38-1625, Reissue Revised Statutes of
6 Nebraska; and to declare an emergency.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 25 of this act shall be known and may be
2 cited as the Interstate Medical Licensure Compact.

3 Sec. 2. The purposes of the Interstate Medical Licensure Compact
4 are, through means of joint and cooperative action among the member
5 states of the compact (1) to develop a comprehensive process that
6 complements the existing licensing and regulatory authority of state
7 medical boards and that provides a streamlined process that allows
8 physicians to become licensed in multiple states, thereby enhancing the
9 portability of a medical license and ensuring the safety of patients, (2)
10 to create another pathway for licensure that does not otherwise change a
11 state's existing medicine and surgery practice act, (3) to adopt the
12 prevailing standard for licensure, affirm that the practice of medicine
13 occurs where the patient is located at the time of the physician-patient
14 encounter, and require the physician to be under the jurisdiction of the
15 state medical board where the patient is located, (4) to ensure that
16 state medical boards that participate in the compact retain the
17 jurisdiction to impose an adverse action against a license to practice
18 medicine in that state issued to a physician through the procedures in
19 the compact, and (5) to create the Interstate Medical Licensure Compact
20 Commission.

21 Sec. 3. For purposes of the Interstate Medical Licensure Compact:

22 (a) Bylaws means those bylaws established by the interstate
23 commission pursuant to section 12 of this act for its governance or for
24 directing and controlling its actions and conduct;

25 (b) Commissioner means the voting representative appointed by each
26 member board pursuant to section 12 of this act;

27 (c) Conviction means a finding by a court that an individual is
28 guilty of a criminal offense through adjudication or entry of a plea of
29 guilty or no contest to the charge by the offender. Evidence of an entry
30 of a conviction of a criminal offense by the court shall be considered
31 final for purposes of disciplinary action by a member board;

1 (d) Expedited license means a full and unrestricted medical license
2 granted by a member state to an eligible physician through the process
3 set forth in the compact;

4 (e) Interstate commission means the interstate commission created
5 pursuant to section 12 of this act;

6 (f) License means authorization by a state for a physician to engage
7 in the practice of medicine, which would be unlawful without the
8 authorization;

9 (g) Medicine and surgery practice act means laws and regulations
10 governing the practice of medicine within a member state;

11 (h) Member board means a state agency in a member state that acts in
12 the sovereign interests of the state by protecting the public through
13 licensure, regulation, and education of physicians as directed by the
14 state government;

15 (i) Member state means a state that has enacted the compact;

16 (j) Practice of medicine means the clinical prevention, diagnosis,
17 or treatment of human disease, injury, or condition requiring a physician
18 to obtain and maintain a license in compliance with the medicine and
19 surgery practice act of a member state;

20 (k) Physician means any person who:

21 (1) Is a graduate of a medical school accredited by the Liaison
22 Committee on Medical Education, the Commission on Osteopathic College
23 Accreditation, or a medical school listed in the International Medical
24 Education Directory or its equivalent;

25 (2) Passed each component of the United States Medical Licensing
26 Examination or the Comprehensive Osteopathic Medical Licensing
27 Examination within three attempts, or any of its predecessor examinations
28 accepted by a state medical board as an equivalent examination for
29 licensure purposes;

30 (3) Successfully completed graduate medical education approved by
31 the Accreditation Council for Graduate Medical Education or the American

1 Osteopathic Association;

2 (4) Holds specialty certification or a time-unlimited specialty
3 certificate recognized by the American Board of Medical Specialties or
4 the American Osteopathic Association's Bureau of Osteopathic Specialists;

5 (5) Possesses a full and unrestricted license to engage in the
6 practice of medicine issued by a member board;

7 (6) Has never been convicted, received adjudication, deferred
8 adjudication, community supervision, or deferred disposition for any
9 offense by a court of appropriate jurisdiction;

10 (7) Has never had a license authorizing the practice of medicine
11 subjected to discipline by a licensing agency in any state, federal, or
12 foreign jurisdiction, excluding any action related to nonpayment of fees
13 related to a license;

14 (8) Has never had a controlled substance license or permit suspended
15 or revoked by a state or the United States Drug Enforcement
16 Administration; and

17 (9) Is not under active investigation by a licensing agency or law
18 enforcement authority in any state, federal, or foreign jurisdiction;

19 (1) Offense means a felony, gross misdemeanor, or crime of moral
20 turpitude;

21 (m) Rule means a written statement by the interstate commission
22 promulgated pursuant to section 13 of this act that is of general
23 applicability, implements, interprets, or prescribes a policy or
24 provision of the compact, or an organizational, procedural, or practice
25 requirement of the interstate commission, and has the force and effect of
26 statutory law in a member state, and includes the amendment, repeal, or
27 suspension of an existing rule;

28 (n) State means any state, commonwealth, district, or territory of
29 the United States; and

30 (o) State of principal license means a member state where a
31 physician holds a license to practice medicine and which has been

1 designated as such by the physician for purposes of registration and
2 participation in the compact.

3 Sec. 4. (a) A physician must meet the eligibility requirements as
4 defined in subdivision (k) of section 3 of this act to receive an
5 expedited license under the terms and provisions of the Interstate
6 Medical Licensure Compact.

7 (b) A physician who does not meet the requirements of subdivision
8 (k) of section 3 of this act may obtain a license to practice medicine in
9 a member state if the individual complies with all laws and requirements,
10 other than the compact, relating to the issuance of a license to practice
11 medicine in that state.

12 Sec. 5. (a) A physician shall designate a member state as the state
13 of principal license for purposes of registration for expedited licensure
14 through the Interstate Medical Licensure Compact if the physician
15 possesses a full and unrestricted license to practice medicine in that
16 state, and the state is:

17 (1) The state of primary residence for the physician;

18 (2) The state where at least twenty-five percent of the practice of
19 medicine occurs;

20 (3) The location of the physician's employer;

21 (4) If no state qualifies under subdivision (1), (2), or (3) of this
22 subsection, the state designated as state of residence for purpose of
23 federal income tax.

24 (b) A physician may redesignate a member state as state of principal
25 license at any time, as long as the state meets the requirements in
26 subsection (a) of this section.

27 (c) The interstate commission is authorized to develop rules to
28 facilitate redesignation of another member state as the state of
29 principal license.

30 Sec. 6. (a) A physician seeking licensure through the Interstate
31 Medical Licensure Compact shall file an application for an expedited

1 license with the member board of the state selected by the physician as
2 the state of principal license.

3 (b) Upon receipt of an application for an expedited license, the
4 member board within the state selected as the state of principal license
5 shall evaluate whether the physician is eligible for expedited licensure
6 and issue a letter of qualification, verifying or denying the physician's
7 eligibility, to the interstate commission.

8 (i) Static qualifications, which include verification of medical
9 education, graduate medical education, results of any medical or
10 licensing examination, and other qualifications as determined by the
11 interstate commission through rule, shall not be subject to additional
12 primary source verification where already primary source verified by the
13 state of principal license.

14 (ii) The member board within the state selected as the state of
15 principal license shall, in the course of verifying eligibility, perform
16 a criminal background check of an applicant, including the use of the
17 results of fingerprint or other biometric data checks compliant with the
18 requirements of the Federal Bureau of Investigation, with the exception
19 of federal employees who have suitability determination in accordance
20 with 5 C.F.R. 731.202.

21 (iii) Appeal on the determination of eligibility shall be made to
22 the member state where the application was filed and shall be subject to
23 the law of that state.

24 (c) Upon verification in subsection (b) of this section, physicians
25 eligible for an expedited license shall complete the registration process
26 established by the interstate commission to receive a license in a member
27 state selected pursuant to subsection (a) of this section, including the
28 payment of any applicable fees.

29 (d) After receiving verification of eligibility under subsection (b)
30 of this section and any fees under subsection (c) of this section, a
31 member board shall issue an expedited license to the physician. This

1 license shall authorize the physician to practice medicine in the issuing
2 state consistent with the medicine and surgery practice act and all
3 applicable laws and regulations of the issuing member board and member
4 state.

5 (e) An expedited license shall be valid for a period consistent with
6 the licensure period in the member state and in the same manner as
7 required for other physicians holding a full and unrestricted license
8 within the member state.

9 (f) An expedited license obtained through the compact shall be
10 terminated if a physician fails to maintain a license in the state of
11 principal licensure for a nondisciplinary reason, without redesignation
12 of a new state of principal licensure.

13 (g) The interstate commission is authorized to develop rules
14 regarding the application process, including payment of any applicable
15 fees, and the issuance of an expedited license.

16 Sec. 7. (a) A member state issuing an expedited license authorizing
17 the practice of medicine in that state may impose a fee for a license
18 issued or renewed through the Interstate Medical Licensure Compact.

19 (b) The interstate commission is authorized to develop rules
20 regarding fees for expedited licenses.

21 Sec. 8. (a) A physician seeking to renew an expedited license
22 granted in a member state shall complete a renewal process with the
23 interstate commission if the physician:

24 (1) Maintains a full and unrestricted license in a state of
25 principal license;

26 (2) Has not been convicted, received adjudication, deferred
27 adjudication, community supervision, or deferred disposition for any
28 offense by a court of appropriate jurisdiction;

29 (3) Has not had a license authorizing the practice of medicine
30 subject to discipline by a licensing agency in any state, federal, or
31 foreign jurisdiction, excluding any action related to nonpayment of fees

1 related to a license; and

2 (4) Has not had a controlled substance license or permit suspended
3 or revoked by a state or the United States Drug Enforcement
4 Administration.

5 (b) Physicians shall comply with all continuing professional
6 development or continuing medical education requirements for renewal of a
7 license issued by a member state.

8 (c) The interstate commission shall collect any renewal fees charged
9 for the renewal of a license and distribute the fees to the applicable
10 member board.

11 (d) Upon receipt of any renewal fees collected in subsection (c) of
12 this section, a member board shall renew the physician's license.

13 (e) Physician information collected by the interstate commission
14 during the renewal process will be distributed to all member boards.

15 (f) The interstate commission is authorized to develop rules to
16 address renewal of licenses obtained through the Interstate Medical
17 Licensure Compact.

18 Sec. 9. (a) The interstate commission shall establish a data base
19 of all physicians licensed, or who have applied for licensure, under
20 section 6 of this act.

21 (b) Notwithstanding any other provision of law, member boards shall
22 report to the interstate commission any public action or complaints
23 against a licensed physician who has applied or received an expedited
24 license through the Interstate Medical Licensure Compact.

25 (c) Member boards shall report disciplinary or investigatory
26 information determined as necessary and proper by rule of the interstate
27 commission.

28 (d) Member boards may report any nonpublic complaint, disciplinary,
29 or investigatory information not required by subsection (c) of this
30 section to the interstate commission.

31 (e) Member boards shall share complaint or disciplinary information

1 about a physician upon request of another member board.

2 (f) All information provided to the interstate commission or
3 distributed by member boards shall be confidential, filed under seal, and
4 used only for investigatory or disciplinary matters.

5 (g) The interstate commission is authorized to develop rules for
6 mandated or discretionary sharing of information by member boards.

7 Sec. 10. (a) Licensure and disciplinary records of physicians are
8 deemed investigative.

9 (b) In addition to the authority granted to a member board by its
10 respective medicine and surgery practice act or other applicable state
11 law, a member board may participate with other member boards in joint
12 investigations of physicians licensed by the member boards.

13 (c) A subpoena issued by a member state shall be enforceable in
14 other member states.

15 (d) Member boards may share any investigative, litigation, or
16 compliance materials in furtherance of any joint or individual
17 investigation initiated under the Interstate Medical Licensure Compact.

18 (e) Any member state may investigate actual or alleged violations of
19 the statutes authorizing the practice of medicine in any other member
20 state in which a physician holds a license to practice medicine.

21 Sec. 11. (a) Any disciplinary action taken by any member board
22 against a physician licensed through the Interstate Medical Licensure
23 Compact shall be deemed unprofessional conduct which may be subject to
24 discipline by other member boards, in addition to any violation of the
25 medicine and surgery practice act or regulations in that state.

26 (b) If a license granted to a physician by the member board in the
27 state of principal license is revoked, surrendered or relinquished in
28 lieu of discipline, or suspended, then all licenses issued to the
29 physician by member boards shall automatically be placed, without further
30 action necessary by any member board, on the same status. If the member
31 board in the state of principal license subsequently reinstates the

1 physician's license, a license issued to the physician by any other
2 member board shall remain encumbered until that respective member board
3 takes action to reinstate the license in a manner consistent with the
4 medicine and surgery practice act of that state.

5 (c) If disciplinary action is taken against a physician by a member
6 board not in the state of principal license, any other member board may
7 deem the action conclusive as to matter of law and fact decided, and:

8 (i) Impose the same or lesser sanction against the physician so long
9 as such sanctions are consistent with the medicine and surgery practice
10 act of that state; or

11 (ii) Pursue separate disciplinary action against the physician under
12 its respective medicine and surgery practice act, regardless of the
13 action taken in other member states.

14 (d) If a license granted to a physician by a member board is
15 revoked, surrendered or relinquished in lieu of discipline, or suspended,
16 then any license issued to the physician by any other member board shall
17 be suspended, automatically and immediately without further action
18 necessary by the other member board, for ninety days upon entry of the
19 order by the disciplining board, to permit the member board to
20 investigate the basis for the action under the medicine and surgery
21 practice act of that state. A member board may terminate the automatic
22 suspension of the license it issued prior to the completion of the
23 ninety-day suspension period in a manner consistent with the medicine and
24 surgery practice act of that state.

25 Sec. 12. (a) The member states hereby create the Interstate Medical
26 Licensure Compact Commission.

27 (b) The purpose of the interstate commission is the administration
28 of the Interstate Medical Licensure Compact, which is a discretionary
29 state function.

30 (c) The interstate commission shall be a body corporate and joint
31 agency of the member states and shall have all the responsibilities,

1 powers, and duties set forth in the compact, and such additional powers
2 as may be conferred upon it by a subsequent concurrent action of the
3 respective legislatures of the member states in accordance with the terms
4 of the compact.

5 (d) The interstate commission shall consist of two voting
6 representatives appointed by each member state who shall serve as
7 commissioners. In states where allopathic and osteopathic physicians are
8 regulated by separate member boards, or if the licensing and disciplinary
9 authority is split between multiple member boards within a member state,
10 the member state shall appoint one representative from each member board.
11 A commissioner shall be:

12 (1) A physician appointed to a member board;

13 (2) An executive director, executive secretary, or similar executive
14 of a member board; or

15 (3) A member of the public appointed to a member board.

16 (e) The interstate commission shall meet at least once each calendar
17 year. A portion of this meeting shall be a business meeting to address
18 such matters as may properly come before the commission, including the
19 election of officers. The chairperson may call additional meetings and
20 shall call for a meeting upon the request of a majority of the member
21 states.

22 (f) The bylaws may provide for meetings of the interstate commission
23 to be conducted by telecommunication or electronic communication.

24 (g) Each commissioner participating at a meeting of the interstate
25 commission is entitled to one vote. A majority of commissioners shall
26 constitute a quorum for the transaction of business, unless a larger
27 quorum is required by the bylaws of the interstate commission. A
28 commissioner shall not delegate a vote to another commissioner. In the
29 absence of its commissioner, a member state may delegate voting authority
30 for a specified meeting to another person from that state who shall meet
31 the requirements of subsection (d) of this section.

1 (h) The interstate commission shall provide public notice of all
2 meetings and all meetings shall be open to the public. The interstate
3 commission may close a meeting, in full or in portion, where it
4 determines by a two-thirds vote of the commissioners present that an open
5 meeting would be likely to:

6 (1) Relate solely to the internal personnel practices and procedures
7 of the interstate commission;

8 (2) Discuss matters specifically exempted from disclosure by federal
9 statute;

10 (3) Discuss trade secrets, commercial, or financial information that
11 is privileged or confidential;

12 (4) Involve accusing a person of a crime, or formally censuring a
13 person;

14 (5) Discuss information of a personal nature where disclosure would
15 constitute a clearly unwarranted invasion of personal privacy;

16 (6) Discuss investigative records compiled for law enforcement
17 purposes; or

18 (7) Specifically relate to the participation in a civil action or
19 other legal proceeding.

20 (i) The interstate commission shall keep minutes which shall fully
21 describe all matters discussed in a meeting and shall provide a full and
22 accurate summary of actions taken, including record of any roll call
23 votes.

24 (j) The interstate commission shall make its information and
25 official records, to the extent not otherwise designated in the compact
26 or by its rules, available to the public for inspection.

27 (k) The interstate commission shall establish an executive
28 committee, which shall include officers, members, and others as
29 determined by the bylaws. The executive committee shall have the power to
30 act on behalf of the interstate commission, with the exception of
31 rulemaking, during periods when the interstate commission is not in

1 session. When acting on behalf of the interstate commission, the
2 executive committee shall oversee the administration of the compact
3 including enforcement and compliance with the provisions of the compact,
4 its bylaws and rules, and other such duties as necessary.

5 (l) The interstate commission may establish other committees for
6 governance and administration of the compact.

7 Sec. 13. The interstate commission shall have the duty and power
8 to:

9 (a) Oversee and maintain the administration of the Interstate
10 Medical Licensure Compact;

11 (b) Promulgate rules which shall be binding to the extent and in the
12 manner provided for in the compact;

13 (c) Issue, upon the request of a member state or member board,
14 advisory opinions concerning the meaning or interpretation of the
15 compact, its bylaws, rules, and actions;

16 (d) Enforce compliance with compact provisions, the rules
17 promulgated by the interstate commission, and the bylaws, using all
18 necessary and proper means, including, but not limited to, the use of
19 judicial process;

20 (e) Establish and appoint committees including, but not limited to,
21 an executive committee as required by section 12 of this act, which shall
22 have the power to act on behalf of the interstate commission in carrying
23 out its powers and duties;

24 (f) Pay, or provide for the payment of, the expenses related to the
25 establishment, organization, and ongoing activities of the interstate
26 commission;

27 (g) Establish and maintain one or more offices;

28 (h) Borrow, accept, hire, or contract for services of personnel;

29 (i) Purchase and maintain insurance and bonds;

30 (j) Employ an executive director who shall have such powers to
31 employ, select or appoint employees, agents, or consultants, and to

1 determine their qualifications, define their duties, and fix their
2 compensation;

3 (k) Establish personnel policies and programs relating to conflicts
4 of interest, rates of compensation, and qualifications of personnel;

5 (l) Accept donations and grants of money, equipment, supplies,
6 materials and services, and to receive, utilize, and dispose of it in a
7 manner consistent with the conflict of interest policies established by
8 the interstate commission;

9 (m) Lease, purchase, accept contributions or donations of, or
10 otherwise to own, hold, improve or use, any property, real, personal, or
11 mixed;

12 (n) Sell, convey, mortgage, pledge, lease, exchange, abandon, or
13 otherwise dispose of any property, real, personal, or mixed;

14 (o) Establish a budget and make expenditures;

15 (p) Adopt a seal and bylaws governing the management and operation
16 of the interstate commission;

17 (q) Report annually to the legislatures and governors of the member
18 states concerning the activities of the interstate commission during the
19 preceding year. Such reports shall also include reports of financial
20 audits and any recommendations that may have been adopted by the
21 interstate commission;

22 (r) Coordinate education, training, and public awareness regarding
23 the compact, its implementation, and its operation;

24 (s) Maintain records in accordance with the bylaws;

25 (t) Seek and obtain trademarks, copyrights, and patents; and

26 (u) Perform such functions as may be necessary or appropriate to
27 achieve the purposes of the compact.

28 Sec. 14. (a) The interstate commission may levy on and collect an
29 annual assessment from each member state to cover the cost of the
30 operations and activities of the interstate commission and its staff. The
31 total assessment must be sufficient to cover the annual budget approved

1 each year for which revenue is not provided by other sources. The
2 aggregate annual assessment amount shall be allocated upon a formula to
3 be determined by the interstate commission, which shall promulgate a rule
4 binding upon all member states.

5 (b) The interstate commission shall not incur obligations of any
6 kind prior to securing the funds adequate to meet the same.

7 (c) The interstate commission shall not pledge the credit of any of
8 the member states, except by, and with the authority of, the member
9 state.

10 (d) The interstate commission shall be subject to a yearly financial
11 audit conducted by a certified or licensed public accountant and the
12 report of the audit shall be included in the annual report of the
13 interstate commission.

14 Sec. 15. (a) The interstate commission shall, by a majority of
15 commissioners present and voting, adopt bylaws to govern its conduct as
16 may be necessary or appropriate to carry out the purposes of the
17 Interstate Medical Licensure Compact within twelve months of the first
18 interstate commission meeting.

19 (b) The interstate commission shall elect or appoint annually from
20 among its commissioners a chairperson, a vice-chairperson, and a
21 treasurer, each of whom shall have such authority and duties as may be
22 specified in the bylaws. The chairperson, or in the chairperson's absence
23 or disability, the vice-chairperson, shall preside at all meetings of the
24 interstate commission.

25 (c) Officers selected in subsection (b) of this section shall serve
26 without remuneration from the interstate commission.

27 (d) The officers and employees of the interstate commission shall be
28 immune from suit and liability, either personally or in their official
29 capacity, for a claim for damage to or loss of property or personal
30 injury or other civil liability caused or arising out of, or relating to,
31 an actual or alleged act, error, or omission that occurred, or that such

1 person had a reasonable basis for believing occurred, within the scope of
2 interstate commission employment, duties, or responsibilities; provided
3 that such person shall not be protected from suit or liability for
4 damage, loss, injury, or liability caused by the intentional or willful
5 and wanton misconduct of such person.

6 (1) The liability of the executive director and employees of the
7 interstate commission or representatives of the interstate commission,
8 acting within the scope of such person's employment or duties for acts,
9 errors, or omissions occurring within such person's state, may not exceed
10 the limits of liability set forth under the constitution and laws of that
11 state for state officials, employees, and agents. The interstate
12 commission is considered to be an instrumentality of the states for the
13 purposes of any such action. Nothing in this subsection shall be
14 construed to protect such person from suit or liability for damage, loss,
15 injury, or liability caused by the intentional or willful and wanton
16 misconduct of such person.

17 (2) The interstate commission shall defend the executive director,
18 its employees, and subject to the approval of the attorney general or
19 other appropriate legal counsel of the member state represented by an
20 interstate commission representative, shall defend such interstate
21 commission representative in any civil action seeking to impose liability
22 arising out of an actual or alleged act, error, or omission that occurred
23 within the scope of interstate commission employment, duties, or
24 responsibilities, or that the defendant had a reasonable basis for
25 believing occurred within the scope of interstate commission employment,
26 duties, or responsibilities, provided that the actual or alleged act,
27 error, or omission did not result from intentional or willful and wanton
28 misconduct on the part of such person.

29 (3) To the extent not covered by the state involved, member state,
30 or the interstate commission, the representatives or employees of the
31 interstate commission shall be held harmless in the amount of a

1 settlement or judgment, including attorney's fees and costs, obtained
2 against such persons arising out of an actual or alleged act, error, or
3 omission that occurred within the scope of interstate commission
4 employment, duties, or responsibilities, or that such persons had a
5 reasonable basis for believing occurred within the scope of interstate
6 commission employment, duties, or responsibilities, provided that the
7 actual or alleged act, error, or omission did not result from intentional
8 or willful and wanton misconduct on the part of such persons.

9 Sec. 16. (a) The interstate commission shall promulgate reasonable
10 rules in order to effectively and efficiently achieve the purposes of the
11 Interstate Medical Licensure Compact. Notwithstanding the foregoing, in
12 the event the interstate commission exercises its rulemaking authority in
13 a manner that is beyond the scope of the purposes of the compact, or the
14 powers granted hereunder, then such an action by the interstate
15 commission shall be invalid and have no force or effect.

16 (b) Rules deemed appropriate for the operations of the interstate
17 commission shall be made pursuant to a rulemaking process that
18 substantially conforms to the Revised Model State Administrative
19 Procedure Act of 2010 and subsequent amendments thereto.

20 (c) Not later than thirty days after a rule is promulgated, any
21 person may file a petition for judicial review of the rule in the United
22 States District Court for the District of Columbia or the federal
23 district where the interstate commission has its principal offices. The
24 filing of such a petition shall not stay or otherwise prevent the rule
25 from becoming effective unless the court finds that the petitioner has a
26 substantial likelihood of success. The court shall give deference to the
27 actions of the interstate commission consistent with applicable law and
28 shall not find the rule to be unlawful if the rule represents a
29 reasonable exercise of the authority granted to the interstate
30 commission.

31 Sec. 17. (a) The executive, legislative, and judicial branches of

1 state government in each member state shall enforce the Interstate
2 Medical Licensure Compact and shall take all actions necessary and
3 appropriate to effectuate the compact's purposes and intent. The
4 provisions of the compact and the rules promulgated under the compact
5 shall have standing as statutory law but shall not override existing
6 state authority to regulate the practice of medicine.

7 (b) All courts shall take judicial notice of the compact and the
8 rules in any judicial or administrative proceeding in a member state
9 pertaining to the subject matter of the compact which may affect the
10 powers, responsibilities or actions of the interstate commission.

11 (c) The interstate commission shall be entitled to receive all
12 service of process in any such proceeding, and shall have standing to
13 intervene in the proceeding for all purposes. Failure to provide service
14 of process to the interstate commission shall render a judgment or order
15 void as to the interstate commission, the compact, or promulgated rules.

16 Sec. 18. (a) The interstate commission, in the reasonable exercise
17 of its discretion, shall enforce the provisions and rules of the
18 Interstate Medical Licensure Compact.

19 (b) The interstate commission may, by majority vote of the
20 commissioners, initiate legal action in the United States District Court
21 for the District of Columbia, or, at the discretion of the interstate
22 commission, in the federal district where the interstate commission has
23 its principal offices, to enforce compliance with the provisions of the
24 compact, and its promulgated rules and bylaws, against a member state in
25 default. The relief sought may include both injunctive relief and
26 damages. In the event judicial enforcement is necessary, the prevailing
27 party shall be awarded all costs of such litigation including reasonable
28 attorney's fees.

29 (c) The remedies in the compact shall not be the exclusive remedies
30 of the interstate commission. The interstate commission may avail itself
31 of any other remedies available under state law or the regulation of a

1 profession.

2 Sec. 19. (a) The grounds for default include, but are not limited
3 to, failure of a member state to perform such obligations or
4 responsibilities imposed upon it by the Interstate Medical Licensure
5 Compact, or the rules and bylaws of the interstate commission promulgated
6 under the compact.

7 (b) If the interstate commission determines that a member state has
8 defaulted in the performance of its obligations or responsibilities under
9 the compact, or the bylaws or promulgated rules, the interstate
10 commission shall:

11 (1) Provide written notice to the defaulting state and other member
12 states, of the nature of the default, the means of curing the default,
13 and any action taken by the interstate commission. The interstate
14 commission shall specify the conditions by which the defaulting state
15 must cure its default; and

16 (2) Provide remedial training and specific technical assistance
17 regarding the default.

18 (c) If the defaulting state fails to cure the default, the
19 defaulting state shall be terminated from the compact upon an affirmative
20 vote of a majority of the commissioners and all rights, privileges, and
21 benefits conferred by the compact shall terminate on the effective date
22 of termination. A cure of the default does not relieve the offending
23 state of obligations or liabilities incurred during the period of the
24 default.

25 (d) Termination of membership in the compact shall be imposed only
26 after all other means of securing compliance have been exhausted. Notice
27 of intent to terminate shall be given by the interstate commission to the
28 governor, the majority and minority leaders of the defaulting state's
29 legislature, and each of the member states.

30 (e) The interstate commission shall establish rules and procedures
31 to address licenses and physicians that are materially impacted by the

1 termination of a member state, or the withdrawal of a member state.

2 (f) The member state which has been terminated is responsible for
3 all dues, obligations, and liabilities incurred through the effective
4 date of termination including obligations, the performance of which
5 extends beyond the effective date of termination.

6 (g) The interstate commission shall not bear any costs relating to
7 any state that has been found to be in default or which has been
8 terminated from the compact, unless otherwise mutually agreed upon in
9 writing between the interstate commission and the defaulting state.

10 (h) The defaulting state may appeal the action of the interstate
11 commission by petitioning the United States District Court for the
12 District of Columbia or the federal district where the interstate
13 commission has its principal offices. The prevailing party shall be
14 awarded all costs of such litigation including reasonable attorney's
15 fees.

16 Sec. 20. (a) The interstate commission shall attempt, upon the
17 request of a member state, to resolve disputes which are subject to the
18 Interstate Medical Licensure Compact and which may arise among member
19 states or member boards.

20 (b) The interstate commission shall promulgate rules providing for
21 both mediation and binding dispute resolution as appropriate.

22 Sec. 21. (a) Any state is eligible to become a member state of the
23 Interstate Medical Licensure Compact.

24 (b) The compact shall become effective and binding upon legislative
25 enactment of the compact into law by no less than seven states.
26 Thereafter, it shall become effective and binding on a state upon
27 enactment of the compact into law by that state.

28 (c) The governors of nonmember states, or their designees, shall be
29 invited to participate in the activities of the interstate commission on
30 a nonvoting basis prior to adoption of the compact by all states.

31 (d) The interstate commission may propose amendments to the compact

1 for enactment by the member states. No amendment shall become effective
2 and binding upon the interstate commission and the member states unless
3 and until it is enacted into law by unanimous consent of the member
4 states.

5 Sec. 22. (a) Once effective, the Interstate Medical Licensure
6 Compact shall continue in force and remain binding upon each and every
7 member state, except that a member state may withdraw from the compact by
8 specifically repealing the statute which enacted the compact into law.

9 (b) Withdrawal from the compact shall be by the enactment of a
10 statute repealing the same, but shall not take effect until one year
11 after the effective date of such statute and until written notice of the
12 withdrawal has been given by the withdrawing state to the governor of
13 each other member state.

14 (c) The withdrawing state shall immediately notify the chairperson
15 of the interstate commission in writing upon the introduction of
16 legislation repealing the compact in the withdrawing state.

17 (d) The interstate commission shall notify the other member states
18 of the withdrawing state's intent to withdraw within sixty days of its
19 receipt of notice provided under subsection (c) of this section.

20 (e) The withdrawing state is responsible for all dues, obligations,
21 and liabilities incurred through the effective date of withdrawal,
22 including obligations, the performance of which extend beyond the
23 effective date of withdrawal.

24 (f) Reinstatement following withdrawal of a member state shall occur
25 upon the withdrawing state reenacting the compact or upon such later date
26 as determined by the interstate commission.

27 (g) The interstate commission is authorized to develop rules to
28 address the impact of the withdrawal of a member state on licenses
29 granted in other member states to physicians who designated the
30 withdrawing member state as the state of principal license.

31 Sec. 23. (a) The Interstate Medical Licensure Compact shall

1 dissolve effective upon the date of the withdrawal or default of the
2 member state which reduces the membership in the compact to one member
3 state.

4 (b) Upon the dissolution of the compact, the compact becomes null
5 and void and shall be of no further force or effect, and the business and
6 affairs of the interstate commission shall be concluded and surplus funds
7 shall be distributed in accordance with the bylaws.

8 Sec. 24. (a) The provisions of the Interstate Medical Licensure
9 Compact shall be severable, and if any phrase, clause, sentence, or
10 provision is deemed unenforceable, the remaining provisions of the
11 compact shall be enforceable.

12 (b) The provisions of the compact shall be liberally construed to
13 effectuate its purposes.

14 (c) Nothing in the compact shall be construed to prohibit the
15 applicability of other interstate compacts to which the states are
16 members.

17 Sec. 25. (a) Nothing in the Interstate Medical Licensure Compact
18 prevents the enforcement of any other law of a member state that is not
19 inconsistent with the compact.

20 (b) All laws in a member state in conflict with the compact are
21 superseded to the extent of the conflict.

22 (c) All lawful actions of the interstate commission, including all
23 rules and bylaws promulgated by the commission, are binding upon the
24 member states.

25 (d) All agreements between the interstate commission and the member
26 states are binding in accordance with their terms.

27 (e) In the event any provision of the compact exceeds the
28 constitutional limits imposed on the legislature of any member state,
29 such provision shall be ineffective to the extent of the conflict with
30 the constitutional provision in question in that member state.

31 Sec. 26. The State of Nebraska adopts the Nurse Licensure Compact

1 in the form substantially as follows:

2 Nurse Licensure Compact

3 ARTICLE I

4 Findings and Declaration of Purpose

5 a. The party states find that:

6 1. The health and safety of the public are affected by the degree of
7 compliance with and the effectiveness of enforcement activities related
8 to state nurse licensure laws;

9 2. Violations of nurse licensure and other laws regulating the
10 practice of nursing may result in injury or harm to the public;

11 3. The expanded mobility of nurses and the use of advanced
12 communication technologies as part of our nation's health care delivery
13 system require greater coordination and cooperation among states in the
14 areas of nurse licensure and regulation;

15 4. New practice modalities and technology make compliance with
16 individual state nurse licensure laws difficult and complex;

17 5. The current system of duplicative licensure for nurses practicing
18 in multiple states is cumbersome and redundant for both nurses and
19 states; and

20 6. Uniformity of nurse licensure requirements throughout the states
21 promotes public safety and public health benefits.

22 b. The general purposes of this Compact are to:

23 1. Facilitate the states' responsibility to protect the public's
24 health and safety;

25 2. Ensure and encourage the cooperation of party states in the areas
26 of nurse licensure and regulation;

27 3. Facilitate the exchange of information between party states in
28 the areas of nurse regulation, investigation, and adverse actions;

29 4. Promote compliance with the laws governing the practice of
30 nursing in each jurisdiction;

31 5. Invest all party states with the authority to hold a nurse

1 accountable for meeting all state practice laws in the state in which the
2 patient is located at the time care is rendered through the mutual
3 recognition of party state licenses;

4 6. Decrease redundancies in the consideration and issuance of nurse
5 licenses; and

6 7. Provide opportunities for interstate practice by nurses who meet
7 uniform licensure requirements.

8 ARTICLE II

9 Definitions

10 As used in this Compact:

11 a. Adverse action means any administrative, civil, equitable, or
12 criminal action permitted by a state's laws which is imposed by a
13 licensing board or other authority against a nurse, including actions
14 against an individual's license or multistate licensure privilege such as
15 revocation, suspension, probation, monitoring of the licensee, limitation
16 on the licensee's practice, or any other encumbrance on licensure
17 affecting a nurse's authorization to practice, including issuance of a
18 cease and desist action.

19 b. Alternative program means a nondisciplinary monitoring program
20 approved by a licensing board.

21 c. Coordinated licensure information system means an integrated
22 process for collecting, storing, and sharing information on nurse
23 licensure and enforcement activities related to nurse licensure laws that
24 is administered by a nonprofit organization composed of and controlled by
25 licensing boards.

26 d. Current significant investigative information means:

27 1. Investigative information that a licensing board, after a
28 preliminary inquiry that includes notification and an opportunity for the
29 nurse to respond, if required by state law, has reason to believe is not
30 groundless and, if proved true, would indicate more than a minor
31 infraction; or

1 2. Investigative information that indicates that the nurse
2 represents an immediate threat to public health and safety regardless of
3 whether the nurse has been notified and had an opportunity to respond.

4 e. Encumbrance means a revocation or suspension of, or any
5 limitation on, the full and unrestricted practice of nursing imposed by a
6 licensing board.

7 f. Home state means the party state which is the nurse's primary
8 state of residence.

9 g. Licensing board means a party state's regulatory body responsible
10 for issuing nurse licenses.

11 h. Multistate license means a license to practice as a registered or
12 a licensed practical/vocational nurse (LPN/VN) issued by a home state
13 licensing board that authorizes the licensed nurse to practice in all
14 party states under a multistate licensure privilege.

15 i. Multistate licensure privilege means a legal authorization
16 associated with a multistate license permitting the practice of nursing
17 as either a registered nurse (RN) or licensed practical/vocational nurse
18 in a remote state.

19 j. Nurse means a registered nurse or a licensed practical/vocational
20 nurse, as those terms are defined by each party state's practice laws.

21 k. Party state means any state that has adopted this Compact.

22 l. Remote state means a party state, other than the home state.

23 m. Single-state license means a nurse license issued by a party
24 state that authorizes practice only within the issuing state and does not
25 include a multistate licensure privilege to practice in any other party
26 state.

27 n. State means a state, territory, or possession of the United
28 States and the District of Columbia.

29 o. State practice laws means a party state's laws, rules, and
30 regulations that govern the practice of nursing, define the scope of
31 nursing practice, and create the methods and grounds for imposing

1 discipline. State practice laws do not include requirements necessary to
2 obtain and retain a license, except for qualifications or requirements of
3 the home state.

4 ARTICLE III

5 General Provisions and Jurisdiction

6 a. A multistate license to practice registered or licensed
7 practical/vocational nursing issued by a home state to a resident in that
8 state will be recognized by each party state as authorizing a nurse to
9 practice as a registered nurse (RN) or as a licensed practical/vocational
10 nurse (LPN/VN), under a multistate licensure privilege, in each party
11 state.

12 b. A state must implement procedures for considering the criminal
13 history records of applicants for initial multistate license or licensure
14 by endorsement. Such procedures shall include the submission of
15 fingerprints or other biometric-based information by applicants for the
16 purpose of obtaining an applicant's criminal history record information
17 from the Federal Bureau of Investigation and the agency responsible for
18 retaining that state's criminal records.

19 c. Each party state shall require the following for an applicant to
20 obtain or retain a multistate license in the home state:

21 1. Meets the home state's qualifications for licensure or renewal of
22 licensure, as well as, all other applicable state laws;

23 2. i. Has graduated or is eligible to graduate from a licensing
24 board-approved registered nurse or licensed practical/vocational nurse
25 prelicensure education program; or

26 ii. Has graduated from a foreign registered nurse or licensed
27 practical/vocational nurse prelicensure education program that (a) has
28 been approved by the authorized accrediting body in the applicable
29 country and (b) has been verified by an independent credentials review
30 agency to be comparable to a licensing board-approved prelicensure
31 education program;

1 3. Has, if a graduate of a foreign prelicensure education program
2 not taught in English or if English is not the individual's native
3 language, successfully passed an English proficiency examination that
4 includes the components of reading, speaking, writing, and listening;

5 4. Has successfully passed an NCLEX-RN® or NCLEX-PN® Examination or
6 recognized predecessor, as applicable;

7 5. Is eligible for or holds an active, unencumbered license;

8 6. Has submitted, in connection with an application for initial
9 licensure or licensure by endorsement, fingerprints, or other biometric
10 data for the purpose of obtaining criminal history record information
11 from the Federal Bureau of Investigation and the agency responsible for
12 retaining that state's criminal records;

13 7. Has not been convicted or found guilty, or has entered into an
14 agreed disposition, of a felony offense under applicable state or federal
15 criminal law;

16 8. Has not been convicted or found guilty, or has entered into an
17 agreed disposition, of a misdemeanor offense related to the practice of
18 nursing as determined on a case-by-case basis;

19 9. Is not currently enrolled in an alternative program;

20 10. Is subject to self-disclosure requirements regarding current
21 participation in an alternative program; and

22 11. Has a valid United States social security number.

23 d. All party states shall be authorized, in accordance with existing
24 state due process law, to take adverse action against a nurse's
25 multistate licensure privilege such as revocation, suspension, probation,
26 or any other action that affects a nurse's authorization to practice
27 under a multistate licensure privilege, including cease and desist
28 actions. If a party state takes such action, it shall promptly notify the
29 administrator of the coordinated licensure information system. The
30 administrator of the coordinated licensure information system shall
31 promptly notify the home state of any such actions by remote states.

1 e. A nurse practicing in a party state must comply with the state
2 practice laws of the state in which the client is located at the time
3 service is provided. The practice of nursing is not limited to patient
4 care, but shall include all nursing practice as defined by the state
5 practice laws of the party state in which the client is located. The
6 practice of nursing in a party state under a multistate licensure
7 privilege will subject a nurse to the jurisdiction of the licensing
8 board, the courts, and the laws of the party state in which the client is
9 located at the time service is provided.

10 f. Individuals not residing in a party state shall continue to be
11 able to apply for a party state's single-state license as provided under
12 the laws of each party state. However, the single-state license granted
13 to these individuals will not be recognized as granting the privilege to
14 practice nursing in any other party state. Nothing in this Compact shall
15 affect the requirements established by a party state for the issuance of
16 a single-state license.

17 g. Any nurse holding a home state multistate license, on the
18 effective date of this Compact, may retain and renew the multistate
19 license issued by the nurse's then-current home state, provided that:

20 1. A nurse, who changes primary state of residence after this
21 Compact's effective date, must meet all applicable Article III.c.
22 requirements to obtain a multistate license from a new home state.

23 2. A nurse who fails to satisfy the multistate licensure
24 requirements in Article III.c. due to a disqualifying event occurring
25 after this Compact's effective date shall be ineligible to retain or
26 renew a multistate license, and the nurse's multistate license shall be
27 revoked or deactivated in accordance with applicable rules adopted by the
28 Interstate Commission of Nurse Licensure Compact Administrators.

29 ARTICLE IV

30 Applications for Licensure in a Party State

31 a. Upon application for a multistate license, the licensing board in

1 the issuing party state shall ascertain, through the coordinated
2 licensure information system, whether the applicant has ever held, or is
3 the holder of, a license issued by any other state, whether there are any
4 encumbrances on any license or multistate licensure privilege held by the
5 applicant, whether any adverse action has been taken against any license
6 or multistate licensure privilege held by the applicant and whether the
7 applicant is currently participating in an alternative program.

8 b. A nurse may hold a multistate license, issued by the home state,
9 in only one party state at a time.

10 c. If a nurse changes primary state of residence by moving between
11 two party states, the nurse must apply for licensure in the new home
12 state, and the multistate license issued by the prior home state will be
13 deactivated in accordance with applicable rules adopted by the Interstate
14 Commission of Nurse Licensure Compact Administrators.

15 1. The nurse may apply for licensure in advance of a change in
16 primary state of residence.

17 2. A multistate license shall not be issued by the new home state
18 until the nurse provides satisfactory evidence of a change in primary
19 state of residence to the new home state and satisfies all applicable
20 requirements to obtain a multistate license from the new home state.

21 d. If a nurse changes primary state of residence by moving from a
22 party state to a nonparty state, the multistate license issued by the
23 prior home state will convert to a single-state license, valid only in
24 the former home state.

25 ARTICLE V

26 Additional Authorities Invested in Party State Licensing Boards

27 a. In addition to the other powers conferred by state law, a
28 licensing board shall have the authority to:

29 1. Take adverse action against a nurse's multistate licensure
30 privilege to practice within that party state.

31 i. Only the home state shall have the power to take adverse action

1 against a nurse's license issued by the home state.

2 ii. For purposes of taking adverse action, the home state licensing
3 board shall give the same priority and effect to reported conduct
4 received from a remote state as it would if such conduct had occurred
5 within the home state. In so doing, the home state shall apply its own
6 state laws to determine appropriate action.

7 2. Issue cease and desist orders or impose an encumbrance on a
8 nurse's authority to practice within that party state.

9 3. Complete any pending investigations of a nurse who changes
10 primary state of residence during the course of such investigations. The
11 licensing board shall also have the authority to take appropriate actions
12 and shall promptly report the conclusions of such investigations to the
13 administrator of the coordinated licensure information system. The
14 administrator of the coordinated licensure information system shall
15 promptly notify the new home state of any such actions.

16 4. Issue subpoenas for both hearings and investigations that require
17 the attendance and testimony of witnesses, as well as, the production of
18 evidence. Subpoenas issued by a licensing board in a party state for the
19 attendance and testimony of witnesses or the production of evidence from
20 another party state shall be enforced in the latter state by any court of
21 competent jurisdiction, according to the practice and procedure of that
22 court applicable to subpoenas issued in proceedings pending before it.
23 The issuing authority shall pay any witness fees, travel expenses,
24 mileage and other fees required by the service statutes of the state in
25 which the witnesses or evidence are located.

26 5. Obtain and submit, for each nurse licensure applicant,
27 fingerprint or other biometric-based information to the Federal Bureau of
28 Investigation for criminal background checks, receive the results of the
29 Federal Bureau of Investigation record search on criminal background
30 checks, and use the results in making licensure decisions.

31 6. If otherwise permitted by state law, recover from the affected

1 nurse the costs of investigations and disposition of cases resulting from
2 any adverse action taken against that nurse.

3 7. Take adverse action based on the factual findings of the remote
4 state, provided that the licensing board follows its own procedures for
5 taking such adverse action.

6 b. If adverse action is taken by the home state against a nurse's
7 multistate license, the nurse's multistate licensure privilege to
8 practice in all other party states shall be deactivated until all
9 encumbrances have been removed from the multistate license. All home
10 state disciplinary orders that impose adverse action against a nurse's
11 multistate license shall include a statement that the nurse's multistate
12 licensure privilege is deactivated in all party states during the
13 pendency of the order.

14 c. Nothing in this Compact shall override a party state's decision
15 that participation in an alternative program may be used in lieu of
16 adverse action. The home state licensing board shall deactivate the
17 multistate licensure privilege under the multistate license of any nurse
18 for the duration of the nurse's participation in an alternative program.

19 ARTICLE VI

20 Coordinated Licensure Information System and Exchange of Information

21 a. All party states shall participate in a coordinated licensure
22 information system of all licensed registered nurses and licensed
23 practical/vocational nurses. This system will include information on the
24 licensure and disciplinary history of each nurse, as submitted by party
25 states, to assist in the coordination of nurse licensure and enforcement
26 efforts.

27 b. The Interstate Commission of Nurse Licensure Compact
28 Administrators, in consultation with the administrator of the coordinated
29 licensure information system, shall formulate necessary and proper
30 procedures for the identification, collection, and exchange of
31 information under this Compact.

1 c. All licensing boards shall promptly report to the coordinated
2 licensure information system any adverse action, any current significant
3 investigative information, denials of applications (with the reasons for
4 such denials), and nurse participation in alternative programs known to
5 the licensing board regardless of whether such participation is deemed
6 nonpublic or confidential under state law.

7 d. Current significant investigative information and participation
8 in nonpublic or confidential alternative programs shall be transmitted
9 through the coordinated licensure information system only to party state
10 licensing boards.

11 e. Notwithstanding any other provision of law, all party state
12 licensing boards contributing information to the coordinated licensure
13 information system may designate information that may not be shared with
14 nonparty states or disclosed to other entities or individuals without the
15 express permission of the contributing state.

16 f. Any personally identifiable information obtained from the
17 coordinated licensure information system by a party state licensing board
18 shall not be shared with nonparty states or disclosed to other entities
19 or individuals except to the extent permitted by the laws of the party
20 state contributing the information.

21 g. Any information contributed to the coordinated licensure
22 information system that is subsequently required to be expunged by the
23 laws of the party state contributing that information shall also be
24 expunged from the coordinated licensure information system.

25 h. The Compact administrator of each party state shall furnish a
26 uniform data set to the Compact administrator of each other party state,
27 which shall include, at a minimum:

- 28 1. Identifying information;
29 2. Licensure data;
30 3. Information related to alternative program participation; and
31 4. Other information that may facilitate the administration of this

1 Compact, as determined by rules of the Interstate Commission of Nurse
2 Licensure Compact Administrators.

3 i. The Compact administrator of a party state shall provide all
4 investigative documents and information requested by another party state.

5 ARTICLE VII

6 Establishment of the Interstate Commission of Nurse Licensure
7 Compact Administrators

8 a. The party states hereby create and establish a joint public
9 entity known as the Interstate Commission of Nurse Licensure Compact
10 Administrators.

11 1. The Commission is an instrumentality of the party states.

12 2. Venue is proper, and judicial proceedings by or against the
13 Commission shall be brought solely and exclusively, in a court of
14 competent jurisdiction where the principal office of the Commission is
15 located. The Commission may waive venue and jurisdictional defenses to
16 the extent it adopts or consents to participate in alternative dispute
17 resolution proceedings.

18 3. Nothing in this Compact shall be construed to be a waiver of
19 sovereign immunity.

20 b. Membership, Voting, and Meetings

21 1. Each party state shall have and be limited to one administrator.
22 The head of the state licensing board or designee shall be the
23 administrator of this Compact for each party state. Any administrator may
24 be removed or suspended from office as provided by the law of the state
25 from which the Administrator is appointed. Any vacancy occurring in the
26 Commission shall be filled in accordance with the laws of the party state
27 in which the vacancy exists.

28 2. Each administrator shall be entitled to one vote with regard to
29 the promulgation of rules and creation of bylaws and shall otherwise have
30 an opportunity to participate in the business and affairs of the
31 Commission. An administrator shall vote in person or by such other means

1 as provided in the bylaws. The bylaws may provide for an administrator's
2 participation in meetings by telephone or other means of communication.

3 3. The Commission shall meet at least once during each calendar
4 year. Additional meetings shall be held as set forth in the bylaws or
5 rules of the commission.

6 4. All meetings shall be open to the public, and public notice of
7 meetings shall be given in the same manner as required under the
8 rulemaking provisions in Article VIII.

9 5. The Commission may convene in a closed, nonpublic meeting if the
10 Commission must discuss:

11 i. Noncompliance of a party state with its obligations under this
12 Compact;

13 ii. The employment, compensation, discipline, or other personnel
14 matters, practices, or procedures related to specific employees or other
15 matters related to the Commission's internal personnel practices and
16 procedures;

17 iii. Current, threatened, or reasonably anticipated litigation;

18 iv. Negotiation of contracts for the purchase or sale of goods,
19 services, or real estate;

20 v. Accusing any person of a crime or formally censuring any person;

21 vi. Disclosure of trade secrets or commercial or financial
22 information that is privileged or confidential;

23 vii. Disclosure of information of a personal nature where disclosure
24 would constitute a clearly unwarranted invasion of personal privacy;

25 viii. Disclosure of investigatory records compiled for law
26 enforcement purposes;

27 ix. Disclosure of information related to any reports prepared by or
28 on behalf of the Commission for the purpose of investigation of
29 compliance with this Compact; or

30 x. Matters specifically exempted from disclosure by federal or state
31 statute.

1 6. If a meeting, or portion of a meeting, is closed pursuant to this
2 provision, the Commission's legal counsel or designee shall certify that
3 the meeting may be closed and shall reference each relevant exempting
4 provision. The Commission shall keep minutes that fully and clearly
5 describe all matters discussed in a meeting and shall provide a full and
6 accurate summary of actions taken, and the reasons therefor, including a
7 description of the views expressed. All documents considered in
8 connection with an action shall be identified in such minutes. All
9 minutes and documents of a closed meeting shall remain under seal,
10 subject to release by a majority vote of the Commission or order of a
11 court of competent jurisdiction.

12 c. The Commission shall, by a majority vote of the administrators,
13 prescribe bylaws or rules to govern its conduct as may be necessary or
14 appropriate to carry out the purposes and exercise the powers of this
15 Compact, including, but not limited to:

16 1. Establishing the fiscal year of the Commission;

17 2. Providing reasonable standards and procedures:

18 i. For the establishment and meetings of other committees; and

19 ii. Governing any general or specific delegation of any authority or
20 function of the Commission;

21 3. Providing reasonable procedures for calling and conducting
22 meetings of the Commission, ensuring reasonable advance notice of all
23 meetings and providing an opportunity for attendance of such meetings by
24 interested parties, with enumerated exceptions designed to protect the
25 public's interest, the privacy of individuals, and proprietary
26 information, including trade secrets. The Commission may meet in closed
27 session only after a majority of the administrators vote to close a
28 meeting in whole or in part. As soon as practicable, the Commission must
29 make public a copy of the vote to close the meeting revealing the vote of
30 each administrator, with no proxy votes allowed;

31 4. Establishing the titles, duties, and authority and reasonable

1 procedures for the election of the officers of the Commission;

2 5. Providing reasonable standards and procedures for the
3 establishment of the personnel policies and programs of the Commission.
4 Notwithstanding any civil service or other similar laws of any party
5 state, the bylaws shall exclusively govern the personnel policies and
6 programs of the Commission; and

7 6. Providing a mechanism for winding up the operations of the
8 Commission and the equitable disposition of any surplus funds that may
9 exist after the termination of this Compact after the payment or
10 reserving of all of its debts and obligations;

11 d. The Commission shall publish its bylaws and rules, and any
12 amendments thereto, in a convenient form on the web site of the
13 Commission.

14 e. The Commission shall maintain its financial records in accordance
15 with the bylaws.

16 f. The Commission shall meet and take such actions as are consistent
17 with the provisions of this Compact and the bylaws.

18 g. The Commission shall have the following powers:

19 1. To promulgate uniform rules to facilitate and coordinate
20 implementation and administration of this Compact. The rules shall have
21 the force and effect of law and shall be binding in all party states;

22 2. To bring and prosecute legal proceedings or actions in the name
23 of the Commission, provided that the standing of any licensing board to
24 sue or be sued under applicable law shall not be affected;

25 3. To purchase and maintain insurance and bonds;

26 4. To borrow, accept, or contract for services of personnel,
27 including, but not limited to, employees of a party state or nonprofit
28 organizations;

29 5. To cooperate with other organizations that administer state
30 compacts related to the regulation of nursing, including, but not limited
31 to, sharing administrative or staff expenses, office space or other

1 resources;

2 6. To hire employees, elect or appoint officers, fix compensation,
3 define duties, grant such individuals appropriate authority to carry out
4 the purposes of this Compact, and to establish the Commission's personnel
5 policies and programs relating to conflicts of interest, qualifications
6 of personnel, and other related personnel matters;

7 7. To accept any and all appropriate donations, grants, and gifts of
8 money, equipment, supplies, materials, and services, and to receive,
9 utilize, and dispose of the same; provided that at all times the
10 Commission shall avoid any appearance of impropriety or conflict of
11 interest;

12 8. To lease, purchase, accept appropriate gifts or donations of, or
13 otherwise to own, hold, improve, or use, any property, whether real,
14 personal, or mixed; provided that at all times the Commission shall avoid
15 any appearance of impropriety;

16 9. To sell, convey, mortgage, pledge, lease, exchange, abandon, or
17 otherwise dispose of any property, whether real, personal, or mixed;

18 10. To establish a budget and make expenditures;

19 11. To borrow money;

20 12. To appoint committees, including advisory committees comprised
21 of administrators, state nursing regulators, state legislators or their
22 representatives, and consumer representatives, and other such interested
23 persons;

24 13. To provide and receive information from, and to cooperate with,
25 law enforcement agencies;

26 14. To adopt and use an official seal; and

27 15. To perform such other functions as may be necessary or
28 appropriate to achieve the purposes of this Compact consistent with the
29 state regulation of nurse licensure and practice.

30 h. Financing of the Commission

31 1. The Commission shall pay, or provide for the payment of, the

1 reasonable expenses of its establishment, organization, and ongoing
2 activities.

3 2. The Commission may also levy on and collect an annual assessment
4 from each party state to cover the cost of its operations, activities,
5 and staff in its annual budget as approved each year. The aggregate
6 annual assessment amount, if any, shall be allocated based upon a formula
7 to be determined by the Commission, which shall promulgate a rule that is
8 binding upon all party states.

9 3. The Commission shall not incur obligations of any kind prior to
10 securing the funds adequate to meet the same; nor shall the Commission
11 pledge the credit of any of the party states, except by, and with the
12 authority of, such party state.

13 4. The Commission shall keep accurate accounts of all receipts and
14 disbursements. The receipts and disbursements of the Commission shall be
15 subject to the audit and accounting procedures established under its
16 bylaws. However, all receipts and disbursements of funds handled by the
17 Commission shall be audited yearly by a certified or licensed public
18 accountant, and the report of the audit shall be included in and become
19 part of the annual report of the Commission.

20 i. Qualified Immunity, Defense, and Indemnification

21 1. The administrators, officers, executive director, employees, and
22 representatives of the Commission shall be immune from suit and
23 liability, either personally or in their official capacity, for any claim
24 for damage to or loss of property or personal injury or other civil
25 liability caused by or arising out of any actual or alleged act, error,
26 or omission that occurred, or that the person against whom the claim is
27 made had a reasonable basis for believing occurred, within the scope of
28 Commission employment, duties or responsibilities; provided that nothing
29 in this paragraph shall be construed to protect any such person from suit
30 or liability for any damage, loss, injury, or liability caused by the
31 intentional, willful, or wanton misconduct of that person.

1 2. The Commission shall defend any administrator, officer, executive
2 director, employee, or representative of the Commission in any civil
3 action seeking to impose liability arising out of any actual or alleged
4 act, error, or omission that occurred within the scope of Commission
5 employment, duties, or responsibilities, or that the person against whom
6 the claim is made had a reasonable basis for believing occurred within
7 the scope of Commission employment, duties, or responsibilities; provided
8 that nothing herein shall be construed to prohibit that person from
9 retaining his or her own counsel; and provided further that the actual or
10 alleged act, error, or omission did not result from that person's
11 intentional, willful, or wanton misconduct.

12 3. The Commission shall indemnify and hold harmless any
13 administrator, officer, executive director, employee, or representative
14 of the Commission for the amount of any settlement or judgment obtained
15 against that person arising out of any actual or alleged act, error, or
16 omission that occurred within the scope of Commission employment, duties,
17 or responsibilities, or that such person had a reasonable basis for
18 believing occurred within the scope of Commission employment, duties, or
19 responsibilities, provided that the actual or alleged act, error, or
20 omission did not result from the intentional, willful, or wanton
21 misconduct of that person.

22 ARTICLE VIII

23 Rulemaking

24 a. The Interstate Commission of Nurse Licensure Compact
25 Administrators shall exercise its rulemaking powers pursuant to the
26 criteria set forth in this Article and the rules adopted thereunder.
27 Rules and amendments shall become binding as of the date specified in
28 each rule or amendment and shall have the same force and effect as
29 provisions of this Compact.

30 b. Rules or amendments to the rules shall be adopted at a regular or
31 special meeting of the Commission.

1 c. Prior to promulgation and adoption of a final rule or rules by
2 the Commission, and at least sixty days in advance of the meeting at
3 which the rule will be considered and voted upon, the Commission shall
4 file a notice of proposed rulemaking:

5 1. On the web site of the Commission; and

6 2. On the web site of each licensing board or the publication in
7 which each state would otherwise publish proposed rules.

8 d. The notice of proposed rulemaking shall include:

9 1. The proposed time, date, and location of the meeting in which the
10 rule will be considered and voted upon;

11 2. The text of the proposed rule or amendment, and the reason for
12 the proposed rule;

13 3. A request for comments on the proposed rule from any interested
14 person; and

15 4. The manner in which interested persons may submit notice to the
16 Commission of their intention to attend the public hearing and any
17 written comments.

18 e. Prior to adoption of a proposed rule, the Commission shall allow
19 persons to submit written data, facts, opinions, and arguments, which
20 shall be made available to the public.

21 f. The Commission shall grant an opportunity for a public hearing
22 before it adopts a rule or amendment.

23 g. The Commission shall publish the place, time, and date of the
24 scheduled public hearing.

25 1. Hearings shall be conducted in a manner providing each person who
26 wishes to comment a fair and reasonable opportunity to comment orally or
27 in writing. All hearings will be recorded, and a copy will be made
28 available upon request.

29 2. Nothing in this section shall be construed as requiring a
30 separate hearing on each rule. Rules may be grouped for the convenience
31 of the Commission at hearings required by this section.

1 h. If no one appears at the public hearing, the Commission may
2 proceed with promulgation of the proposed rule.

3 i. Following the scheduled hearing date, or by the close of business
4 on the scheduled hearing date if the hearing was not held, the Commission
5 shall consider all written and oral comments received.

6 j. The Commission shall, by majority vote of all administrators,
7 take final action on the proposed rule and shall determine the effective
8 date of the rule, if any, based on the rulemaking record and the full
9 text of the rule.

10 k. Upon determination that an emergency exists, the Commission may
11 consider and adopt an emergency rule without prior notice, opportunity
12 for comment or hearing, provided that the usual rulemaking procedures
13 provided in this Compact and in this section shall be retroactively
14 applied to the rule as soon as reasonably possible, in no event later
15 than ninety days after the effective date of the rule. For the purposes
16 of this provision, an emergency rule is one that must be adopted
17 immediately in order to:

- 18 1. Meet an imminent threat to public health, safety, or welfare;
19 2. Prevent a loss of Commission or party state funds; or
20 3. Meet a deadline for the promulgation of an administrative rule
21 that is required by federal law or rule.

22 1. The Commission may direct revisions to a previously adopted rule
23 or amendment for purposes of correcting typographical errors, errors in
24 format, errors in consistency, or grammatical errors. Public notice of
25 any revisions shall be posted on the web site of the Commission. The
26 revision shall be subject to challenge by any person for a period of
27 thirty days after posting. The revision may be challenged only on grounds
28 that the revision results in a material change to a rule. A challenge
29 shall be made in writing, and delivered to the Commission, prior to the
30 end of the notice period. If no challenge is made, the revision will take
31 effect without further action. If the revision is challenged, the

1 revision may not take effect without the approval of the Commission.

2 ARTICLE IX

3 Oversight, Dispute Resolution, and Enforcement

4 a. Oversight

5 1. Each party state shall enforce this Compact and take all actions
6 necessary and appropriate to effectuate this Compact's purposes and
7 intent.

8 2. The Interstate Commission of Nurse Licensure Compact
9 Administrators shall be entitled to receive service of process in any
10 proceeding that may affect the powers, responsibilities, or actions of
11 the Commission, and shall have standing to intervene in such a proceeding
12 for all purposes. Failure to provide service of process in such
13 proceeding to the Commission shall render a judgment or order void as to
14 the Commission, this Compact, or promulgated rules.

15 b. Default, Technical Assistance, and Termination

16 1. If the Commission determines that a party state has defaulted in
17 the performance of its obligations or responsibilities under this Compact
18 or the promulgated rules, the Commission shall:

19 i. Provide written notice to the defaulting state and other party
20 states of the nature of the default, the proposed means of curing the
21 default, or any other action to be taken by the Commission; and

22 ii. Provide remedial training and specific technical assistance
23 regarding the default.

24 2. If a state in default fails to cure the default, the defaulting
25 state's membership in this Compact may be terminated upon an affirmative
26 vote of a majority of the administrators, and all rights, privileges, and
27 benefits conferred by this Compact may be terminated on the effective
28 date of termination. A cure of the default does not relieve the offending
29 state of obligations or liabilities incurred during the period of
30 default.

31 3. Termination of membership in this Compact shall be imposed only

1 after all other means of securing compliance have been exhausted. Notice
2 of intent to suspend or terminate shall be given by the Commission to the
3 governor of the defaulting state and to the executive officer of the
4 defaulting state's licensing board and each of the party states.

5 4. A state whose membership in this Compact has been terminated is
6 responsible for all assessments, obligations, and liabilities incurred
7 through the effective date of termination, including obligations that
8 extend beyond the effective date of termination.

9 5. The Commission shall not bear any costs related to a state that
10 is found to be in default or whose membership in this Compact has been
11 terminated unless agreed upon in writing between the Commission and the
12 defaulting state.

13 6. The defaulting state may appeal the action of the Commission by
14 petitioning the United States District Court for the District of Columbia
15 or the federal district in which the Commission has its principal
16 offices. The prevailing party shall be awarded all costs of such
17 litigation, including reasonable attorney's fees.

18 c. Dispute Resolution

19 1. Upon request by a party state, the Commission shall attempt to
20 resolve disputes related to the Compact that arise among party states and
21 between party and nonparty states.

22 2. The Commission shall promulgate a rule providing for both
23 mediation and binding dispute resolution for disputes, as appropriate.

24 3. In the event the Commission cannot resolve disputes among party
25 states arising under this Compact:

26 i. The party states may submit the issues in dispute to an
27 arbitration panel, which will be comprised of individuals appointed by
28 the Compact administrator in each of the affected party states and an
29 individual mutually agreed upon by the Compact administrators of all the
30 party states involved in the dispute.

31 ii. The decision of a majority of the arbitrators shall be final and

1 binding.

2 d. Enforcement

3 1. The Commission, in the reasonable exercise of its discretion,
4 shall enforce the provisions and rules of this Compact.

5 2. By majority vote, the Commission may initiate legal action in the
6 United States District Court for the District of Columbia or the federal
7 district in which the Commission has its principal offices against a
8 party state that is in default to enforce compliance with the provisions
9 of this Compact and its promulgated rules and bylaws. The relief sought
10 may include both injunctive relief and damages. In the event judicial
11 enforcement is necessary, the prevailing party shall be awarded all costs
12 of such litigation, including reasonable attorney's fees.

13 3. The remedies herein shall not be the exclusive remedies of the
14 Commission. The Commission may pursue any other remedies available under
15 federal or state law.

16 ARTICLE X

17 Effective Date, Withdrawal, and Amendment

18 a. This Compact shall become effective and binding on the earlier of
19 the date of legislative enactment of this Compact into law by no less
20 than twenty-six states or December 31, 2018. All party states to this
21 Compact, that also were parties to the prior Nurse Licensure Compact,
22 superseded by this Compact, (Prior Compact), shall be deemed to have
23 withdrawn from said Prior Compact within six months after the effective
24 date of this Compact.

25 b. Each party state to this Compact shall continue to recognize a
26 nurse's multistate licensure privilege to practice in that party state
27 issued under the Prior Compact until such party state has withdrawn from
28 the Prior Compact.

29 c. Any party state may withdraw from this Compact by enacting a
30 statute repealing the same. A party state's withdrawal shall not take
31 effect until six months after enactment of the repealing statute.

1 d. A party state's withdrawal or termination shall not affect the
2 continuing requirement of the withdrawing or terminated state's licensing
3 board to report adverse actions and significant investigations occurring
4 prior to the effective date of such withdrawal or termination.

5 e. Nothing contained in this Compact shall be construed to
6 invalidate or prevent any nurse licensure agreement or other cooperative
7 arrangement between a party state and a nonparty state that is made in
8 accordance with the other provisions of this Compact.

9 f. This Compact may be amended by the party states. No amendment to
10 this Compact shall become effective and binding upon the party states
11 unless and until it is enacted into the laws of all party states.

12 g. Representatives of nonparty states to this Compact shall be
13 invited to participate in the activities of the Commission, on a
14 nonvoting basis, prior to the adoption of this Compact by all states.

15 ARTICLE XI

16 Construction and Severability

17 This Compact shall be liberally construed so as to effectuate the
18 purposes thereof. The provisions of this Compact shall be severable, and
19 if any phrase, clause, sentence, or provision of this Compact is declared
20 to be contrary to the constitution of any party state or of the United
21 States, or if the applicability thereof to any government, agency,
22 person, or circumstance is held invalid, the validity of the remainder of
23 this Compact and the applicability thereof to any government, agency,
24 person, or circumstance shall not be affected thereby. If this Compact
25 shall be held to be contrary to the constitution of any party state, this
26 Compact shall remain in full force and effect as to the remaining party
27 states and in full force and effect as to the party state affected as to
28 all severable matters.

29 Sec. 27. Section 71-1795 and the Nurse Licensure Compact contained
30 in section 71-1795 terminate six months after the earlier of the date of
31 legislative enactment of the Nurse Licensure Compact in section 26 of

1 this act into law by no less than twenty-six states or December 31, 2018.
2 The State of Nebraska shall be deemed to have withdrawn from the Nurse
3 Licensure Compact in section 71-1795 at the time the compact terminates
4 under this section.

5 Sec. 28. Section 38-101, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 38-101 Sections 38-101 to 38-1,142 and sections 30 and 33 of this
8 act and the following practice acts shall be known and may be cited as
9 the Uniform Credentialing Act:

- 10 (1) The Advanced Practice Registered Nurse Practice Act;
- 11 (2) The Alcohol and Drug Counseling Practice Act;
- 12 (3) The Athletic Training Practice Act;
- 13 (4) The Audiology and Speech-Language Pathology Practice Act;
- 14 (5) The Certified Nurse Midwifery Practice Act;
- 15 (6) The Certified Registered Nurse Anesthetist Practice Act;
- 16 (7) The Chiropractic Practice Act;
- 17 (8) The Clinical Nurse Specialist Practice Act;
- 18 (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and
19 Body Art Practice Act;
- 20 (10) The Dentistry Practice Act;
- 21 (11) The Emergency Medical Services Practice Act;
- 22 (12) The Environmental Health Specialists Practice Act;
- 23 (13) The Funeral Directing and Embalming Practice Act;
- 24 (14) The Genetic Counseling Practice Act;
- 25 (15) The Hearing Instrument Specialists Practice Act;
- 26 (16) The Licensed Practical Nurse-Certified Practice Act until
27 November 1, 2017;
- 28 (17) The Massage Therapy Practice Act;
- 29 (18) The Medical Nutrition Therapy Practice Act;
- 30 (19) The Medical Radiography Practice Act;
- 31 (20) The Medicine and Surgery Practice Act;

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

16 If there is any conflict between any provision of sections 38-101 to
17 38-1,142 and sections 30 and 33 of this act ~~38-1,139 and 38-1,141~~ and any
18 provision of a practice act, the provision of the practice act shall
19 prevail.

20 The Revisor of Statutes shall assign the Uniform Credentialing Act,
21 including the practice acts enumerated in subdivisions (1) through (34)
22 ~~(33)~~ of this section, to articles within Chapter 38.

23 Sec. 29. Section 38-105, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 38-105 For purposes of the Uniform Credentialing Act, unless the
26 context otherwise requires, the definitions found in sections 38-106 to
27 38-120 and section 30 of this act apply.

28 Sec. 30. Military spouse means the spouse of an officer or enlisted
29 person on active duty in the armed forces of the United States.

30 Sec. 31. Section 38-121, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 38-121 (1) No individual shall engage in the following practices
2 unless such individual has obtained a credential under the Uniform
3 Credentialing Act:

- 4 (a) Acupuncture;
- 5 (b) Advanced practice nursing;
- 6 (c) Alcohol and drug counseling;
- 7 (d) Asbestos abatement, inspection, project design, and training;
- 8 (e) Athletic training;
- 9 (f) Audiology;
- 10 (g) Speech-language pathology;
- 11 (h) Body art;
- 12 (i) Chiropractic;
- 13 (j) Cosmetology;
- 14 (k) Dentistry;
- 15 (l) Dental hygiene;
- 16 (m) Electrology;
- 17 (n) Emergency medical services;
- 18 (o) Esthetics;
- 19 (p) Funeral directing and embalming;
- 20 (q) Genetic counseling;
- 21 (r) Hearing instrument dispensing and fitting;
- 22 (s) Lead-based paint abatement, inspection, project design, and
23 training;
- 24 (t) Licensed practical nurse-certified until November 1, 2017;
- 25 (u) Massage therapy;
- 26 (v) Medical nutrition therapy;
- 27 (w) Medical radiography;
- 28 (x) Medicine and surgery;
- 29 (y) Mental health practice;
- 30 (z) Nail technology;
- 31 (aa) Nursing;

- 1 (bb) Nursing home administration;
- 2 (cc) Occupational therapy;
- 3 (dd) Optometry;
- 4 (ee) Osteopathy;
- 5 (ff) Perfusion;
- 6 (gg) Pharmacy;
- 7 (hh) Physical therapy;
- 8 (ii) Podiatry;
- 9 (jj) Psychology;
- 10 (kk) Radon detection, measurement, and mitigation;
- 11 (ll) Respiratory care;
- 12 (mm) Surgical assisting;
- 13 (nn) Veterinary medicine and surgery;
- 14 (oo) Public water system operation; and
- 15 (pp) Constructing or decommissioning water wells and installing
- 16 water well pumps and pumping equipment.

17 (2) No individual shall hold himself or herself out as any of the
18 following until such individual has obtained a credential under the
19 Uniform Credentialing Act for that purpose:

- 20 (a) Registered environmental health specialist;
- 21 (b) Certified marriage and family therapist;
- 22 (c) Certified professional counselor; or
- 23 (d) Social worker.

24 (3) No business shall operate for the provision of any of the
25 following services unless such business has obtained a credential under
26 the Uniform Credentialing Act:

- 27 (a) Body art;
- 28 (b) Cosmetology;
- 29 (c) Emergency medical services;
- 30 (d) Esthetics;
- 31 (e) Funeral directing and embalming;

- 1 (f) Massage therapy; or
- 2 (g) Nail technology.

3 Sec. 32. Section 38-126, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 38-126 To protect the health, safety, and welfare of the public and
6 to insure to the greatest extent possible the efficient, adequate, and
7 safe practice of health services, health-related services, and
8 environmental services:

9 (1)(a) The appropriate board may adopt rules and regulations to:

10 (i) Specify minimum standards required for a credential, including
11 education, experience, and eligibility for taking the credentialing
12 examination, ~~and on or before December 15, 2015,~~ specify methods to meet
13 the minimum standards through military service as provided in section
14 38-1,141, and on or before December 15, 2017, specify standards and
15 procedures for issuance of temporary credentials for military spouses as
16 provided in section 33 of this act;

17 (ii) Designate credentialing examinations, specify the passing score
18 on credentialing examinations, and specify standards, if any, for
19 accepting examination results from other jurisdictions;

20 (iii) Set continuing competency requirements in conformance with
21 section 38-145;

22 (iv) Set standards for waiver of continuing competency requirements
23 in conformance with section 38-146;

24 (v) Set standards for courses of study; and

25 (vi) Specify acts in addition to those set out in section 38-179
26 that constitute unprofessional conduct; and

27 (b) The department shall promulgate and enforce such rules and
28 regulations;

29 (2) For professions or businesses that do not have a board created
30 by statute:

31 (a) The department may adopt, promulgate, and enforce such rules and

1 regulations; and

2 (b) The department shall carry out any statutory powers and duties
3 of the board;

4 (3) The department, with the recommendation of the appropriate
5 board, if any, may adopt, promulgate, and enforce rules and regulations
6 for the respective profession, other than those specified in subdivision
7 (1) of this section, to carry out the Uniform Credentialing Act; and

8 (4) The department may adopt, promulgate, and enforce rules and
9 regulations with general applicability to carry out the Uniform
10 Credentialing Act.

11 Sec. 33. (1) The department, with the recommendation of the
12 appropriate board, shall issue a temporary credential to a military
13 spouse who complies with and meets the requirements of this section
14 pending issuance of the applicable credential under the Uniform
15 Credentialing Act. This section shall not apply to a license to practice
16 dentistry, including a temporary license under section 38-1123.

17 (2) A military spouse shall submit the following with his or her
18 application for the applicable credential:

19 (a) A copy of his or her military dependent identification card
20 which identifies him or her as the spouse of an active duty member of the
21 United States Armed Forces;

22 (b) A copy of his or her spouse's military orders reflecting an
23 active-duty assignment in Nebraska;

24 (c) A copy of his or her credential from another jurisdiction and
25 the applicable statutes, rules, and regulations governing the credential;

26 (d) A copy of his or her fingerprints for a criminal background
27 check if required under section 38-131; and

28 (e) The fees required pursuant to sections 38-151 to 38-157 for the
29 application for the credential and for the temporary credential.

30 (3) If the department, with the recommendation of the appropriate
31 board, determines that the applicant is a resident of Nebraska, is the

1 spouse of an active duty member of the United States Armed Forces who is
2 assigned to a duty station in Nebraska, holds a valid credential in
3 another jurisdiction which has similar standards for the profession to
4 the Uniform Credentialing Act and the rules and regulations adopted and
5 promulgated under the act, has submitted fingerprints for a criminal
6 background check if required under section 38-131, and has paid the
7 applicable fees pursuant to sections 38-151 to 38-157, the department
8 shall issue a temporary credential to the applicant.

9 (4) A temporary credential issued under this section shall be valid
10 until the application for the regular credential is approved or rejected,
11 not to exceed one year.

12 Sec. 34. Section 38-186, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 38-186 (1) A petition shall be filed by the Attorney General in
15 order for the director to discipline a credential obtained under the
16 Uniform Credentialing Act to:

17 (a) Practice or represent oneself as being certified under any of
18 the practice acts enumerated in subdivisions (1) through (18) and (20)
19 through ~~(34)~~ ~~(32)~~ of section 38-101; or

20 (b) Operate as a business for the provision of services in body art;
21 cosmetology; emergency medical services; esthetics; funeral directing and
22 embalming; massage therapy; and nail technology in accordance with
23 subsection (3) of section 38-121.

24 (2) The petition shall be filed in the office of the director. The
25 department may withhold a petition for discipline or a final decision
26 from public access for a period of five days from the date of filing the
27 petition or the date the decision is entered or until service is made,
28 whichever is earliest.

29 (3) The proceeding shall be summary in its nature and triable as an
30 equity action and shall be heard by the director or by a hearing officer
31 designated by the director under rules and regulations of the department.

1 Affidavits may be received in evidence in the discretion of the director
2 or hearing officer. The department shall have the power to administer
3 oaths, to subpoena witnesses and compel their attendance, and to issue
4 subpoenas duces tecum and require the production of books, accounts, and
5 documents in the same manner and to the same extent as the district
6 courts of the state. Depositions may be used by either party.

7 Sec. 35. Section 38-208, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 38-208 (1) An applicant for initial licensure as an advanced
10 practice registered nurse shall:

11 (a) Be licensed as a registered nurse under the Nurse Practice Act
12 or have authority based on the Nurse Licensure Compact to practice as a
13 registered nurse in Nebraska;

14 (b) Be a graduate of or have completed a graduate-level advanced
15 practice registered nurse program in a clinical specialty area of
16 certified registered nurse anesthetist, clinical nurse specialist,
17 certified nurse midwife, or nurse practitioner, which program is
18 accredited by a national accrediting body;

19 (c) Be certified as a certified registered nurse anesthetist, a
20 clinical nurse specialist, a certified nurse midwife, or a nurse
21 practitioner, by an approved certifying body or an alternative method of
22 competency assessment approved by the board, pursuant to the Certified
23 Nurse Midwifery Practice Act, the Certified Registered Nurse Anesthetist
24 Practice Act, the Clinical Nurse Specialist Practice Act, or the Nurse
25 Practitioner Practice Act, as appropriate to the applicant's educational
26 preparation;

27 (d) Provide evidence as required by rules and regulations; and

28 (e) Have committed no acts or omissions which are grounds for
29 disciplinary action in another jurisdiction or, if such acts have been
30 committed and would be grounds for discipline under the Nurse Practice
31 Act, the board has found after investigation that sufficient restitution

1 has been made.

2 (2) The department may issue a license under this section to an
3 applicant who holds a license from another jurisdiction if the licensure
4 requirements of such other jurisdiction meet or exceed the requirements
5 for licensure as an advanced practice registered nurse under the Advanced
6 Practice Registered Nurse Practice Act. An applicant under this
7 subsection shall submit documentation as required by rules and
8 regulations.

9 (3) A person licensed as an advanced practice registered nurse or
10 certified as a certified registered nurse anesthetist or a certified
11 nurse midwife in this state on July 1, 2007, shall be issued a license by
12 the department as an advanced practice registered nurse on such date.

13 (4) An applicant who is a military spouse may apply for a temporary
14 license as provided in section 33 of this act.

15 Sec. 36. Section 38-319, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 38-319 The department, with the recommendation of the board, may
18 issue a license based on licensure in another jurisdiction to an
19 individual who meets the requirements of the Alcohol and Drug Counseling
20 Practice Act or substantially equivalent requirements as determined by
21 the department, with the recommendation of the board. An applicant who is
22 a military spouse may apply for a temporary license as provided in
23 section 33 of this act.

24 Sec. 37. Section 38-413, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 38-413 (1) An applicant for licensure as an athletic trainer who
27 has met the standards set by the board pursuant to section 38-126 for a
28 license based on licensure in another jurisdiction but is not practicing
29 at the time of application for licensure shall present proof satisfactory
30 to the department that he or she has within the three years immediately
31 preceding the application for licensure completed continuing competency

1 requirements approved by the board pursuant to section 38-145.

2 (2) An applicant who is a military spouse may apply for a temporary
3 license as provided in section 33 of this act.

4 Sec. 38. Section 38-517, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 38-517 (1) An applicant for licensure to practice audiology or
7 speech-language pathology who has met the standards set by the board
8 pursuant to section 38-126 for a license based on licensure in another
9 jurisdiction but is not practicing at the time of application for
10 licensure shall present proof satisfactory to the department that he or
11 she has within the three years immediately preceding the application for
12 licensure completed continuing competency requirements approved by the
13 board pursuant to section 38-145.

14 (2) An applicant who is a military spouse may apply for a temporary
15 license as provided in section 33 of this act.

16 Sec. 39. Section 38-518, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 38-518 A temporary license to practice audiology or speech-language
19 pathology may be granted (1) to military spouses as provided in section
20 33 of this act or (2) to persons who establish residence in Nebraska and
21 (a) ~~(1)~~ who meet all the requirements for a license except passage of the
22 examination required by section 38-515, which temporary license shall be
23 valid only until the date on which the results of the next licensure
24 examination are available to the department and shall not be renewed, or
25 (b) ~~(2)~~ who meet all the requirements for a license except completion of
26 the professional experience required by section 38-515, which temporary
27 license shall be valid only until the sooner of completion of such
28 professional experience or eighteen months and shall not be renewed.

29 Sec. 40. Section 38-615, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 38-615 (1) An applicant for licensure under the Advanced Practice

1 Registered Nurse Practice Act to practice as a certified nurse midwife
2 shall submit such evidence as the board requires showing that the
3 applicant is currently licensed as a registered nurse by the state or has
4 the authority based on the Nurse Licensure Compact to practice as a
5 registered nurse in Nebraska, has successfully completed an approved
6 certified nurse midwifery education program, and is certified as a nurse
7 midwife by a board-approved certifying body.

8 (2) The department may, with the approval of the board, grant
9 temporary licensure as a certified nurse midwife for up to one hundred
10 twenty days upon application (a) to graduates of an approved nurse
11 midwifery program pending results of the first certifying examination
12 following graduation and (b) to nurse midwives currently licensed in
13 another state pending completion of the application for a Nebraska
14 license. A temporary license issued pursuant to this subsection ~~section~~
15 may be extended for up to one year with the approval of the board.

16 (3) An applicant who is a military spouse may apply for a temporary
17 license as provided in section 33 of this act.

18 ~~(3) An individual holding a temporary certificate or permit as a~~
19 ~~nurse midwife on July 1, 2007, shall be deemed to be holding a temporary~~
20 ~~license under this section on such date. The holder of such temporary~~
21 ~~certificate or permit may continue to practice under such certificate or~~
22 ~~permit as a temporary license until it would have expired under its~~
23 ~~terms.~~

24 (4) If more than five years have elapsed since the completion of the
25 nurse midwifery program or since the applicant has practiced as a nurse
26 midwife, the applicant shall meet the requirements in subsection (1) of
27 this section and provide evidence of continuing competency, as may be
28 determined by the board, either by means of a reentry program,
29 references, supervised practice, examination, or one or more of the
30 continuing competency activities listed in section 38-145.

31 Sec. 41. Section 38-708, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 38-708 (1) The department may, with the approval of the board,
3 grant a temporary license in the practice of anesthesia for up to one
4 hundred twenty days upon application (a) (1) to graduates of an
5 accredited school of nurse anesthesia pending results of the first
6 certifying examination following graduation and (b) (2) to registered
7 nurse anesthetists currently licensed in another state pending completion
8 of the application for a Nebraska license. A temporary license issued
9 pursuant to this subsection ~~section~~ may be extended at the discretion of
10 the board with the approval of the department. ~~An individual holding a~~
11 ~~temporary permit as a registered nurse anesthetist on July 1, 2007, shall~~
12 ~~be deemed to be holding a temporary license under this section on such~~
13 ~~date. The permitholder may continue to practice under such temporary~~
14 ~~permit as a temporary license until it would have expired under its~~
15 ~~terms.~~

16 (2) An applicant for a license to practice as a certified registered
17 nurse anesthetist who is a military spouse may apply for a temporary
18 license as provided in section 33 of this act.

19 Sec. 42. Section 38-809, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 38-809 (1) An applicant for licensure to practice chiropractic who
22 has met the standards set by the board pursuant to section 38-126 for a
23 license based on licensure in another jurisdiction but is not practicing
24 at the time of application for licensure shall present proof satisfactory
25 to the department that he or she has within the two years immediately
26 preceding the application for licensure completed continuing competency
27 requirements approved by the board pursuant to section 38-145.

28 (2) An applicant who is a military spouse may apply for a temporary
29 license as provided in section 33 of this act.

30 Sec. 43. Section 38-1066, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 38-1066 (1) The department may grant a license based on licensure
2 in another jurisdiction to any person who meets the requirements of
3 subdivisions (1) and (2) of section 38-1062 and who presents proof of the
4 following:

5 (a) ~~(1)~~ That he or she is currently licensed in the appropriate
6 category in another jurisdiction and that he or she has never been
7 disciplined or had his or her license revoked. An applicant seeking
8 licensure as an instructor in the manner provided in this section shall
9 be licensed as an instructor in another jurisdiction. An applicant
10 seeking licensure as a cosmetologist in the manner provided in this
11 section shall be licensed as a cosmetologist in another jurisdiction. An
12 applicant seeking licensure as an esthetician in the manner provided in
13 this section shall be licensed as a cosmetologist, an esthetician, or an
14 equivalent title in another jurisdiction. An applicant seeking licensure
15 as an esthetics instructor in the manner provided in this section shall
16 be licensed as a cosmetology instructor, esthetics instructor, or the
17 equivalent in another jurisdiction. An applicant seeking licensure as an
18 electrologist or an electrology instructor in the manner provided in this
19 section shall be licensed as an electrologist or an electrology
20 instructor, respectively, in another jurisdiction;

21 (b) ~~(2)~~ That such license was issued on the basis of an examination
22 and the results of the examination. If an examination was not required
23 for licensure in the other jurisdiction, the applicant shall take the
24 Nebraska examination; and

25 (c) ~~(3)~~ That the applicant complies with the hour requirements of
26 subdivision (5) of section 38-1062 through any combination of hours
27 earned as a student or apprentice in a cosmetology establishment or an
28 electrology establishment licensed or approved by the jurisdiction in
29 which it was located and hour-equivalents granted for recent work
30 experience, with hour-equivalents recognized as follows:

31 (i) ~~(a)~~ Each month of full-time practice as an instructor within the

1 five years immediately preceding application shall be valued as one
2 hundred hour-equivalents toward an instructor's license or a cosmetology
3 license and one hundred hour-equivalents toward an esthetician's license;

4 (ii) ~~(b)~~ Each month of full-time practice as a cosmetologist within
5 the five years immediately preceding application shall be valued as one
6 hundred hour-equivalents toward a cosmetology license and one hundred
7 hour-equivalents toward an esthetician's license;

8 (iii) ~~(c)~~ Each month of full-time practice as an esthetician within
9 the five years immediately preceding application shall be valued as one
10 hundred hour-equivalents toward an esthetician's license;

11 (iv) ~~(d)~~ Each month of full-time practice as an esthetics instructor
12 within the five years immediately preceding application shall be valued
13 as one hundred hour-equivalents toward an esthetics instructor's license;
14 and

15 (v) ~~(e)~~ Each month of full-time practice as an electrologist within
16 the five years immediately preceding application shall be valued as one
17 hundred hour-equivalents toward an electrologist's license.

18 (2) An applicant who is a military spouse may apply for a temporary
19 license as provided in section 33 of this act and may practice under the
20 temporary license without supervision.

21 Sec. 44. Section 38-1067, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 38-1067 (1) Applicants for Nebraska licensure who received their
24 training in foreign countries may not be licensed by waiver of
25 examination except as provided in section 33 of this act. In order to be
26 considered eligible to take the examination, they shall meet the
27 requirements of subdivisions (1) and (2) of section 38-1062 and, in order
28 to establish equivalency with subdivision (5) of section 38-1062, shall
29 present proof satisfactory to the department of one of the following:

30 (a) Current licensure or equivalent official recognition of the
31 right to practice in a foreign country; or

1 (b) At least five years of practice within the eight years
2 immediately preceding the application.

3 (2) In all cases such applicants shall take the examination for
4 licensure in the State of Nebraska.

5 Sec. 45. Section 38-1070, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 38-1070 An individual making application for registration or a
8 temporary license, other than a temporary license issued as provided in
9 section 33 of this act, shall meet, and present to the department
10 evidence of meeting, the requirements for the specific type of
11 registration or license applied for.

12 Sec. 46. Section 38-10,132, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 38-10,132 (1) The department may grant a license based on licensure
15 in another jurisdiction to a nail technician or nail technology
16 instructor who presents proof of the following:

17 (a) ~~(1)~~ He or she has attained the age of seventeen years;

18 (b) ~~(2)~~ He or she has completed formal education equivalent to a
19 United States high school education;

20 (c) ~~(3)~~ He or she is currently licensed as a nail technician or its
21 equivalent or as a nail technology instructor or its equivalent in
22 another jurisdiction and he or she has never been disciplined or had his
23 or her license revoked;

24 (d) ~~(4)~~ For licensure as a nail technician, evidence of:

25 (i) ~~(a)~~ Completion of a program of nail technician studies
26 consisting of a minimum of not less than one hundred fifty hours and not
27 more than three hundred hours, as set by the board, and successful
28 passage of a written examination. If a written examination was not
29 required for licensure in another jurisdiction, the applicant must take
30 the Nebraska written examination; or

31 (ii) ~~(b)~~ At least twelve months of practice as a nail technician

1 following issuance of such license in another jurisdiction; and

2 (e) ~~(5)~~ For licensure as a nail technology instructor, evidence of:

3 (i) ~~(a)~~ Completion of a program of studies consisting of a minimum
4 of not less than one hundred fifty hours and not more than three hundred
5 hours, as set by the board, beyond the program of studies required for
6 licensure in another jurisdiction as a nail technician, successful
7 passage of a written examination, and current licensure as a nail
8 technician in Nebraska as evidenced by possessing a valid Nebraska nail
9 technician license. If a written examination was not required for
10 licensure as a nail technology instructor, the applicant must take the
11 Nebraska written examination; or

12 (ii) ~~(b)~~ At least twelve months of practice as a nail technology
13 instructor following issuance of such license in another jurisdiction.

14 (2) An applicant who is a military spouse may apply for a temporary
15 license as provided in section 33 of this act.

16 Sec. 47. Section 38-1121, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 38-1121 (1) Every applicant for a license to practice dental
19 hygiene based on a license in another state or territory of the United
20 States or the District of Columbia shall meet the standards set by the
21 board pursuant to section 38-126 and shall have been actively engaged in
22 the practice of dental hygiene for at least three years, one of which
23 must be within the three years immediately preceding the application,
24 under a license in another state or territory of the United States or the
25 District of Columbia. Practice in an accredited dental hygiene program
26 for the purpose of completing a postgraduate or residency program in
27 dental hygiene also serves as active practice toward meeting this
28 requirement.

29 (2) An applicant who is a military spouse may apply for a temporary
30 license as provided in section 33 of this act.

31 Sec. 48. Section 38-1217, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 38-1217 The board shall adopt rules and regulations necessary to:

3 (1)(a) For licenses issued prior to September 1, 2010, create the
4 following licensure classifications of out-of-hospital emergency care
5 providers: (i) First responder; (ii) emergency medical technician; (iii)
6 emergency medical technician-intermediate; and (iv) emergency medical
7 technician-paramedic; and (b) for licenses issued on or after September
8 1, 2010, create the following licensure classifications of out-of-
9 hospital emergency care providers: (i) Emergency medical responder; (ii)
10 emergency medical technician; (iii) advanced emergency medical
11 technician; and (iv) paramedic. The rules and regulations creating the
12 classifications shall include the practices and procedures authorized for
13 each classification, training and testing requirements, renewal and
14 reinstatement requirements, and other criteria and qualifications for
15 each classification determined to be necessary for protection of public
16 health and safety. A person holding a license issued prior to September
17 1, 2010, shall be authorized to practice in accordance with the laws,
18 rules, and regulations governing the license for the term of the license;

19 (2) Provide for temporary licensure of an out-of-hospital emergency
20 care provider who has completed the educational requirements for a
21 licensure classification enumerated in subdivision (1)(b) of this section
22 but has not completed the testing requirements for licensure under such
23 subdivision. Such temporary Temporary licensure shall be valid for one
24 year or until a license is issued under such subdivision and shall not be
25 subject to renewal. The rules and regulations shall include
26 qualifications and training necessary for issuance of such a temporary
27 license, the practices and procedures authorized for a temporary licensee
28 under this subdivision, and supervision required for a temporary licensee
29 under this subdivision. The requirements of this subdivision and the
30 rules and regulations adopted and promulgated pursuant to this
31 subdivision do not apply to a temporary license issued as provided in

1 section 33 of this act;

2 (3) Set standards for the licensure of basic life support services
3 and advanced life support services. The rules and regulations providing
4 for licensure shall include standards and requirements for: Vehicles,
5 equipment, maintenance, sanitation, inspections, personnel, training,
6 medical direction, records maintenance, practices and procedures to be
7 provided by employees or members of each classification of service, and
8 other criteria for licensure established by the board;

9 (4) Authorize emergency medical services to provide differing
10 practices and procedures depending upon the qualifications of out-of-
11 hospital emergency care providers available at the time of service
12 delivery. No emergency medical service shall be licensed to provide
13 practices or procedures without the use of personnel licensed to provide
14 the practices or procedures;

15 (5) Authorize out-of-hospital emergency care providers to perform
16 any practice or procedure which they are authorized to perform with an
17 emergency medical service other than the service with which they are
18 affiliated when requested by the other service and when the patient for
19 whom they are to render services is in danger of loss of life;

20 (6) Provide for the approval of training agencies and establish
21 minimum standards for services provided by training agencies;

22 (7) Provide for the minimum qualifications of a physician medical
23 director in addition to the licensure required by section 38-1212;

24 (8) Provide for the use of physician medical directors, qualified
25 physician surrogates, model protocols, standing orders, operating
26 procedures, and guidelines which may be necessary or appropriate to carry
27 out the purposes of the Emergency Medical Services Practice Act. The
28 model protocols, standing orders, operating procedures, and guidelines
29 may be modified by the physician medical director for use by any out-of-
30 hospital emergency care provider or emergency medical service before or
31 after adoption;

1 (9) Establish criteria for approval of organizations issuing
2 cardiopulmonary resuscitation certification which shall include criteria
3 for instructors, establishment of certification periods and minimum
4 curricula, and other aspects of training and certification;

5 (10) Establish renewal and reinstatement requirements for out-of-
6 hospital emergency care providers and emergency medical services and
7 establish continuing competency requirements. Continuing education is
8 sufficient to meet continuing competency requirements. The requirements
9 may also include, but not be limited to, one or more of the continuing
10 competency activities listed in section 38-145 which a licensed person
11 may select as an alternative to continuing education. The reinstatement
12 requirements for out-of-hospital emergency care providers shall allow
13 reinstatement at the same or any lower level of licensure for which the
14 out-of-hospital emergency care provider is determined to be qualified;

15 (11) Establish criteria for deployment and use of automated external
16 defibrillators as necessary for the protection of the public health and
17 safety;

18 (12) Create licensure, renewal, and reinstatement requirements for
19 emergency medical service instructors. The rules and regulations shall
20 include the practices and procedures for licensure, renewal, and
21 reinstatement;

22 (13) Establish criteria for emergency medical technicians-
23 intermediate, advanced emergency medical technicians, emergency medical
24 technicians-paramedic, or paramedics performing activities within their
25 scope of practice at a hospital or health clinic under subsection (3) of
26 section 38-1224. Such criteria shall include, but not be limited to: (a)
27 Requirements for the orientation of registered nurses, physician
28 assistants, and physicians involved in the supervision of such personnel;
29 (b) supervisory and training requirements for the physician medical
30 director or other person in charge of the medical staff at such hospital
31 or health clinic; and (c) a requirement that such activities shall only

1 be performed at the discretion of, and with the approval of, the
2 governing authority of such hospital or health clinic. For purposes of
3 this subdivision, health clinic has the definition found in section
4 71-416 and hospital has the definition found in section 71-419;

5 (14) Establish model protocols for compliance with the Stroke System
6 of Care Act by an emergency medical service and an out-of-hospital
7 emergency care provider; and

8 (15) Establish criteria and requirements for emergency medical
9 technicians-intermediate to renew licenses issued prior to September 1,
10 2010, and continue to practice after such classification has otherwise
11 terminated under subdivision (1) of this section. The rules and
12 regulations shall include the qualifications necessary to renew emergency
13 medical technicians-intermediate licenses after September 1, 2010, the
14 practices and procedures authorized for persons holding and renewing such
15 licenses, and the renewal and reinstatement requirements for holders of
16 such licenses.

17 Sec. 49. Section 38-1218, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 38-1218 (1) The Legislature adopts all parts of the United States
20 Department of Transportation curricula, including appendices, and skills
21 as the training requirements and permitted practices and procedures for
22 the licensure classifications listed in subdivision (1)(a) of section
23 38-1217 until modified by the board by rule and regulation. The
24 Legislature adopts the United States Department of Transportation
25 National Emergency Medical Services Education Standards and the National
26 Emergency Medical Services Scope of Practice for the licensure
27 classifications listed in subdivision (1)(b) of section 38-1217 until
28 modified by the board by rule and regulation. The board may approve
29 curricula for the licensure classifications listed in subdivision (1) of
30 section 38-1217.

31 (2) The department and the board shall consider the following

1 factors, in addition to other factors required or permitted by the
2 Emergency Medical Services Practice Act, when adopting rules and
3 regulations for a licensure classification:

4 (a) Whether the initial training required for licensure in the
5 classification is sufficient to enable the out-of-hospital emergency care
6 provider to perform the practices and procedures authorized for the
7 classification in a manner which is beneficial to the patient and
8 protects public health and safety;

9 (b) Whether the practices and procedures to be authorized are
10 necessary to the efficient and effective delivery of out-of-hospital
11 emergency medical care;

12 (c) Whether morbidity can be reduced or recovery enhanced by the use
13 of the practices and procedures to be authorized for the classification;
14 and

15 (d) Whether continuing competency requirements are sufficient to
16 maintain the skills authorized for the classification.

17 (3) An applicant for licensure for a licensure classification listed
18 in subdivision (1)(b) of section 38-1217 who is a military spouse may
19 apply for a temporary license as provided in section 33 of this act.

20 Sec. 50. Section 38-1312, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 38-1312 (1) An applicant for certification as a registered
23 environmental health specialist who has met the standards set by the
24 board pursuant to section 38-126 for certification ~~a license~~ based on a
25 credential ~~licensure~~ in another jurisdiction but is not practicing at the
26 time of application for certification shall present proof satisfactory to
27 the department that he or she has within the three years immediately
28 preceding the application for certification completed continuing
29 competency requirements approved by the board pursuant to section 38-145.

30 (2) An applicant who is a military spouse may apply for temporary
31 certification as provided in section 33 of this act.

1 Sec. 51. Section 38-1421, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-1421 The department, with the recommendation of the board, may
4 issue a license based on licensure in another jurisdiction to an
5 individual who meets the requirements of the Funeral Directing and
6 Embalming Practice Act or substantially equivalent requirements as
7 determined by the department, with the recommendation of the board. An
8 applicant for licensure under the act who is a military spouse may apply
9 for a temporary license as provided in section 33 of this act.

10 Sec. 52. Section 38-1507, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 38-1507 Temporary training license means a hearing instrument
13 specialist license issued while the applicant is in training to become a
14 licensed hearing instrument specialist.

15 Sec. 53. Section 38-1509, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 38-1509 (1) Except as otherwise provided in this section, no ~~No~~
18 person shall engage in the sale of or practice of fitting hearing
19 instruments or display a sign or in any other way advertise or represent
20 himself or herself as a person who practices the fitting and sale or
21 dispensing of hearing instruments unless he or she holds an unsuspended,
22 unrevoked hearing instrument specialist license issued by the department
23 as provided in the Hearing Instrument Specialists Practice Act. A hearing
24 instrument specialist license shall confer upon the holder the right to
25 select, fit, and sell hearing instruments. A person holding a license
26 issued under the act prior to August 30, 2009, may continue to practice
27 under such license until it expires under the terms of the license.

28 (2) A licensed audiologist who maintains a practice pursuant to
29 licensure as an audiologist in which hearing instruments are regularly
30 dispensed or who intends to maintain such a practice shall ~~also~~ be exempt
31 from the requirement to be licensed as a hearing instrument specialist

1 ~~pursuant to subsection (4) of section 38-1512.~~

2 (3) Nothing in the act shall prohibit a corporation, partnership,
3 limited liability company, trust, association, or other like organization
4 maintaining an established business address from engaging in the business
5 of selling or offering for sale hearing instruments at retail without a
6 license if it employs only properly licensed natural persons in the
7 direct sale and fitting of such products.

8 (4) Nothing in the act shall prohibit the holder of a hearing
9 instrument specialist license from the fitting and sale of wearable
10 instruments or devices designed for or offered for the purpose of
11 conservation or protection of hearing.

12 Sec. 54. Section 38-1512, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 38-1512 (1) Any person may obtain a hearing instrument specialist
15 license under the Hearing Instrument Specialists Practice Act by
16 successfully passing a qualifying examination if the applicant:

17 (a) Is at least twenty-one years of age; and

18 (b) Has an education equivalent to a four-year course in an
19 accredited high school.

20 (2) The qualifying examination shall consist of written and
21 practical tests. The examination shall not be conducted in such a manner
22 that college training is required in order to pass. Nothing in this
23 examination shall imply that the applicant is required to possess the
24 degree of medical competence normally expected of physicians.

25 (3) The department shall give examinations approved by the board. A
26 minimum of two examinations shall be offered each calendar year.

27 ~~(4) The department shall issue a hearing instrument specialist~~
28 ~~license without examination to a licensed audiologist who maintains a~~
29 ~~practice pursuant to licensure as an audiologist in which hearing~~
30 ~~instruments are regularly dispensed or who intends to maintain such a~~
31 ~~practice upon application to the department, proof of licensure as an~~

1 ~~audiologist, and payment of a twenty-five-dollar fee.~~

2 Sec. 55. Section 38-1513, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 38-1513 (1) The department, with the recommendation of the board,
5 shall issue a temporary training license to any person who has met the
6 requirements for licensure as a hearing instrument specialist pursuant to
7 subsection (1) of section 38-1512. Previous experience or a waiting
8 period shall not be required to obtain a temporary training license.

9 (2) Any person who desires a temporary training license shall make
10 application to the department. The temporary training license shall be
11 issued for a period of one year. A person holding a valid license as a
12 hearing instrument specialist shall be responsible for the supervision
13 and training of such applicant and shall maintain adequate personal
14 contact with him or her.

15 (3) If a person who holds a temporary training license under this
16 section has not successfully passed the licensing examination within
17 twelve months of the date of issuance of the temporary training license,
18 the temporary training license may be renewed or reissued for a twelve-
19 month period. In no case may a temporary training license be renewed or
20 reissued more than once. A renewal or reissuance may take place any time
21 after the expiration of the first twelve-month period.

22 Sec. 56. Section 38-1516, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 38-1516 (1) An applicant for licensure as a hearing instrument
25 specialist who has met the standards set by the board pursuant to section
26 38-126 for a license based on licensure in another jurisdiction but is
27 not practicing at the time of application for licensure shall present
28 proof satisfactory to the department that he or she has within the three
29 years immediately preceding the application for licensure completed
30 continuing competency requirements approved by the board pursuant to
31 section 38-145.

1 (2) An applicant who is a military spouse may apply for a temporary
2 license as provided in section 33 of this act.

3 Sec. 57. Section 38-1711, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 38-1711 (1) A temporary license to practice massage therapy may be
6 granted to any person who meets all the requirements for a license except
7 passage of the licensure examination required by section 38-1710. A
8 temporary licensee shall be supervised in his or her practice by a
9 licensed massage therapist. A temporary license shall be valid for sixty
10 days or until the temporary licensee takes the examination, whichever
11 occurs first. In the event a temporary licensee fails the examination
12 required by such section, the temporary license shall be null and void,
13 except that the department, with the recommendation of the board, may
14 extend the temporary license upon a showing of good cause why such
15 license should be extended. A temporary license may not be extended
16 beyond six months. A temporary license shall not be issued to any person
17 failing the examination if such person did not hold a valid temporary
18 license prior to his or her failure to pass the examination.

19 (2) This section shall not apply to a temporary license issued as
20 provided under section 33 of this act.

21 Sec. 58. Section 38-1712, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 38-1712 The department, with the recommendation of the board, may
24 issue a license based on licensure in another jurisdiction to an
25 individual who meets the requirements of the Massage Therapy Practice Act
26 or substantially equivalent requirements as determined by the department,
27 with the recommendation of the board. An applicant for a license to
28 practice under the act who is a military spouse may apply for a temporary
29 license as provided in section 33 of this act.

30 Sec. 59. Section 38-1814, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 38-1814 The department, with the recommendation of the board, may
2 issue a license based on licensure in another jurisdiction to an
3 individual who meets the requirements of the Medical Nutrition Therapy
4 Practice Act or substantially equivalent requirements as determined by
5 the department, with the recommendation of the board. An applicant for a
6 license to practice under the act who is a military spouse may apply for
7 a temporary license as provided in section 33 of this act.

8 Sec. 60. Section 38-1917, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 38-1917 (1) The requirements of sections 38-1915 and 38-1916 do not
11 apply to a student while enrolled and participating in an educational
12 program in medical radiography who, as a part of an educational program,
13 applies X-rays to humans while under the supervision of the licensed
14 practitioners or medical radiographers associated with the educational
15 program. Students who have completed at least twelve months of the
16 training course described in subsection (1) of section 38-1918 may apply
17 for licensure as a temporary medical radiographer. Temporary medical
18 radiographer licenses issued under this section shall expire eighteen
19 months after issuance and shall not be renewed. Persons licensed under
20 this section as temporary medical radiographers shall be permitted to
21 perform the duties of a limited radiographer licensed in all anatomical
22 regions of subdivision (2)(b) of section 38-1918 and Abdomen.

23 (2) This section shall not apply to a temporary credential issued as
24 provided under section 33 of this act.

25 Sec. 61. Section 38-1917.02, Reissue Revised Statutes of Nebraska,
26 is amended to read:

27 38-1917.02 (1) The requirements of section 38-1917.01 do not apply
28 to a student while enrolled and participating in an educational program
29 in nuclear medicine technology who, as part of the educational program,
30 applies X-rays to humans using a computed tomography system while under
31 the supervision of the licensed practitioners, medical radiographers, or

1 limited computed tomography radiographers associated with the educational
2 program. A person registered by the Nuclear Medicine Technology
3 Certification Board or the American Registry of Radiologic Technologists
4 in nuclear medicine technology may apply for a license as a temporary
5 limited computed tomography radiographer. Temporary limited computed
6 tomography radiographer licenses issued under this section shall expire
7 twenty-four months after issuance and shall not be renewed. Persons
8 licensed under this section as temporary limited computed tomography
9 radiographers shall be permitted to perform medical radiography
10 restricted to computed tomography while under the direct supervision and
11 in the physical presence of licensed practitioners, medical
12 radiographers, or limited computed tomography radiographers.

13 (2) This section shall not apply to a temporary credential issued as
14 provided under section 33 of this act.

15 Sec. 62. Section 38-2028, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 38-2028 (1) An applicant for a license to practice medicine and
18 surgery based on a license in another state or territory of the United
19 States or the District of Columbia shall comply with the requirements of
20 the Interstate Medical Licensure Compact beginning on the effective date
21 of the compact or meet the standards set by the board pursuant to section
22 38-126, except that an applicant who has not passed one of the licensing
23 examinations specified in the rules and regulations but has been duly
24 licensed to practice medicine and surgery in some other state or
25 territory of the United States of America or in the District of Columbia
26 and obtained that license based upon a state examination, as approved by
27 the board, may be issued a license by the department, with the
28 recommendation of the board, to practice medicine and surgery.

29 (2) An applicant who is a military spouse may apply for a temporary
30 license as provided in section 33 of this act.

31 Sec. 63. Section 38-2034, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 38-2034 (1) An applicant for a license to practice osteopathic
3 medicine and surgery based on a license in another state or territory of
4 the United States or the District of Columbia shall comply with the
5 requirements of the Interstate Medical Licensure Compact beginning on the
6 effective date of the compact or meet the standards set by the board
7 pursuant to section 38-126, except that an applicant who has not passed
8 one of the licensing examinations specified in the rules and regulations
9 but has been duly licensed to practice osteopathic medicine and surgery
10 in some other state or territory of the United States of America or in
11 the District of Columbia and obtained that license based upon a state
12 examination, as approved by the board, may be issued a license by the
13 department, upon the recommendation of the board, to practice osteopathic
14 medicine and surgery.

15 (2) An applicant who is a military spouse may apply for a temporary
16 license as provided in section 33 of this act.

17 Sec. 64. Section 38-2049, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 38-2049 (1) The department, with the recommendation of the board,
20 shall issue licenses to persons who are graduates of an approved program
21 and have passed a proficiency examination.

22 (2) The department, with the recommendation of the board, shall
23 issue temporary licenses under this subsection to persons who have
24 successfully completed an approved program but who have not yet passed a
25 proficiency examination. Any temporary license issued pursuant to this
26 subsection shall be issued for a period not to exceed one year and under
27 such conditions as determined by the department, with the recommendation
28 of the board. The temporary license issued under this subsection may be
29 extended by the department, with the recommendation of the board.

30 (3) Physician assistants approved by the board prior to April 16,
31 1985, shall not be required to complete the proficiency examination.

1 (4) An applicant who is a military spouse applying for a license to
2 practice as a physician assistant may apply for a temporary license as
3 provided in section 33 of this act.

4 Sec. 65. Section 38-2125, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 38-2125 The department, with the recommendation of the board, may
7 issue a license based on licensure in another jurisdiction to an
8 individual who meets the licensure requirements of the Mental Health
9 Practice Act or substantially equivalent requirements as determined by
10 the department, with the recommendation of the board. An applicant for a
11 license who is a military spouse may apply for a temporary license as
12 provided in section 33 of this act.

13 Sec. 66. Section 38-2130, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 38-2130 The department, with the recommendation of the board, may
16 issue a certificate based on licensure in another jurisdiction to
17 represent oneself as a certified marriage and family therapist, a
18 certified professional counselor, or a social worker to an individual who
19 meets the requirements of the Mental Health Practice Act relating to
20 marriage and family therapy, professional counseling, or social work, as
21 appropriate, or substantially equivalent requirements as determined by
22 the department, with the recommendation of the board. An applicant for a
23 certificate who is a military spouse may apply for a temporary
24 certificate as provided in section 33 of this act.

25 Sec. 67. Section 38-2201, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 38-2201 Sections 38-2201 to 38-2236 and sections 69 and 74 of this
28 act shall be known and may be cited as the Nurse Practice Act.

29 Sec. 68. Section 38-2211, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 38-2211 (1) Practice of nursing by a licensed practical nurse means

1 the assumption of responsibilities and accountability for nursing
2 practice in accordance with knowledge and skills acquired through an
3 approved program of practical nursing. A licensed practical nurse may
4 function at the direction of a licensed practitioner or a registered
5 nurse.

6 (2) Such responsibilities and performances of acts must utilize
7 procedures leading to predictable outcomes and must include, but not be
8 limited to:

9 (a) Contributing to the assessment of the health status of
10 individuals and groups;

11 (b) Participating in the development and modification of a plan of
12 care;

13 (c) Implementing the appropriate aspects of the plan of care;

14 (d) Maintaining safe and effective nursing care rendered directly or
15 indirectly;

16 (e) Participating in the evaluation of response to interventions;
17 and

18 (f) Providing intravenous therapy if the licensed practical nurse
19 meets the requirements of section 69 of this act; and

20 (g) ~~(f)~~ Assigning and directing nursing interventions that may be
21 performed by others and that do not conflict with the Nurse Practice Act.

22 Sec. 69. (1) A licensed practical nurse may provide intravenous
23 therapy if he or she (a) holds a valid license issued before May 1, 2016,
24 by the department pursuant to the Licensed Practical Nurse-Certified
25 Practice Act as such act existed on such date, (b) graduates from an
26 approved program of practical nursing on or after May 1, 2016, or (c)
27 holds a valid license as a licensed practical nurse issued on or before
28 May 1, 2016, and completes, within five years after the operative date of
29 this section, (i) an eight-hour didactic course in intravenous therapy
30 which shall include, but not be limited to, peripheral intravenous lines,
31 central lines, and legal aspects of intravenous therapy and (ii) an

1 approved employer-specific intravenous therapy skills course.

2 (2) This section does not require a licensed practical nurse who
3 does not provide intravenous therapy in the course of employment to
4 complete the course described in subdivision (1)(c)(ii) of this section.

5 Sec. 70. Section 38-2216, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 38-2216 In addition to the duties listed in sections 38-126 and
8 38-161, the board shall:

9 (1) Adopt reasonable and uniform standards for nursing practice and
10 nursing education;

11 (2) If requested, issue or decline to issue advisory opinions
12 defining acts which in the opinion of the board are or are not permitted
13 in the practice of nursing. Such opinions shall be considered
14 informational only and are nonbinding. Practice-related information
15 provided by the board to registered nurses or licensed practical nurses
16 licensed under the Nurse Practice Act shall be made available by the
17 board on request to nurses practicing in this state under a license
18 issued by a state that is a party to the Nurse Licensure Compact;

19 (3) Establish rules and regulations for approving and classifying
20 programs preparing nurses, taking into consideration administrative and
21 organizational patterns, the curriculum, students, student services,
22 faculty, and instructional resources and facilities, and provide surveys
23 for each educational program as determined by the board;

24 (4) Approve educational programs which meet the requirements of the
25 Nurse Practice Act;

26 (5) Keep a record of all its proceedings and compile an annual
27 report for distribution;

28 (6) Adopt rules and regulations establishing standards for
29 delegation of nursing activities, including training or experience
30 requirements, competency determination, and nursing supervision;

31 (7) Collect data regarding nursing;

1 (8) Provide consultation and conduct conferences, forums, studies,
2 and research on nursing practice and education;

3 (9) Join organizations that develop and regulate the national
4 nursing licensure examinations and exclusively promote the improvement of
5 the legal standards of the practice of nursing for the protection of the
6 public health, safety, and welfare; and

7 ~~(10) Administer the Licensed Practical Nurse-Certified Practice Act;~~
8 ~~and~~

9 (10) ~~(11)~~ Administer the Nurse Licensure Compact. In reporting
10 information to the coordinated licensure information system under Article
11 VII of the compact, the department may disclose personal identifying
12 information about a nurse, including his or her social security number.

13 Sec. 71. Section 38-2220, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 38-2220 An applicant for a license to practice as a registered nurse
16 shall submit satisfactory proof that the applicant has completed four
17 years of high school study or its equivalent as determined by the board
18 and has completed the basic professional curriculum in and holds a
19 diploma from an accredited program of registered nursing approved by the
20 board. There is no minimum age requirement for licensure as a registered
21 nurse. Graduates of foreign nursing programs shall pass a board-approved
22 examination and, unless a graduate of a nursing program in Canada,
23 provide a satisfactory evaluation of the education program attended by
24 the applicant from a board-approved foreign credentials evaluation
25 service the Canadian Nurses Association examination or hold a certificate
26 from the Commission on Graduates of Foreign Nursing Schools.

27 Sec. 72. Section 38-2223, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 38-2223 (1) An applicant for a license as a registered nurse or a
30 licensed practical nurse based on licensure in another jurisdiction shall
31 meet the continuing competency requirements as specified in rules and

1 regulations adopted and promulgated by the board in addition to the
2 standards set by the board pursuant to section 38-126.

3 (2) An applicant who is a military spouse may apply for a temporary
4 license as provided in section 33 of this act.

5 Sec. 73. Section 38-2225, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 38-2225 (1) A temporary license to practice nursing may be issued
8 to:

9 (a) An individual seeking to obtain licensure or reinstatement of
10 his or her license as a registered nurse or licensed practical nurse when
11 he or she has not practiced nursing in the last five years. A temporary
12 license issued under this subdivision is valid only for the duration of
13 the review course of study and only for nursing practice required for the
14 review course of study;

15 (b) Graduates of approved programs of nursing who have passed the
16 licensure examination, pending the completion of application for Nebraska
17 licensure as a registered nurse or licensed practical nurse. A temporary
18 license issued under this subdivision is valid for a period not to exceed
19 sixty days;~~or~~

20 (c) Nurses currently licensed in another state as either a
21 registered nurse or a licensed practical nurse who have graduated from an
22 educational program approved by the board, pending completion of
23 application for Nebraska licensure as a registered nurse or licensed
24 practical nurse. A temporary license issued under this subdivision shall
25 be valid for a period not to exceed sixty days;or -

26 (d) Military spouses as provided in section 33 of this act.

27 (2) A temporary license issued pursuant to subdivision (1)(a), (b),
28 or (c) of this section may be extended by the department, with the
29 recommendation of the board.

30 ~~(3) An individual holding a temporary permit to practice nursing on~~
31 ~~December 1, 2008, shall be deemed to be holding a temporary license under~~

1 ~~this section on such date. The permitholder may continue to practice~~
2 ~~under such temporary permit as a temporary license until it would have~~
3 ~~expired under its terms or after any period of extension under subsection~~
4 ~~(2) of this section.~~

5 Sec. 74. On and after November 1, 2017, all licenses issued
6 pursuant to the Licensed Practical Nurse-Certified Practice Act before
7 such date shall be renewed as licenses to practice as a licensed
8 practical nurse pursuant to section 38-2221.

9 Sec. 75. Section 38-2305, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 38-2305 Approved nurse practitioner program means a program which:

12 (1) Is a graduate-level program accredited by a national accrediting
13 body recognized by the United States Department of Education ~~minimum of~~
14 ~~one full-time academic year or nine months in length and includes both a~~
15 ~~didactic component and a preceptorship of five hundred contact hours;~~

16 (2) Includes, but is not limited to, instruction in biological,
17 behavioral, and health sciences relevant to practice as a nurse
18 practitioner in a specific clinical area; and

19 (3) For the specialties of women's health and neonatal, grants a
20 post-master certificate, master's degree, or doctoral degree for all
21 applicants who graduated on or after July 1, 2007, and for all other
22 specialties, grants a post-master certificate, master's degree, or
23 doctoral degree for all applicants who graduated on or after July 19,
24 1996.

25 Sec. 76. Section 38-2314.01, Reissue Revised Statutes of Nebraska,
26 is amended to read:

27 38-2314.01 Transition-to-practice agreement means a collaborative
28 agreement for two thousand hours of initial practice between a nurse
29 practitioner and a supervising provider which provides for the delivery
30 of health care through a collaborative practice and which meets the
31 requirements of section 38-2322.

1 Sec. 77. Section 38-2316, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-2316 The Nurse Practitioner Practice Act does not prohibit the
4 performance of activities of a nurse practitioner by a person who does
5 not have a license or temporary license under the act ~~an unlicensed~~
6 ~~person~~ if performed:

7 (1) In an emergency situation;

8 (2) By a legally qualified person from another state employed by the
9 United States Government and performing official duties in this state; or

10 (3) By a person enrolled in an approved nurse practitioner program
11 for the preparation of nurse practitioners as part of that approved
12 program. ~~;~~ ~~and~~

13 ~~(4) By a person holding a temporary license pursuant to section~~
14 ~~38-2318.~~

15 Sec. 78. Section 38-2317, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 38-2317 (1) An applicant for licensure under the Advanced Practice
18 Registered Nurse Practice Act to practice as a nurse practitioner shall
19 have:

20 (a) A license as a registered nurse in the State of Nebraska or the
21 authority based upon the Nurse Licensure Compact to practice as a
22 registered nurse in Nebraska;

23 (b) Evidence of having successfully completed a graduate-level
24 program in the clinical specialty area of nurse practitioner practice,
25 which program is accredited by a national accrediting body;

26 ~~(c) Evidence of having successfully completed thirty contact hours~~
27 ~~of education in pharmacotherapeutics; and~~

28 (c) ~~(d)~~ Proof of having passed an examination pertaining to the
29 specific nurse practitioner role in nursing adopted or approved by the
30 board with the approval of the department. Such examination may include
31 any recognized national credentialing examination for nurse practitioners

1 conducted by an approved certifying body which administers an approved
2 certification program; and -

3 (d) Evidence of completion of two thousand hours of practice as a
4 nurse practitioner which have been completed under a transition-to-
5 practice agreement, under a collaborative agreement, under an integrated
6 practice agreement, through independent practice, or under any
7 combination of such agreements and practice, as allowed in this state or
8 another state.

9 (2) If more than five years have elapsed since the completion of the
10 nurse practitioner program or since the applicant has practiced in the
11 specific nurse practitioner role, the applicant shall meet the
12 requirements in subsection (1) of this section and provide evidence of
13 continuing competency as required by the board.

14 Sec. 79. Section 38-2318, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 38-2318 (1)(a) The department may grant a temporary license to
17 practice as a nurse practitioner for up to one hundred twenty days upon
18 application:

19 (i) (1) To graduates of an approved nurse practitioner program
20 pending results of the first credentialing examination following
21 graduation;

22 (ii) (2) To a nurse practitioner lawfully authorized to practice in
23 another state pending completion of the application for a Nebraska
24 license; and

25 (iii) (3) To applicants for purposes of a reentry program or
26 supervised practice as part of continuing competency activities
27 established by the board.

28 (b) A temporary license issued pursuant to this subsection ~~section~~
29 may be extended for up to one year with the approval of the board. ~~An~~
30 ~~individual holding a temporary permit as a nurse practitioner on July 1,~~
31 ~~2007, shall be deemed to be holding a temporary license under this~~

1 ~~section on such date. The permitholder may continue to practice under~~
2 ~~such temporary permit as a temporary license until it would have expired~~
3 ~~under its terms.~~

4 (2) An applicant who is a military spouse may apply for a temporary
5 license as provided in section 33 of this act.

6 Sec. 80. Section 38-2322, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 ~~38-2322 (1) In order to be licensed as a nurse practitioner, an~~
9 ~~individual who has a master's degree or doctorate degree in nursing and~~
10 ~~has completed an approved nurse practitioner program and who can~~
11 ~~demonstrate separate course work in pharmacotherapeutics, advanced health~~
12 ~~assessment, and pathophysiology or psychopathology shall submit to the~~
13 ~~department proof of professional liability insurance required under~~
14 ~~section 38-2320.~~

15 ~~(2) In order to practice as a nurse practitioner in this state, an~~
16 ~~individual who holds or has held a license as a nurse practitioner in~~
17 ~~this state or in another state shall submit to the department a~~
18 ~~transition-to-practice agreement or evidence of completion of two~~
19 ~~thousand hours of practice as a nurse practitioner which have been~~
20 ~~completed under a transition-to-practice agreement, under a collaborative~~
21 ~~agreement, under an integrated practice agreement, through independent~~
22 ~~practice, or under any combination of such agreements and practice, as~~
23 ~~allowed in this state or another state.~~

24 (1)(a) (3)(a) A transition-to-practice agreement shall be a formal
25 written agreement that provides that the nurse practitioner and the
26 supervising provider practice collaboratively within the framework of
27 their respective scopes of practice.

28 (b) The nurse practitioner and the supervising provider shall each
29 be responsible for his or her individual decisions in managing the health
30 care of patients through consultation, collaboration, and referral. The
31 nurse practitioner and the supervising provider shall have joint

1 responsibility for the delivery of health care to a patient based upon
2 the scope of practice of the nurse practitioner and the supervising
3 provider.

4 (c) The supervising provider shall be responsible for supervision of
5 the nurse practitioner to ensure the quality of health care provided to
6 patients.

7 (d) In order for a nurse practitioner to be a supervising provider
8 for purposes of a transition-to-practice agreement, the nurse
9 practitioner shall submit to the department evidence of completion of ten
10 thousand hours of practice as a nurse practitioner which have been
11 completed under a transition-to-practice agreement, under a collaborative
12 agreement, under an integrated practice agreement, through independent
13 practice, or under any combination of such agreements or practice, as
14 allowed in this state or another state.

15 (2) A nurse practitioner who was licensed in good standing in
16 Nebraska on or before August 30, 2015, and had attained the equivalent of
17 an initial two thousand hours of practice supervised by a physician or
18 osteopathic physician shall be allowed to practice without a transition-
19 to-practice agreement.

20 (3) (4) For purposes of this section:

21 (a) Supervising provider means a physician, osteopathic physician,
22 or nurse practitioner licensed and practicing in Nebraska and practicing
23 in the same practice specialty, related specialty, or field of practice
24 as the nurse practitioner being supervised; and

25 (b) Supervision means the ready availability of the supervising
26 provider for consultation and direction of the activities of the nurse
27 practitioner being supervised within such nurse practitioner's defined
28 scope of practice.

29 Sec. 81. Section 38-2421, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 38-2421 The department may issue a license to any person who holds a

1 current nursing home administrator license from another jurisdiction and
2 is at least nineteen years old. An applicant for a license who is a
3 military spouse may apply for a temporary license as provided in section
4 33 of this act.

5 Sec. 82. Section 38-2517, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 38-2517 (1) Any person who has applied to take the examination
8 under section 38-2518 or 38-2519 and who has completed the education and
9 experience requirements of the Occupational Therapy Practice Act may be
10 granted a temporary license to practice as an occupational therapist or
11 an occupational therapy assistant. A temporary license shall allow the
12 person to practice only in association with a licensed occupational
13 therapist and shall be valid until the date on which the results of the
14 next licensure examination are available to the department. The temporary
15 license shall not be renewed if the applicant has failed the examination.
16 The temporary license may be extended by the department, with the
17 recommendation of the board. In no case may a temporary license be
18 extended beyond one year.

19 (2) This section does not apply to a temporary license issued as
20 provided in section 33 of this act.

21 ~~An individual holding a temporary permit on December 1, 2008, shall~~
22 ~~be deemed to be holding a temporary license under the Occupational~~
23 ~~Therapy Practice Act on such date. The permitholder may continue to~~
24 ~~practice under such temporary permit as a temporary license until it~~
25 ~~would have expired under its terms.~~

26 Sec. 83. Section 38-2523, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 38-2523 (1) An applicant for licensure to practice as an
29 occupational therapist or to practice as an occupational therapy
30 assistant who has met the standards set by the board pursuant to section
31 38-126 for a license based on licensure in another jurisdiction but is

1 not practicing at the time of application for licensure shall present
2 proof satisfactory to the department that he or she has within the three
3 years immediately preceding the application for licensure completed
4 continuing competency requirements approved by the board pursuant to
5 section 38-145.

6 (2) An applicant who is a military spouse may apply for a temporary
7 license as provided in section 33 of this act.

8 Sec. 84. Section 38-2609, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 38-2609 (1) In addition to the standards set by the board pursuant
11 to section 38-126, an applicant for licensure based on a license in
12 another state or territory of the United States or the District of
13 Columbia must have been actively engaged in the practice of optometry for
14 at least two of the three years immediately preceding the application for
15 licensure in Nebraska and must provide satisfactory evidence of being
16 credentialed in such other jurisdiction at a level with requirements that
17 are at least as stringent as or more stringent than the requirements for
18 the comparable credential being applied for in this state.

19 (2) An applicant who is a military spouse may apply for a temporary
20 license as provided in section 33 of this act.

21 Sec. 85. Section 38-2707, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 38-2707 (1) The department shall issue a temporary license to a
24 person who has applied for licensure pursuant to the Perfusion Practice
25 Act and who, in the judgment of the department, with the recommendation
26 of the board, is eligible for examination. An applicant with a temporary
27 license issued under this subsection may practice only under the direct
28 supervision of a perfusionist. The board may adopt and promulgate rules
29 and regulations governing such direct supervision which do not require
30 the immediate physical presence of the supervising perfusionist. A
31 temporary license issued under this subsection shall expire one year

1 after the date of issuance and may be renewed for a subsequent one-year
2 period, subject to the rules and regulations adopted under the act. A
3 temporary license issued under this subsection shall be surrendered to
4 the department upon its expiration.

5 (2) An applicant for licensure pursuant to the act who is a military
6 spouse may apply for a temporary license as provided in section 33 of
7 this act.

8 Sec. 86. Section 38-2853, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 38-2853 (1) A temporary pharmacist license may be granted to
11 persons meeting all of the qualifications for a pharmacist license except
12 the requirement that they be citizens of the United States. Such
13 temporary license shall be issued for a period of one year from the date
14 of issuance and may be renewed each year thereafter for four additional
15 years, and if the person so licensed has not become a citizen of the
16 United States within five years of the date such temporary license was
17 issued, such license shall terminate and the person so licensed shall
18 have no further right to practice pharmacy in this state. If a temporary
19 pharmacist licensee becomes a citizen of the United States while a
20 temporary pharmacist license is in force and provides evidence thereof to
21 the department, a pharmacist license may be issued in place of such
22 temporary license and no additional fee shall be charged unless such
23 temporary license had already expired, in which case a renewal fee shall
24 be charged. The applicant for a temporary pharmacist license shall submit
25 proof of his or her eligibility and intent to become a citizen of the
26 United States. The fees to be paid and procedures for the denial,
27 suspension, revocation, or reinstatement of such temporary license shall
28 be the same as for a pharmacist license.

29 (2) An applicant for licensure as a pharmacist who is a military
30 spouse may apply for a temporary license as provided in section 33 of
31 this act.

1 Sec. 87. Section 38-2924, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-2924 (1) An applicant for licensure to practice as a physical
4 therapist or to practice as a physical therapist assistant who has met
5 the standards set by the board pursuant to section 38-126 for a license
6 based on licensure in another jurisdiction but is not practicing at the
7 time of application for licensure shall present proof satisfactory to the
8 department that he or she has within the three years immediately
9 preceding the application for licensure completed continuing competency
10 requirements approved by the board pursuant to section 38-145.

11 (2) An applicant who is a military spouse may apply for a temporary
12 license as provided in section 33 of this act.

13 Sec. 88. Section 38-3120, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 38-3120 (1) A psychologist licensed under the laws of another
16 jurisdiction may be authorized by the department to practice psychology
17 for a maximum of one year if the psychologist has made application to the
18 department for licensure and has met the educational and experience
19 requirements for licensure in Nebraska, if the requirements for licensure
20 in the former jurisdiction are equal to or exceed the requirements for
21 licensure in Nebraska, and if the psychologist is not the subject of a
22 past or pending disciplinary action in another jurisdiction. Denial of
23 licensure shall terminate this authorization.

24 (2) An applicant for licensure as a psychologist who is a military
25 spouse may apply for a temporary license as provided in section 33 of
26 this act.

27 Sec. 89. Section 38-3212, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 38-3212 (1) An applicant for licensure to practice respiratory care
30 who has met the standards set by the board pursuant to section 38-126 for
31 a license based on licensure in another jurisdiction but is not

1 practicing at the time of application for licensure shall present proof
2 satisfactory to the department that he or she has within the three years
3 immediately preceding the application for licensure completed continuing
4 competency requirements approved by the board pursuant to section 38-145.

5 (2) An applicant who is a military spouse may apply for a temporary
6 license as provided in section 33 of this act.

7 Sec. 90. Section 38-3327, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 38-3327 (1) An applicant for a license to practice veterinary
10 medicine and surgery based on a license in another state or territory of
11 the United States, the District of Columbia, or a Canadian province shall
12 meet the standards set by the board pursuant to section 38-126 and shall
13 have been actively engaged in the practice of such profession at least
14 one of the three years immediately preceding the application under a
15 license in another state or territory of the United States, the District
16 of Columbia, or a Canadian province.

17 (2) An applicant for a license to practice as a licensed veterinary
18 technician based on a license in another state or territory of the United
19 States, the District of Columbia, or a Canadian province shall meet the
20 standards set by the board pursuant to section 38-126 and shall have been
21 actively engaged in the practice of such profession at least one of the
22 three years immediately preceding the application under a license in
23 another state or territory of the United States, the District of
24 Columbia, or a Canadian province.

25 (3) An applicant who is a military spouse may apply for a temporary
26 license to practice veterinary medicine and surgery or to practice as a
27 licensed veterinary technician as provided in section 33 of this act.

28 Sec. 91. Section 38-3419, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 38-3419 (1) The department, with the recommendation of the state
31 board, may issue a license under the Genetic Counseling Practice Act

1 based on licensure in another jurisdiction to an individual who meets the
2 requirements of the Genetic Counseling Practice Act or substantially
3 equivalent requirements as determined by the department, with the
4 recommendation of the state board.

5 (2) An individual practicing genetic counseling in Nebraska before
6 January 1, 2013, may apply for licensure under the act if, on or before
7 July 1, 2013, he or she:

8 (a) Provides satisfactory evidence to the state board that he or she
9 (i) has practiced genetic counseling for a minimum of ten years preceding
10 January 1, 2013, (ii) has a postbaccalaureate degree at the master's
11 level or higher in genetics or a related field of study, and (iii) has
12 never failed the certification examination;

13 (b) Submits three letters of recommendation from at least one
14 individual practicing genetic counseling who qualifies for licensure
15 under the Genetic Counseling Practice Act and either a clinical
16 geneticist or medical geneticist certified by the national medical
17 genetics board. An individual submitting a letter of recommendation shall
18 have worked with the applicant in an employment setting during at least
19 five of the ten years preceding submission of the letter and be able to
20 attest to the applicant's competency in providing genetic counseling; and

21 (c) Provides documentation of attending approved continuing
22 education programs within the five years preceding application.

23 (3) An applicant who is a military spouse may apply for a temporary
24 license as provided in section 33 of this act.

25 Sec. 92. Sections 70, 95, and 96 of this act become operative on
26 November 1, 2017. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
27 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 53, 54, 67, 68, 69, 74, and
28 94 of this act become operative three calendar months after the
29 adjournment of this legislative session. The other sections of this act
30 become operative on their effective date.

31 Sec. 93. Original sections 38-101, 38-105, 38-121, 38-126, 38-186,

1 38-208, 38-319, 38-413, 38-517, 38-518, 38-615, 38-708, 38-809, 38-1066,
2 38-1067, 38-1070, 38-10,132, 38-1121, 38-1217, 38-1218, 38-1312, 38-1421,
3 38-1507, 38-1513, 38-1516, 38-1711, 38-1712, 38-1814, 38-1917,
4 38-1917.02, 38-2028, 38-2034, 38-2049, 38-2125, 38-2130, 38-2220,
5 38-2223, 38-2225, 38-2305, 38-2314.01, 38-2316, 38-2317, 38-2318,
6 38-2322, 38-2421, 38-2517, 38-2523, 38-2609, 38-2707, 38-2853, 38-2924,
7 38-3120, 38-3212, 38-3327, and 38-3419, Reissue Revised Statutes of
8 Nebraska, are repealed.

9 Sec. 94. Original sections 38-1509, 38-1512, 38-2201, and 38-2211,
10 Reissue Revised Statutes of Nebraska, are repealed.

11 Sec. 95. Original section 38-2216, Reissue Revised Statutes of
12 Nebraska, is repealed.

13 Sec. 96. The following sections are outright repealed: Sections
14 38-1601, 38-1602, 38-1603, 38-1604, 38-1605, 38-1606, 38-1607, 38-1608,
15 38-1609, 38-1610, 38-1611, 38-1612, 38-1613, 38-1614, 38-1615, 38-1616,
16 38-1617, 38-1618, 38-1619, 38-1620, 38-1621, 38-1622, 38-1623, 38-1624,
17 and 38-1625, Reissue Revised Statutes of Nebraska.

18 Sec. 97. Since an emergency exists, this act takes effect when
19 passed and approved according to law.