

AMENDMENTS TO LB755

Introduced by Health and Human Services.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 38-10,121, Reissue Revised Statutes of Nebraska,  
4 is amended to read:

5           38-10,121 In order to maintain in good standing or renew its home  
6 services permit, a salon shall at all times operate in accordance with  
7 all requirements for operation, maintain its license in good standing,  
8 and comply with the following requirements:

9           (1)(a) ~~(1)~~ Clients receiving home services shall be in emergency or  
10 persistent circumstances which shall generally be defined as any  
11 condition sufficiently immobilizing to prevent the client from leaving  
12 his or her residence regularly to conduct routine affairs of daily living  
13 such as grocery shopping, visiting friends and relatives, attending  
14 social events, attending worship services, and other similar activities.

15           (b) Emergency or persistent circumstances may include such  
16 conditions or situations as:

17           (i) ~~(a)~~ Chronic illness or injury leaving the client bedridden or  
18 with severely restricted mobility;

19           (ii) ~~(b)~~ Extreme general infirmity such as that associated with the  
20 aging process;

21           (iii) ~~(c)~~ Temporary conditions including, but not limited to,  
22 immobilizing injury and recuperation from serious illness or surgery;

23           (iv) ~~(d)~~ Having sole responsibility for the care of an invalid  
24 dependent or a mentally disabled person requiring constant attention;~~or~~

25           (v) Mental disability that significantly limits the client in areas  
26 of functioning described in subdivision (1)(a) of this section; or

27           (vi) ~~(e)~~ Any other conditions that, in the opinion of the

1 department, meet the general definition of emergency or persistent  
2 circumstances;

3 (2) The salon shall determine that each person receiving home  
4 services meets the requirements of subdivision (1) of this section and  
5 shall:

6 (a) Complete a client information form supplied by the department  
7 before home services may be provided to any client; and

8 (b) Keep on file the client information forms of all clients it is  
9 currently providing with home services or to whom it has provided such  
10 services within the past two years;

11 (3) The salon shall employ or contract with persons licensed under  
12 the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art  
13 Practice Act to provide home services and shall not permit any person to  
14 perform any home services under its authority for which he or she is not  
15 licensed;

16 (4) No client shall be left unattended while any chemical service is  
17 in progress or while any electrical appliance is in use; and

18 (5) Each salon providing home services shall post a daily itinerary  
19 for each licensee providing home services. The kit for each licensee  
20 shall be available for inspection at the salon or at the home of the  
21 client receiving services.

22 Sec. 2. Section 38-10,160, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 38-10,160 In order to maintain in good standing or renew its nail  
25 technology home services permit, a nail technology salon shall at all  
26 times operate in accordance with all requirements for operation, maintain  
27 its license in good standing, and comply with the following requirements:

28 (1)(a) ~~(1)~~ Clients receiving nail technology home services shall be  
29 in emergency or persistent circumstances which shall generally be defined  
30 as any condition sufficiently immobilizing to prevent the client from  
31 leaving his or her residence regularly to conduct routine affairs of

1 daily living such as grocery shopping, visiting friends and relatives,  
2 attending social events, attending worship services, and other similar  
3 activities.

4 (b) Emergency or persistent circumstances may include such  
5 conditions or situations as:

6 (i) ~~(a)~~ Chronic illness or injury leaving the client bedridden or  
7 with severely restricted mobility;

8 (ii) ~~(b)~~ Extreme general infirmity such as that associated with the  
9 aging process;

10 (iii) ~~(c)~~ Temporary conditions including, but not limited to,  
11 immobilizing injury and recuperation from serious illness or surgery;

12 (iv) ~~(d)~~ Having sole responsibility for the care of an invalid  
13 dependent or a mentally disabled person requiring constant attention; ~~or~~

14 (v) Mental disability that significantly limits the client in areas  
15 of functioning described in subdivision (1)(a) of this section; or

16 (vi) ~~(e)~~ Any other conditions that, in the opinion of the  
17 department, meet the general definition of emergency or persistent  
18 circumstances;

19 (2) The nail technology salon shall determine that each person  
20 receiving nail technology home services meets the requirements of  
21 subdivision (1) of this section and shall:

22 (a) Complete a client information form supplied by the department  
23 before nail technology home services may be provided to any client; and

24 (b) Keep on file the client information forms of all clients it is  
25 currently providing with nail technology home services or to whom it has  
26 provided such services within the past two years;

27 (3) The nail technology salon shall employ or contract with persons  
28 licensed under the Cosmetology, Electrology, Esthetics, Nail Technology,  
29 and Body Art Practice Act to provide nail technology home services and  
30 shall not permit any person to perform any home services under its  
31 authority for which he or she is not licensed;

1 (4) No client shall be left unattended while any chemical service is  
2 in progress or while any electrical appliance is in use; and

3 (5) Each nail technology salon providing nail technology home  
4 services shall post a daily itinerary for each licensee providing home  
5 services. The kit for each licensee shall be available for inspection at  
6 the salon or at the home of the client receiving services.

7 Sec. 3. Section 38-2001, Revised Statutes Supplement, 2019, is  
8 amended to read:

9 38-2001 Sections 38-2001 to 38-2062 and sections 7, 9, and 15 of  
10 this act shall be known and may be cited as the Medicine and Surgery  
11 Practice Act.

12 Sec. 4. Section 38-2002, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 38-2002 For the purposes of the Medicine and Surgery Practice Act  
15 and elsewhere in the Uniform Credentialing Act, unless the context  
16 otherwise requires, the definitions found in sections 38-2003 to 38-2022  
17 and sections 7 and 9 of this act apply.

18 Sec. 5. Section 38-2008, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 38-2008 Approved program means a program for the education of  
21 physician assistants which is accredited ~~approved~~ by the Accreditation  
22 Review Commission on Education for the Physician Assistant or its  
23 predecessor or successor agency and which the board formally approves.

24 Sec. 6. Section 38-2014, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 38-2014 Physician assistant means any person who graduates from an  
27 approved program, who has passed a proficiency examination, and whom the  
28 department, with the recommendation of the board, approves to perform  
29 medical services under a collaborative agreement with the supervision of  
30 a physician or podiatrist.

31 Sec. 7. Physician group or podiatrist group means two or more

1 physicians or podiatrists practicing medicine within or employed by the  
2 same business entity.

3 Sec. 8. Section 38-2017, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 38-2017 Supervising physician means a licensed physician who  
6 supervises a physician assistant under a collaborative agreement.

7 Sec. 9. Supervising podiatrist means a licensed podiatrist who  
8 supervises a physician assistant under a collaborative agreement.

9 Sec. 10. Section 38-2018, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 38-2018 Supervision means the ready availability of the supervising  
12 physician or supervising podiatrist for consultation and collaboration on  
13 ~~direction of the activities of the physician assistant. Contact with the~~  
14 ~~supervising physician by telecommunication shall be sufficient to show~~  
15 ~~ready availability.~~

16 Sec. 11. Section 38-2023, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 38-2023 The board shall consist of eight members, including at least  
19 two public members. Two of the six professional members of the board  
20 shall be officials or members of the instructional staff of an accredited  
21 medical school in this state. One of the six professional members of the  
22 board shall be a person who has a license to practice osteopathic  
23 medicine and surgery in this state. Beginning December 1, 2020, one of  
24 the six professional members of the board shall be a physician with  
25 experience in practice with physician assistants.

26 Sec. 12. Section 38-2046, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 38-2046 The Legislature finds that:

29 (1) In its concern with the geographic maldistribution of health  
30 care services in Nebraska it is essential to develop additional health  
31 personnel; and

1           (2) It is essential to encourage the more effective utilization of  
2 the skills of physicians and podiatrists by enabling them to delegate  
3 health care tasks to qualified physician assistants when such delegation  
4 is consistent with the patient's health and welfare.

5           It is the intent of the Legislature to encourage the utilization of  
6 ~~such physician assistants by physicians.~~

7           Sec. 13. Section 38-2047, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9           38-2047 (1) A physician assistant may perform medical services that  
10 (a) are delegated by and provided under the supervision of a licensed  
11 physician who meets the requirements of section 38-2050, (b) are  
12 appropriate to the level of education, experience, and training  
13 ~~competence~~ of the physician assistant, (c)(i) (e) form a component of the  
14 supervising physician's scope of practice or (ii) form a component of the  
15 scope of practice of a physician who meets the requirements of section  
16 38-2050 working in the same physician group as the physician assistant if  
17 delegated by and provided under the supervision of and collaboration with  
18 such physician, (d) are medical services for which the physician  
19 assistant has been prepared by education, experience, and training and  
20 that the physician assistant is competent to perform, and (e) (d) are not  
21 otherwise prohibited by law.

22           (2) A physician assistant shall have at least one supervising  
23 physician for each employer. If the employer is a multispecialty  
24 practice, the physician assistant shall have a supervising physician for  
25 each specialty practice area in which the physician assistant performs  
26 medical services.

27           ~~(2) A physician assistant shall be considered an agent of his or her~~  
28 ~~supervising physician in the performance of practice-related activities~~  
29 ~~delegated by the supervising physician, including, but not limited to,~~  
30 ~~ordering diagnostic, therapeutic, and other medical services.~~

31           (3) Each physician assistant and his or her supervising physician or

1 supervising podiatrist shall be responsible to ensure that (a) the scope  
2 of practice of the physician assistant is identified, (b) the delegation  
3 of medical tasks is appropriate to the level of education, experience,  
4 and training competence of the physician assistant, (c) the relationship  
5 of and access to the supervising physician or supervising podiatrist is  
6 defined, and (d) a process for evaluation of the performance of the  
7 physician assistant is established.

8 (4) A physician assistant may pronounce death and may complete and  
9 sign death certificates and any other forms if such acts are within the  
10 scope of practice of the physician assistant, ~~are delegated by his or her~~  
11 ~~supervising physician, and are not otherwise prohibited by law.~~

12 (5) A physician assistant may practice under the supervision of a  
13 podiatrist as provided in section 24 of this act.

14 ~~(5) In order for a physician assistant to practice in a hospital,~~  
15 ~~(a) his or her supervising physician shall be a member of the medical~~  
16 ~~staff of the hospital, (b) the physician assistant shall be approved by~~  
17 ~~the governing board of the hospital, and (c) the physician assistant~~  
18 ~~shall comply with applicable hospital policies, including, but not~~  
19 ~~limited to, reasonable requirements that the physician assistant and the~~  
20 ~~supervising physician maintain professional liability insurance with such~~  
21 ~~coverage and limits as established by the governing board of the~~  
22 ~~hospital.~~

23 ~~(6) For physician assistants with less than two years of experience,~~  
24 ~~the department, with the recommendation of the board, shall adopt and~~  
25 ~~promulgate rules and regulations establishing minimum requirements for~~  
26 ~~the personal presence of the supervising physician, stated in hours or~~  
27 ~~percentage of practice time, and may provide different minimum~~  
28 ~~requirements for the personal presence of the supervising physician based~~  
29 ~~on the geographic location of the supervising physician's primary and~~  
30 ~~other practice sites and other factors the board deems relevant.~~

31 ~~(7) A physician assistant may render services in a setting~~

1 ~~geographically remote from the supervising physician, except that a~~  
2 ~~physician assistant with less than two years of experience shall comply~~  
3 ~~with standards of supervision established in rules and regulations~~  
4 ~~adopted and promulgated under the Medicine and Surgery Practice Act. The~~  
5 ~~board may consider an application for waiver of the standards and may~~  
6 ~~waive the standards upon a showing of good cause by the supervising~~  
7 ~~physician. The department may adopt and promulgate rules and regulations~~  
8 ~~establishing minimum requirements for such waivers.~~

9       Sec. 14. Section 38-2050, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11       38-2050 (1) To be a supervising physician, a person shall:

12       (a) Be licensed to practice medicine and surgery under the Uniform  
13 Credentialing Act;

14       (b) Have no restriction imposed by the board on his or her ability  
15 to supervise or collaborate with a physician assistant; and

16       (c) Be a party to a collaborative ~~Maintain an~~ agreement with the  
17 physician assistant ~~as provided in subsection (2) of this section.~~

18       ~~(2)(a) An agreement between a supervising physician and a physician~~  
19 ~~assistant shall (i) provide that the supervising physician will exercise~~  
20 ~~supervision over the physician assistant in accordance with the Medicine~~  
21 ~~and Surgery Practice Act and the rules and regulations adopted and~~  
22 ~~promulgated under the act relating to such agreements, (ii) define the~~  
23 ~~scope of practice of the physician assistant, (iii) provide that the~~  
24 ~~supervising physician will retain professional and legal responsibility~~  
25 ~~for medical services rendered by the physician assistant pursuant to such~~  
26 ~~agreement, and (iv) be signed by the supervising physician and the~~  
27 ~~physician assistant.~~

28       (2) (b) The supervising physician shall keep the collaborative  
29 agreement on file at his or her primary practice site, shall keep a copy  
30 of the collaborative agreement on file at each practice site where the  
31 physician assistant provides medical services, and shall make the



1 collaborative agreement available to the board and the department upon  
2 request.

3 (3) Supervision of a physician assistant by a supervising physician  
4 shall be continuous but shall not require the physical presence of the  
5 supervising physician at the time and place that the services are  
6 rendered. A physician assistant may render services in a setting that is  
7 geographically remote from the supervising physician.

8 (4) A supervising physician may supervise no more than four  
9 physician assistants at any one time. The board may consider an  
10 application for waiver of this limit and may waive the limit upon a  
11 showing that the supervising physician meets the minimum requirements for  
12 the waiver. The department may adopt and promulgate rules and regulations  
13 establishing minimum requirements for such waivers.

14 Sec. 15. (1) To supervise a physician assistant, a podiatrist  
15 shall:

16 (a) Be licensed to practice podiatry under the Podiatry Practice  
17 Act;

18 (b) Have no restriction imposed by the Board of Podiatry on such  
19 podiatrist's ability to supervise a physician assistant; and

20 (c) Maintain a collaborative agreement with the physician assistant.

21 (2) The podiatrist shall keep the collaborative agreement on file at  
22 the podiatrist's primary practice site, shall keep a copy of the  
23 collaborative agreement on file at each practice site where the physician  
24 assistant provides podiatry services, and shall make the collaborative  
25 agreement available to the Board of Medicine and Surgery and the  
26 department upon request.

27 (3) Supervision of a physician assistant by a supervising podiatrist  
28 shall be continuous but shall not require the physical presence of the  
29 supervising podiatrist at the time and place that the services are  
30 rendered. A physician assistant may render services in a setting that is  
31 geographically remote from the supervising physician.

1           (4) A supervising podiatrist may supervise no more than four  
2 physician assistants at any one time. The Board of Medicine and Surgery  
3 may consider an application for waiver of this limit and may waive the  
4 limit upon a showing that the supervising podiatrist meets the minimum  
5 requirements for the waiver. The department may adopt and promulgate  
6 rules and regulations establishing minimum requirements for such waivers.

7           Sec. 16. Section 38-2053, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9           38-2053 Any physician or physician groups utilizing physician  
10 assistants shall be liable for any negligent acts or omissions of  
11 physician assistants while acting under their supervision ~~and control.~~

12           Sec. 17. Section 38-2054, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14           38-2054 Any physician assistant who is licensed and who renders  
15 services under the supervision ~~and control~~ of a licensed physician as  
16 provided by the Medicine and Surgery Practice Act shall not be construed  
17 to be engaged in the unauthorized practice of medicine.

18           Sec. 18. Section 38-2055, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20           38-2055 (1) A physician assistant, under a collaborative agreement  
21 with a supervising physician, may prescribe drugs and devices—~~as~~  
22 ~~delegated to do so by a supervising physician. Any limitation placed by~~  
23 ~~the supervising physician on the prescribing authority of the physician~~  
24 ~~assistant shall be recorded on the physician assistant's scope of~~  
25 ~~practice agreement established pursuant to rules and regulations adopted~~  
26 ~~and promulgated under the Medicine and Surgery Practice Act.~~

27           (2) All such prescriptions and prescription container labels shall  
28 bear the name of the physician assistant~~and, if required for purposes of~~  
29 ~~reimbursement, the name of the supervising physician. A physician~~  
30 ~~assistant who prescribes to whom has been delegated the authority to~~  
31 ~~prescribe controlled substances listed in Schedule II, III, IV, or V of~~

1 section 28-405 shall obtain a federal Drug Enforcement Administration  
2 registration number. A physician assistant may dispense drug samples to  
3 patients and may request, receive, or sign for drug samples.

4 (3) A physician assistant, under a collaborative agreement with a  
5 supervising physician, may plan and initiate a therapeutic regimen, which  
6 includes ordering and prescribing nonpharmacological interventions,  
7 including, but not limited to, durable medical equipment, nutrition,  
8 blood and blood products, and diagnostic support services, such as home  
9 health care, hospice, physical therapy, and occupational therapy.

10 Sec. 19. Section 38-2056, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 38-2056 (1) There is hereby created the Physician Assistant  
13 Committee which shall review and make recommendations to the board  
14 regarding all matters relating to physician assistants that come before  
15 the board. Such matters shall include, but not be limited to, (a)  
16 applications for licensure, (b) physician assistant education, (c) scope  
17 of practice, (d) proceedings arising pursuant to sections 38-178 and  
18 38-179, (e) physician assistant licensure ~~and supervising physician~~  
19 requirements, and (f) continuing competency. The committee shall be  
20 directly responsible to the board.

21 (2) The committee shall be appointed by the State Board of Health.  
22 The committee and shall be composed of two physician assistants, one  
23 supervising physician, one member of the Board of Medicine and Surgery  
24 who shall be a nonvoting member of the committee, and one public member.  
25 The chairperson of the committee shall be elected by a majority vote of  
26 the committee members.

27 (3) At the expiration of the four-year terms of the members serving  
28 on December 1, 2008, appointments shall be for five-year terms. Members  
29 shall serve no more than two consecutive full five-year terms.  
30 Reappointments shall be made by the State Board of Health.

31 (4) The committee shall meet on a regular basis and committee

1 members shall, in addition to necessary traveling and lodging expenses,  
2 receive a per diem for each day actually engaged in the discharge of his  
3 or her duties, including compensation for the time spent in traveling to  
4 and from the place of conducting business. Traveling and lodging expenses  
5 shall be reimbursed on the same basis as provided in sections 81-1174 to  
6 81-1177. The compensation shall not exceed fifty dollars per day and  
7 shall be determined by the committee with the approval of the department.

8 Sec. 20. Section 38-3001, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 38-3001 Sections 38-3001 to 38-3012 and sections 22 to 24 of this  
11 act shall be known and may be cited as the Podiatry Practice Act.

12 Sec. 21. Section 38-3002, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 38-3002 For purposes of the Podiatry Practice Act and elsewhere in  
15 the Uniform Credentialing Act, unless the context otherwise requires, the  
16 definitions found in sections 38-3003 to 38-3005 and sections 22 and 23  
17 of this act apply.

18 Sec. 22. Supervising podiatrist means a licensed podiatrist who  
19 supervises a physician assistant under a collaborative agreement.

20 Sec. 23. Supervision means the ready availability of the  
21 supervising podiatrist for consultation and collaboration on the  
22 activities of the physician assistant.

23 Sec. 24. Under a collaborative agreement with a supervising  
24 podiatrist, a physician assistant may perform services that (1) are  
25 delegated by and provided under the supervision of a licensed podiatrist  
26 who meets the requirements of section 15 of this act, (2) are appropriate  
27 to the level of education, experience, and training of the physician  
28 assistant, (3) form a component of the supervising podiatrist's scope of  
29 practice, (4) are medical services for which the physician assistant has  
30 been prepared by education, experience, and training and that the  
31 physician assistant is competent to perform within the scope of practice

1 of the supervising podiatrist, and (5) are not otherwise prohibited by  
2 law.

3 Sec. 25. Section 71-202.01, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 71-202.01 For purposes of the Barber Act, unless the context  
6 otherwise requires:

7 (1) Barber shall mean any person who engages in the practice of any  
8 act of barbering;

9 (2) Barber pole shall mean a cylinder or pole with alternating  
10 stripes of red, white, and blue or any combination of them which run  
11 diagonally along the length of the cylinder or pole;

12 (3) Barber shop shall mean (a) an establishment or place of business  
13 properly licensed as required by the act where one or more persons  
14 properly licensed are engaged in the practice of barbering or (b) a  
15 mobile barber shop. Barber shop shall not include barber schools or  
16 colleges;

17 (4) Barber school or college shall mean an establishment properly  
18 licensed and operated for the teaching and training of barber students;

19 (5) Board shall mean the Board of Barber Examiners;

20 (6) Manager shall mean a licensed barber having control of the  
21 barber shop and of the persons working at or employed by the barber shop  
22 therein;

23 (7) License shall mean a certificate of registration issued by the  
24 board;

25 (8) Barber instructor shall mean a teacher of the barber trade as  
26 provided in the act;

27 (9) Assistant barber instructor shall mean a teacher of the  
28 barbering trade registered as an assistant barber instructor as required  
29 by the act;

30 (10) Mobile barber shop shall mean a self-contained, self-  
31 supporting, enclosed mobile unit licensed under the act as a mobile site

1 for the performance of the practice of barbering by persons licensed  
2 under the act;

3 (11) Registered or licensed barber shall mean a person who has  
4 completed the requirements to receive a certificate as a barber and to  
5 whom a certificate has been issued;

6 (12) Secretary of the board shall mean the director appointed by the  
7 board who shall keep a record of the proceedings of the board;

8 (13) Student shall mean a person attending an approved, licensed  
9 barber school or college, duly registered with the board as a student  
10 engaged in learning and acquiring any and all of the practices of  
11 barbering, and who, while learning, performs and assists any of the  
12 practices of barbering in a barber school or college; and

13 (14) Postsecondary barber school or college shall mean an  
14 establishment properly licensed and operated for the teaching and  
15 training of barber students who have successfully completed high school  
16 or its equivalent as determined by successfully passing a general  
17 educational development test prior to admittance.

18 Sec. 26. Section 71-224, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 71-224 Sections 71-201 to 71-255 and sections 27 to 32 of this act  
21 shall be known and may be cited as the Barber Act.

22 Sec. 27. (1) A barber shop may employ licensed barbers, according  
23 to the licensed activities of the barber shop, to perform home barber  
24 services by obtaining a home barber services permit.

25 (2) In order to obtain a home barber services permit from the board,  
26 an applicant shall:

27 (a) Hold a current, active barber shop license; and

28 (b) Submit a complete application at least ten days before the  
29 proposed date for beginning home barbering services.

30 (3) The board shall issue a home barber services permit to each  
31 applicant meeting the requirements set forth in this section.

1           Sec. 28. In order to maintain in good standing or renew its home  
2 barber services permit, a barber shop shall at all times operate in  
3 accordance with the requirements for operation, maintain its license in  
4 good standing, and ensure that the home barber services comply with the  
5 following requirements:

6           (1)(a) Clients receiving home barber services shall be in emergency  
7 or persistent circumstances which shall generally be defined as any  
8 condition sufficiently immobilizing to prevent the client from leaving  
9 the client's residence regularly to conduct routine affairs of daily  
10 living such as grocery shopping, visiting friends and relatives,  
11 attending social events, attending worship services, and other similar  
12 activities.

13           (b) Emergency or persistent circumstances may include such  
14 conditions or situations as:

15           (i) Chronic illness or injury leaving the client bedridden or with  
16 severely restricted mobility;

17           (ii) Extreme general infirmity such as that associated with the  
18 aging process;

19           (iii) Temporary conditions, including, but not limited to,  
20 immobilizing injury and recuperation from serious illness or surgery;

21           (iv) Having sole responsibility for the care of an invalid dependent  
22 or a mentally disabled person requiring constant attention;

23           (v) Mental disability that significantly limits the client in areas  
24 of functioning described in subdivision (1)(a) of this section; or

25           (vi) Any other condition that, in the opinion of the board, meets  
26 the general definition of emergency or persistent circumstances;

27           (2) The barber shop shall determine that each person receiving home  
28 barber services meets the requirements of subdivision (1) of this section  
29 and shall:

30           (a) Complete a client information form supplied by the board before  
31 home barber services may be provided to any client; and

1       (b) Keep on file the client information forms of all clients it is  
2 currently providing with home barber services or to whom it has provided  
3 such services within the past two years;

4       (3) The barber shop shall employ or contract with barbers licensed  
5 under the Barber Act to provide home barber services and shall not permit  
6 any person to perform any home barber services under its authority for  
7 which the person is not licensed;

8       (4) No client shall be left unattended while any chemical service is  
9 in progress or while any electrical appliance is in use; and

10       (5) Each barber shop providing home barber services shall post a  
11 daily itinerary for each barber providing home barber services. The kit  
12 used by each barber to provide home barber services shall be available  
13 for inspection at the barber shop or at the home of the client receiving  
14 the home barber services.

15       Sec. 29. An agent of the board may make an operation inspection in  
16 the home of a client if the inspection is limited to the activities,  
17 procedures, and materials of the barber providing the home barber  
18 services.

19       Sec. 30. No barber may perform home barber services except when  
20 employed by or under contract to a barber shop holding a valid home  
21 barber services permit.

22       Sec. 31. Each home barber services permit shall be subject to  
23 renewal at the same time as the barber shop license and shall be renewed  
24 upon request of the permitholder if the barber shop is operating its home  
25 barber services in compliance with the Barber Act and if the barber shop  
26 license is renewed. No permit that has been revoked or expired may be  
27 reinstated or transferred to another owner or location.

28       Sec. 32. The owner of a barber shop holding a home barber services  
29 permit shall have full responsibility for ensuring that the home barber  
30 services are provided in compliance with all applicable laws and rules  
31 and regulations and shall be liable for any violation which occurs.



1           Sec. 33. Section 71-519, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           71-519 (1) All infants born in the State of Nebraska shall be  
4 screened for phenylketonuria, congenital primary hypothyroidism,  
5 biotinidase deficiency, galactosemia, hemoglobinopathies, medium-chain  
6 acyl co-a dehydrogenase (MCAD) deficiency, X-linked adrenoleukodystrophy  
7 (X-ALD), mucopolysaccharidoses type 1 (MPS-1), Pompe disease, spinal  
8 muscular atrophy, and such other inherited or congenital infant or  
9 childhood-onset diseases as the Department of Health and Human Services  
10 may from time to time specify. Confirmatory tests shall be performed if a  
11 presumptive positive result on the screening test is obtained.

12           (2) The attending physician shall collect or cause to be collected  
13 the prescribed blood specimen or specimens and shall submit or cause to  
14 be submitted the same to the laboratory designated by the department for  
15 the performance of such tests within the period and in the manner  
16 prescribed by the department. If a birth is not attended by a physician  
17 and the infant does not have a physician, the person registering the  
18 birth shall cause such tests to be performed within the period and in the  
19 manner prescribed by the department. The laboratory shall within the  
20 period and in the manner prescribed by the department perform such tests  
21 as are prescribed by the department on the specimen or specimens  
22 submitted and report the results of these tests to the physician, if any,  
23 the hospital or other birthing facility or other submitter, and the  
24 department. The laboratory shall report to the department the results of  
25 such tests that are presumptive positive or confirmed positive within the  
26 period and in the manner prescribed by the department.

27           (3) The hospital or other birthing facility shall record the  
28 collection of specimens for tests for metabolic diseases and the report  
29 of the results of such tests or the absence of such report. For purposes  
30 of tracking, monitoring, and referral, the hospital or other birthing  
31 facility shall provide from its records, upon the department's request,

1 information about the infant's and mother's location and contact  
2 information, and care and treatment of the infant.

3 (4)(a) The department shall have authority over the use, retention,  
4 and disposal of blood specimens and all related information collected in  
5 connection with disease testing conducted under subsection (1) of this  
6 section.

7 (b) The department shall adopt and promulgate rules and regulations  
8 relating to the retention and disposal of such specimens. The rules and  
9 regulations shall: (i) Be consistent with nationally recognized standards  
10 for laboratory accreditation and shall comply with all applicable  
11 provisions of federal law; (ii) require that the disposal be conducted in  
12 the presence of a witness who may be an individual involved in the  
13 disposal or any other individual; and (iii) provide for maintenance of a  
14 written or electronic record of the disposal, verified by such witness.

15 (c) The department shall adopt and promulgate rules and regulations  
16 relating to the use of such specimens and related information. Such use  
17 shall only be made for public health purposes and shall comply with all  
18 applicable provisions of federal law. The department may charge a  
19 reasonable fee for evaluating proposals relating to the use of such  
20 specimens for public health research and for preparing and supplying  
21 specimens for research proposals approved by the department.

22 (5) The department shall prepare written materials explaining the  
23 requirements of this section. The department shall include the following  
24 information in the pamphlet:

25 (a) The nature and purpose of the testing program required under  
26 this section, including, but not limited to, a brief description of each  
27 condition or disorder listed in subsection (1) of this section;

28 (b) The purpose and value of the infant's parent, guardian, or  
29 person in loco parentis retaining a blood specimen obtained under  
30 subsection (6) of this section in a safe place;

31 (c) The department's procedures for retaining and disposing of blood

1 specimens developed under subsection (4) of this section; and

2 (d) That the blood specimens taken for purposes of conducting the  
3 tests required under subsection (1) of this section may be used for  
4 research pursuant to subsection (4) of this section.

5 (6) In addition to the requirements of subsection (1) of this  
6 section, the attending physician or person registering the birth may  
7 offer to draw an additional blood specimen from the infant. If such an  
8 offer is made, it shall be made to the infant's parent, guardian, or  
9 person in loco parentis at the time the blood specimens are drawn for  
10 purposes of subsection (1) of this section. If the infant's parent,  
11 guardian, or person in loco parentis accepts the offer of an additional  
12 blood specimen, the blood specimen shall be preserved in a manner that  
13 does not require special storage conditions or techniques. The attending  
14 physician or person making the offer shall explain to the parent,  
15 guardian, or person in loco parentis at the time the offer is made that  
16 the additional blood specimen can be used for future identification  
17 purposes and should be kept in a safe place. The attending physician or  
18 person making the offer may charge a fee that is not more than the actual  
19 cost of obtaining and preserving the additional blood specimen.

20 (7) The person responsible for causing the tests to be performed  
21 under subsection (2) of this section shall inform the parent or legal  
22 guardian of the infant of the tests and of the results of the tests and  
23 provide, upon any request for further information, at least a copy of the  
24 written materials prepared under subsection (5) of this section.

25 (8) Dietary and therapeutic management of the infant with  
26 phenylketonuria, primary hypothyroidism, biotinidase deficiency,  
27 galactosemia, hemoglobinopathies, MCAD deficiency, X-linked  
28 adrenoleukodystrophy (X-ALD), mucopolysaccharidoses type 1 (MPS-1), Pompe  
29 disease, spinal muscular atrophy, or such other inherited or congenital  
30 infant or childhood-onset diseases as the department may from time to  
31 time specify shall be the responsibility of the child's parent, guardian,

1 or custodian with the aid of a physician selected by such person.

2 (9) Except for acts of gross negligence or willful or wanton  
3 conduct, any physician, hospital or other birthing facility, laboratory,  
4 or other submitter making reports or notifications under sections 71-519  
5 to 71-524 shall be immune from criminal or civil liability of any kind or  
6 character based on any statements contained in such reports or  
7 notifications.

8 Sec. 34. Section 81-6,103, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 81-6,103 The pharmacist in charge of each pharmacy located within  
11 the state or doing business in the state shall file a semiannual report  
12 with the department listing persons to whom the pharmacist has dispensed  
13 drugs on the list of drugs required to be reported under this section for  
14 Parkinson's disease. The report shall include the name, address, and date  
15 of birth ~~social security number~~ of the person for whom the drugs were  
16 prescribed and the name and address of the prescribing physician. The  
17 department shall issue a list of drugs used for the treatment of  
18 Parkinson's disease to be reported under this section, shall review and  
19 revise the list annually, and shall distribute the list to each pharmacy  
20 located within the state or doing business in the state.

21 Sec. 35. Section 81-3401, Revised Statutes Cumulative Supplement,  
22 2018, is amended to read:

23 81-3401 Sections 81-3401 to 81-3455 and section 37 of this act shall  
24 be known and may be cited as the Engineers and Architects Regulation Act.

25 Sec. 36. Section 81-3403, Revised Statutes Cumulative Supplement,  
26 2018, is amended to read:

27 81-3403 For purposes of the Engineers and Architects Regulation Act,  
28 the definitions found in sections 81-3404 to 81-3427 and section 37 of  
29 this act shall be used.

30 Sec. 37. ABET means an entity incorporated as the Accreditation  
31 Board for Engineering and Technology, Inc., which is a nongovernmental

1 organization that accredits postsecondary education programs.

2       Sec. 38. Section 81-3416.01, Revised Statutes Cumulative Supplement,  
3 2018, is amended to read:

4       81-3416.01 Intern architect means a person who has enrolled in the  
5 Architectural Experience Intern—Development Program of the National  
6 Council of Architectural Registration Boards and holds a degree from a  
7 program accredited by the National Architectural Accrediting Board or  
8 equivalent.

9       Sec. 39. Section 81-3428, Revised Statutes Cumulative Supplement,  
10 2018, is amended to read:

11       81-3428 (1) The Board of Engineers and Architects is created to  
12 administer the Engineers and Architects Regulation Act. The board shall  
13 consist of eight members appointed by the Governor for terms of five  
14 years terminating on the last day of February. The board shall consist  
15 of:

16       (a) Three architect members, two of whom shall be appointed after  
17 consulting with the appropriate architectural professional organizations,  
18 and one education member who is a faculty member of the University of  
19 Nebraska appointed upon the recommendation of the Dean of Architecture of  
20 the University of Nebraska;

21       (b) Four professional engineer members, three of whom shall be  
22 appointed after consulting with the appropriate engineering professional  
23 organizations, and one education member who is a faculty member of the  
24 University of Nebraska appointed upon the recommendation of the Dean of  
25 Engineering of the University of Nebraska; and

26       (c) One public member.

27       (2) Each member shall hold office after the expiration of his or her  
28 term until his or her successor is duly appointed and qualified.  
29 Vacancies in the membership of the board, however created, shall be  
30 filled for the unexpired term by appointment by the Governor. The  
31 Governor shall reappoint or replace existing members as their terms

1 expire, and the public member shall be reappointed or replaced in the  
2 fifth year of his or her term. The Governor may remove any member of the  
3 board for misconduct, incompetency, or neglect of duty.

4 (3) Each member of the board shall be a citizen of the United States  
5 and a resident of the State of Nebraska for at least one year immediately  
6 preceding appointment. Each architect or professional engineer member  
7 shall have been engaged in the active practice of the design profession  
8 for at least ten years and  ~~,~~ shall have been licensed in the relevant  
9 profession  ~~had direct supervision of work~~ for at least five years at the  
10 time of his or her appointment,  ~~and shall be licensed in the relevant~~  
11  ~~profession.~~

12 (4) The board may designate a former member of the board as an  
13 emeritus member, but for no more than ten years after his or her original  
14 board membership expires. Emeritus member status, when conferred, must be  
15 renewed annually.

16 (5) The board offices shall be located in Lincoln, Nebraska.

17 Sec. 40. Section 81-3429, Revised Statutes Cumulative Supplement,  
18 2018, is amended to read:

19 81-3429 (1) Each member of the board shall receive as compensation  
20 not more than one hundred dollars per day or portion of a day for (a)  
21 participating in meetings for each day or substantial portion of a day  
22  ~~spent traveling to and from and attending sessions~~ of the board and its  
23 committees, (b) traveling to or attending authorized meetings of the  
24 National Council of Architectural Registration Boards, the National  
25 Council of Examiners for Engineering and Surveying, or their subdivisions  
26 or committees on which the member serves, and (c)  ~~,~~ or other business as  
27 authorized by the board. Participation in, attendance at, and conduct of  
28 such authorized activities by telephone or electronic means shall be  
29 eligible for such compensation.

30 (2) Each member of the board shall be reimbursed for all necessary  
31 and authorized expenses incident to the performance of his or her duties

1 under the Engineers and Architects Regulation Act as provided in sections  
2 81-1174 to 81-1177.

3 Sec. 41. Section 81-3432, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:

5 81-3432 The Engineers and Architects Regulation Fund is created. The  
6 ~~secretary of the~~ board shall receive and account for all money derived  
7 from the operation of the Engineers and Architects Regulation Act and  
8 shall remit the money to the State Treasurer for credit to the Engineers  
9 and Architects Regulation Fund. All expenses certified by the board as  
10 properly and necessarily incurred in the discharge of duties, including  
11 compensation and administrative staff, and any expense incident to the  
12 administration of the act relating to other states shall be paid out of  
13 the fund. Debt repayments payable pursuant to section 81-3432.01 shall be  
14 paid out of the fund. Warrants for the payment of expenses shall be  
15 issued by the Director of Administrative Services and paid by the State  
16 Treasurer upon presentation of vouchers regularly drawn by the  
17 chairperson and secretary of the board and approved by the board. At no  
18 time shall the total amount of warrants exceed the total amount of the  
19 fees collected under the act and to the credit of the fund. Any money in  
20 the fund available for investment shall be invested by the state  
21 investment officer pursuant to the Nebraska Capital Expansion Act and the  
22 Nebraska State Funds Investment Act. Money in the Engineers and  
23 Architects Regulation Fund may be transferred to the General Fund at the  
24 direction of the Legislature.

25 ~~The State Treasurer shall transfer three hundred thousand dollars~~  
26 ~~from the Engineers and Architects Regulation Fund to the General Fund on~~  
27 ~~or before June 15, 2018, on such dates and in such amounts as directed by~~  
28 ~~the budget administrator of the budget division of the Department of~~  
29 ~~Administrative Services.~~

30 Sec. 42. Section 81-3433, Revised Statutes Cumulative Supplement,  
31 2018, is amended to read:

1           81-3433 The board shall maintain and make available to the public a  
2 complete roster of all architects and professional engineers showing  
3 their names and last-known addresses. The board ~~shall file the roster~~  
4 ~~with the Secretary of State and~~ may distribute a copy of the roster to  
5 each licensed person as well as county and municipal officials. The board  
6 may charge a fee for distributing the roster.

7           Sec. 43. Section 81-3438, Revised Statutes Cumulative Supplement,  
8 2018, is amended to read:

9           81-3438 Certificates of licensure and certificates of authorization  
10 shall expire on a date established by the board and shall become invalid  
11 after that date unless renewed. The board shall notify every person  
12 licensed under the Engineers and Architects Regulation Act and every  
13 organization holding a certificate of authorization under the act of the  
14 date of the expiration of the certificate of licensure or certificate of  
15 authorization and the amount of the fee required for renewal. The notice  
16 shall be provided ~~mailed~~ at least one month in advance of the date of the  
17 expiration to the licensee or organization at the last-known address on  
18 file with the board. Valid certificates may be renewed prior to  
19 expiration upon application and payment of applicable fees. Expired  
20 certificates may be renewed in accordance with rules and regulations of  
21 the board. Renewal fees shall not exceed two hundred dollars per year.  
22 The board may require licensees to obtain continuing education as a  
23 condition of license renewal.

24           Sec. 44. Section 81-3448, Revised Statutes Cumulative Supplement,  
25 2018, is amended to read:

26           81-3448 ~~(1) The following shall be considered as the minimum~~  
27 ~~evidence satisfactory to the board that an applicant is eligible for~~  
28 ~~admission to an examination on technical and professional subjects of~~  
29 ~~architecture as prescribed by the board:~~

30           ~~(a) Graduation from a program accredited by the National~~  
31 ~~Architectural Accrediting Board, or satisfying the requirements of the~~



1 ~~Education Standard of the National Council of Architectural Registration~~  
2 ~~Boards as determined by the council;~~

3 ~~(b) Establishment of a record maintained by the National Council of~~  
4 ~~Architectural Registration Boards for the purpose of documenting~~  
5 ~~architectural work experience for the council's Intern Development~~  
6 ~~Program; and~~

7 ~~(c) Submittal of an application accompanied by the fee established~~  
8 ~~by the board.~~

9 ~~(1) (2)~~ The following shall be considered as the minimum evidence  
10 satisfactory to the board that an applicant is eligible for initial  
11 licensure as an architect:

12 ~~(a)(i) Graduation from a program accredited by the National~~  
13 ~~Architectural Accrediting Board;~~

14 ~~(ii) Graduation from a program accredited by the Canadian~~  
15 ~~Architectural Certification Board; or~~

16 ~~(iii) Satisfying the requirements of the Education Standard of the~~  
17 ~~National Council of Architectural Registration Boards as determined by~~  
18 ~~the council;~~

19 ~~(b) (a) Passage of an examination on technical and professional~~  
20 ~~subjects of architecture as prescribed by the board as set forth in~~  
21 ~~subsection (1) of this section;~~

22 ~~(c) (b) Completion of the Architectural Experience Intern~~  
23 ~~Development Program of the National Council of Architectural Registration~~  
24 ~~Boards, or its equivalent as determined by the council or the Board of~~  
25 ~~Engineers and Architects;~~

26 ~~(d) (e) Passage of an examination on the statutes, rules, and other~~  
27 ~~requirements unique to this state; and~~

28 ~~(e) (d) Demonstration of good reputation and good ethical character~~  
29 ~~by attestation of references. The names and complete addresses of~~  
30 ~~references acceptable to the board shall be included in the application~~  
31 ~~for licensure.~~

1           ~~(2)~~ ~~(3)~~ An individual holding a license to practice architecture  
2 issued by a proper authority of any jurisdiction, based on credentials  
3 that do not conflict with subsection ~~(1)~~ ~~(2)~~ of this section and other  
4 provisions of the Engineers and Architects Regulation Act, may, upon  
5 application, be licensed as an architect after:

6           (a) Successful passage of an examination on the statutes, rules, and  
7 other requirements unique to this state; and

8           (b) Demonstration of good reputation and good ethical character by  
9 attestation of references. The names and complete addresses of references  
10 acceptable to the board shall be included in the application for  
11 licensure.

12           ~~(3)~~ ~~(4)~~ An individual who holds a current and valid certification  
13 issued by the National Council of Architectural Registration Boards and  
14 who submits satisfactory evidence of such certification to the board may,  
15 upon application, be licensed as an architect after:

16           (a) Successful passage of an examination on the statutes, rules, and  
17 other requirements unique to this state; and

18           (b) Demonstration of good reputation and good ethical character by  
19 attestation of references. The names and complete addresses of references  
20 acceptable to the board shall be included in the application for  
21 licensure.

22           ~~(4)~~ ~~(5)~~ An individual who has been licensed to practice architecture  
23 for fifteen years or more in one or more jurisdictions and who has  
24 practiced architecture for fifteen years in compliance with the licensing  
25 laws in the jurisdictions where his or her architectural practice has  
26 occurred since initial licensure may, upon application, be licensed as an  
27 architect after:

28           (a) Successful passage of an examination on the statutes, rules, and  
29 other requirements unique to this state; and

30           (b) Demonstration of good reputation and good ethical character by  
31 attestation of references. The names and complete addresses of references

1 acceptable to the board shall be included in the application for  
2 licensure.

3 (5) Upon application to the board in writing and payment of a fee  
4 established by the board, an ~~(6)~~ An individual who holds a valid license  
5 to practice architecture in another jurisdiction may be issued a  
6 temporary permit, valid for a definite period of time, to provide  
7 architectural services for a specific project. An individual may not be  
8 issued more than one temporary permit. No right to practice architecture  
9 accrues to such applicant with respect to any other work not set forth in  
10 the temporary permit. Temporary permit holders are subject to all of the  
11 provisions of the Engineers and Architects Regulation Act governing the  
12 practice of architecture.

13 ~~(6)~~ ~~(7)~~ None of the examination materials described in this section  
14 shall be considered public records.

15 ~~(7)~~ ~~(8)~~ The board or its agent shall direct the time and place of  
16 the architectural examinations referenced in subsection ~~subsections~~ (1)  
17 ~~and (2)~~ of this section.

18 ~~(8)~~ ~~(9)~~ The board may adopt the examinations and grading procedures  
19 of the National Council of Architectural Registration Boards. The board  
20 may also adopt guidelines published by the council.

21 ~~(9)~~ ~~(10)~~ Licensure shall be effective upon issuance.

22 Sec. 45. Section 81-3451, Revised Statutes Cumulative Supplement,  
23 2018, is amended to read:

24 81-3451 (1) The following shall be considered as the minimum  
25 evidence satisfactory to the board that an applicant is eligible for  
26 enrollment as an engineer-intern:

27 (a)(i) ~~(a)~~ Graduation from a program accredited by the Engineering  
28 Accreditation Commission of ABET; ~~or meeting~~

29 (ii) Graduation from a program accredited by the Canadian  
30 Engineering Accreditation Board; or

31 (iii) Meeting the Education Standard of the National Council of

1 Examiners for Engineering and Surveying as determined by the council;

2 (b) Passage of an examination in the fundamentals of engineering as  
3 accepted by the Board of Engineers and Architects board;

4 (c) Submittal of an application accompanied by the fee established  
5 by the board; and

6 (d) Demonstration of good reputation and good ethical character by  
7 attestation of references. The names and complete addresses of references  
8 acceptable to the board shall be included in the application for  
9 enrollment.

10 (2)(a) The following shall be considered as the minimum evidence  
11 satisfactory to the board that an applicant is eligible for admission to  
12 the examination on the principles and practice of engineering that is  
13 adopted by the board:

14 (i)(A) ~~(i)~~ Graduation from a program accredited by the Engineering  
15 Accreditation Commission of ABET;

16 (B) Graduation from a program accredited by the Canadian Engineering  
17 Accreditation Board; or

18 (C) Meeting ~~, or meeting~~ the Education Standard of the National  
19 Council of Examiners for Engineering and Surveying as determined by the  
20 council;

21 ~~(ii) A record of four years or more of progressive post-accredited-~~  
22 ~~degree experience on engineering projects of a grade and character which~~  
23 ~~indicates to the board that the applicant may be competent to practice~~  
24 ~~engineering;~~

25 (ii) ~~(iii)~~ Passage of an examination in the fundamentals of  
26 engineering as accepted by the Board of Engineers and Architects board;

27 (iii) ~~(iv)~~ Submittal of an application accompanied by the fee  
28 established by the board; and

29 (iv) ~~(v)~~ Demonstration of good reputation and good ethical character  
30 by attestation of references. The names and complete addresses of  
31 references acceptable to the board shall be included in the application.

1 (b) A candidate who fails the principles and practice of engineering  
2 examination may apply for reexamination, which may be granted upon  
3 payment of a fee established by the board. In the event of a second or  
4 subsequent failure, the examinee may, at the discretion of the board, be  
5 required to appear before the board with evidence of having acquired the  
6 necessary additional knowledge to qualify before admission to the  
7 examination.

8 (3) The following shall be considered as the minimum evidence  
9 satisfactory to the board that an applicant is eligible for licensure as  
10 a professional engineer:

11 (a) Passage of the principles and practice of engineering  
12 examination as set forth in subsection (2) of this section;

13 (b) A record of four years or more of progressive post-accredited-  
14 degree experience on engineering projects of a grade and character which  
15 indicates to the board that the applicant may be competent to practice  
16 engineering;

17 (c) Demonstration of good reputation and good ethical character by  
18 attestation of references. The names and complete addresses of references  
19 acceptable to the board shall be included in the application for  
20 licensure; and

21 (d) Successful passage of an examination on the statutes, rules, and  
22 other requirements unique to this state.

23 (4) An individual holding a license to practice engineering issued  
24 by a proper authority of any jurisdiction, based on credentials that do  
25 not conflict with subsections (2) and (3) of this section and other  
26 provisions of the Engineers and Architects Regulation Act, may, upon  
27 application, be licensed as a professional engineer after:

28 (a) Demonstration of good reputation and good ethical character by  
29 attestation of references. The names and complete addresses of references  
30 acceptable to the board shall be included in the application for  
31 licensure; and

1 (b) Successful passage of an examination on the statutes, rules, and  
2 other requirements unique to this state.

3 (5) An individual who has been licensed to practice engineering for  
4 fifteen years or more in one or more jurisdictions and who has practiced  
5 engineering for fifteen years in compliance with the licensing laws in  
6 the jurisdictions where his or her engineering practice has occurred  
7 since initial licensure may, upon application, be licensed as a  
8 professional engineer after:

9 (a) Demonstration of good reputation and good ethical character by  
10 attestation of references. The names and complete addresses of references  
11 acceptable to the board shall be included in the application for  
12 licensure; and

13 (b) Successful passage of an examination on the statutes, rules, and  
14 other requirements unique to this state.

15 (6) The board may designate a professional engineer as being  
16 licensed in a specific discipline or branch of engineering signifying the  
17 area in which the professional engineer has demonstrated competence.

18 (7) Upon application to the board in writing and payment of a fee  
19 established by the board, an ~~an~~ individual who holds a valid license to  
20 practice engineering in another jurisdiction may be issued a temporary  
21 permit, valid for a definite period of time, to provide engineering  
22 services for a specific project. An individual may not be issued more  
23 than one temporary permit. No right to practice engineering accrues to  
24 such applicant with respect to any other work not set forth in the  
25 temporary permit. Temporary permit holders are subject to all of the  
26 provisions of the Engineers and Architects Regulation Act governing the  
27 practice of engineering.

28 (8) None of the examination materials described in this section  
29 shall be considered public records.

30 (9) The board or its agent shall direct the time and place of the  
31 engineering examinations referenced in subsections (1), (2), and (3) of

1 this section.

2 (10) The board may adopt the examinations and grading procedures of  
3 the National Council of Examiners for Engineering and Surveying. The  
4 board may also adopt guidelines published by the council.

5 (11) Licensure shall be effective upon issuance.

6 Sec. 46. Section 81-3453, Revised Statutes Supplement, 2019, is  
7 amended to read:

8 81-3453 The provisions of the Engineers and Architects Regulation  
9 Act regulating the practice of engineering do not apply to the following  
10 activities:

11 (1) The construction, remodeling, alteration, or renovation of a  
12 detached single-family through four-family dwelling of less than five  
13 thousand square feet above grade finished space. Any detached or attached  
14 sheds, storage buildings, and garages incidental to the dwelling are not  
15 included in the tabulation of finished space. Such exemption may be  
16 increased by rule and regulation of the board adopted pursuant to the  
17 Negotiated Rulemaking Act but shall not exceed the Type V, column B,  
18 limitations set forth by the allowable height and building areas table in  
19 the state building code adopted in section 71-6403;

20 (2) The construction, remodeling, alteration, or renovation of a  
21 one-story commercial or industrial building or structure of less than  
22 five thousand square feet above grade finished space which does not  
23 exceed thirty feet in height unless such building or structure, or the  
24 remodeling or repairing thereof, provides for the employment, housing, or  
25 assembly of twenty or more persons. Any detached or attached sheds,  
26 storage buildings, and garages incidental to the building or structure  
27 are not included in the tabulation of finished space. Such exemption may  
28 be increased by rule and regulation of the board adopted pursuant to the  
29 Negotiated Rulemaking Act but shall not exceed the Type V, column B,  
30 limitations set forth by the allowable height and building areas table in  
31 the state building code adopted in section 71-6403;

1           (3) The construction, remodeling, alteration, or renovation of farm  
2 buildings, including barns, silos, sheds, or housing for farm equipment  
3 and machinery, livestock, poultry, or storage and if the structures are  
4 designed to be occupied by no more than twenty persons. Such exemption  
5 may be increased by rule and regulation of the board adopted pursuant to  
6 the Negotiated Rulemaking Act but shall not exceed the Type V, column B,  
7 limitations set forth by the allowable height and building areas table in  
8 the state building code adopted in section 71-6403;

9           (4) Any public works project with contemplated expenditures for the  
10 completed project that do not exceed one hundred thousand dollars. The  
11 board shall adjust the dollar amount in this subdivision every fifth  
12 year. The first such adjustment after August 27, 2011, shall be effective  
13 on July 1, 2014. The adjusted amount shall be equal to the then current  
14 amount adjusted by the cumulative percentage change in the Consumer Price  
15 Index for All Urban Consumers published by the Federal Bureau of Labor  
16 Statistics for the five-year period preceding the adjustment date. The  
17 amount shall be rounded to the next highest one-thousand-dollar amount;

18           (5) Any alteration, renovation, or remodeling of a building if the  
19 alteration, renovation, or remodeling does not affect architectural or  
20 engineering safety features of the building;

21           (6) The teaching, including research and service, of engineering  
22 subjects in a college or university offering an ABET-accredited  
23 engineering curriculum of four years or more;

24           (7) A public service provider or an organization who employs a  
25 licensee performing professional services for itself;

26           (8) The practice by a qualified member of another legally recognized  
27 profession who is otherwise licensed or certified by this state or any  
28 political subdivision to perform services consistent with the laws of  
29 this state, the training, and the code of ethics of such profession, if  
30 such qualified member does not represent himself or herself to be  
31 practicing engineering and does not represent himself or herself to be a



1 professional engineer;

2 ~~(9) The offer to practice engineering by a person not a resident of~~  
3 ~~and having no established place of business in this state if the person~~  
4 ~~is legally qualified by licensure to practice engineering in his or her~~  
5 ~~own state or country. The person shall make application to the board in~~  
6 ~~writing and after payment of a fee established by the board may be~~  
7 ~~granted a temporary permit for a definite period of time not to exceed~~  
8 ~~one year to do a specific job. No right to practice engineering accrues~~  
9 ~~to such applicant with respect to any other work not set forth in the~~  
10 ~~permit;~~

11 ~~(9) (10) The work of an employee or a subordinate of a person~~  
12 ~~holding a certificate of licensure or a temporary permit under the~~  
13 ~~Engineers and Architects Regulation Act ~~or an employee of a person~~~~  
14 ~~practicing lawfully under subdivision (9) of this section if the work is~~  
15 ~~done under the direct supervision of a person holding a certificate of~~  
16 ~~licensure or a temporary permit under the act ~~person practicing lawfully~~~~  
17 ~~under such subdivision;~~

18 ~~(10) (11) Those services ordinarily performed by subordinates under~~  
19 ~~direct supervision of a professional engineer or those commonly~~  
20 ~~designated as locomotive, stationary, marine operating engineers, power~~  
21 ~~plant operating engineers, or manufacturers who supervise the operation~~  
22 ~~of or operate machinery or equipment or who supervise construction within~~  
23 ~~their own plant;~~

24 ~~(11) (12) Financial institutions making disbursements of funds in~~  
25 ~~connection with construction projects;~~

26 ~~(12) (13) Earthmoving and related work associated with soil and~~  
27 ~~water conservation practices performed on farmland or any land owned by a~~  
28 ~~political subdivision that is not subject to a permit from the Department~~  
29 ~~of Natural Resources or for work related to livestock waste facilities~~  
30 ~~that are not subject to a permit by the Department of Environment and~~  
31 ~~Energy;~~

1            (13) ~~(14)~~ The work of employees and agents of a political  
2 subdivision or a nonprofit entity organized for the purpose of furnishing  
3 electrical service performing, in accordance with other requirements of  
4 law, their customary duties in the administration and enforcement of  
5 codes, permit programs, and land-use regulations and their customary  
6 duties in utility and public works construction, operation, and  
7 maintenance;

8            (14) ~~(15)~~ Work performed exclusively in the exploration for and  
9 development of energy resources and base, precious, and nonprecious  
10 minerals, including sand, gravel, and aggregate, which does not have a  
11 substantial impact upon public health, safety, and welfare, as determined  
12 by the board, or require the submission of reports or documents to public  
13 agencies;

14           (15) ~~(16)~~ The construction of water wells as defined in section  
15 46-1212, the installation of pumps and pumping equipment into water  
16 wells, and the decommissioning of water wells, unless such construction,  
17 installation, or decommissioning is required by the owner thereof to be  
18 designed or supervised by an engineer or unless legal requirements are  
19 imposed upon the owner of a water well as a part of a public water  
20 supply;

21           (16) ~~(17)~~ Work performed in the exploration, development, and  
22 production of oil and gas or before the Nebraska Oil and Gas Conservation  
23 Commission; and

24           (17) ~~(18)~~ Siting, layout, construction, and reconstruction of a  
25 private onsite wastewater treatment system with a maximum flow from the  
26 facility of one thousand gallons of domestic wastewater per day if such  
27 system meets all of the conditions required pursuant to the Private  
28 Onsite Wastewater Treatment System Contractors Certification and System  
29 Registration Act unless the siting, layout, construction, or  
30 reconstruction by an engineer is required by the Department of  
31 Environment and Energy, mandated by law or rules and regulations imposed

1 upon the owner of the system, or required by the owner.

2       Sec. 47. Original sections 38-10,121, 38-10,160, 38-2002, 38-2008,  
3 38-2014, 38-2017, 38-2018, 38-2023, 38-2046, 38-2047, 38-2050, 38-2053,  
4 38-2054, 38-2055, 38-2056, 38-3001, 38-3002, 71-202.01, 71-224, 71-519,  
5 and 81-6,103, Reissue Revised Statutes of Nebraska, sections 81-3401,  
6 81-3403, 81-3416.01, 81-3428, 81-3429, 81-3432, 81-3433, 81-3438,  
7 81-3448, and 81-3451, Revised Statutes Cumulative Supplement, 2018, and  
8 sections 38-2001 and 81-3453, Revised Statutes Supplement, 2019, are  
9 repealed.