

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 755**

FINAL READING

Introduced by Blood, 3; DeBoer, 10; Hilkemann, 4.

Read first time January 08, 2020

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to public health and welfare; to amend  
2 sections 38-10,121, 38-10,160, 38-2002, 38-2008, 38-2014, 38-2017,  
3 38-2018, 38-2023, 38-2046, 38-2047, 38-2050, 38-2053, 38-2054,  
4 38-2055, 38-2056, 38-3001, 38-3002, 71-202.01, 71-224, 71-519, and  
5 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,  
8 and sections 38-2001 and 81-3453, Revised Statutes Supplement, 2019;  
9 to change home services permit provisions under the Cosmetology,  
10 Electrology, Esthetics, Nail Technology, and Body Art Practice Act  
11 and the Barber Act; to change physician, podiatrist, and physician  
12 assistant provisions under the Medicine and Surgery Practice Act and  
13 the Podiatry Practice Act; to define and redefine terms; to change  
14 membership of the Board of Medicine and Surgery; to change infant  
15 screening test provisions; to change provisions of a Parkinson's  
16 disease drug report; to change provisions, define and redefine  
17 terms, and eliminate obsolete provisions under the Engineers and  
18 Architects Regulation Act; to provide a duty for the Department of  
19 Health and Human Services and the Department of Veterans' Affairs;  
20 to harmonize provisions; and to repeal the original sections.  
21 Be it enacted by the people of the State of Nebraska,

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

3 38-10,121 In order to maintain in good standing or renew its home  
4 services permit, a salon shall at all times operate in accordance with  
5 all requirements for operation, maintain its license in good standing,  
6 and comply with the following requirements:

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

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

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

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

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

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

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) ~~(e)~~ Any other conditions that, in the opinion of the  
26 department, meet the general definition of emergency or persistent  
27 circumstances;

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

31 (a) Complete a client information form supplied by the department

1 before home services may be provided to any client; and

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

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

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

12 (5) Each salon providing home services shall post a daily itinerary  
13 for each licensee providing home services. The kit for each licensee  
14 shall be available for inspection at the salon or at the home of the  
15 client receiving services.

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

18 38-10,160 In order to maintain in good standing or renew its nail  
19 technology home services permit, a nail technology salon shall at all  
20 times operate in accordance with all requirements for operation, maintain  
21 its license in good standing, and comply with the following requirements:

22 (1)(a) ~~(1)~~ Clients receiving nail technology home services shall be  
23 in emergency or persistent circumstances which shall generally be defined  
24 as any condition sufficiently immobilizing to prevent the client from  
25 leaving his or her residence regularly to conduct routine affairs of  
26 daily living such as grocery shopping, visiting friends and relatives,  
27 attending social events, attending worship services, and other similar  
28 activities.

29 (b) Emergency or persistent circumstances may include such  
30 conditions or situations as:

31 (i) ~~(a)~~ Chronic illness or injury leaving the client bedridden or

1 with severely restricted mobility;

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

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

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

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

10 (vi) ~~(e)~~ Any other conditions that, in the opinion of the  
11 department, meet the general definition of emergency or persistent  
12 circumstances;

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

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

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

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

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

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

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

3           38-2001 Sections 38-2001 to 38-2062 and section 7 of this act shall  
4 be known and may be cited as the Medicine and Surgery Practice Act.

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

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

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

13           38-2008 Approved program means a program for the education of  
14 physician assistants which is accredited ~~approved~~ by the Accreditation  
15 Review Commission on Education for the Physician Assistant or its  
16 predecessor or successor agency and which the board formally approves.

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

19           38-2014 Physician assistant means any person who graduates from an  
20 approved program, who has passed a proficiency examination, and whom the  
21 department, with the recommendation of the board, approves to perform  
22 medical services under a collaborative agreement with the supervision of  
23 a physician or under a collaborative agreement with the supervision of a  
24 podiatrist as provided by section 22 of this act.

25           Sec. 7. Physician group means two or more physicians practicing  
26 medicine within or employed by the same business entity.

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

29           38-2017 Supervising physician means a licensed physician who  
30 supervises a physician assistant under a collaborative agreement.

31           Sec. 9. Section 38-2018, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 38-2018 Supervision means the ready availability of the supervising  
3 physician for consultation and collaboration on direction of the  
4 activities of the physician assistant. ~~Contact with the supervising~~  
5 ~~physician by telecommunication shall be sufficient to show ready~~  
6 ~~availability.~~

7 Sec. 10. Section 38-2023, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 38-2023 The board shall consist of eight members, including at least  
10 two public members. Two of the six professional members of the board  
11 shall be officials or members of the instructional staff of an accredited  
12 medical school in this state. One of the six professional members of the  
13 board shall be a person who has a license to practice osteopathic  
14 medicine and surgery in this state. Beginning December 1, 2020, one of  
15 the six professional members of the board shall be a physician with  
16 experience in practice with physician assistants.

17 Sec. 11. Section 38-2046, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 38-2046 The Legislature finds that:

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

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

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

29 Sec. 12. Section 38-2047, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 38-2047 (1) A physician assistant may perform medical services that

1 (a) are delegated by and provided under the supervision of a licensed  
2 physician who meets the requirements of section 38-2050, (b) are  
3 appropriate to the level of education, experience, and training  
4 ~~competence~~ of the physician assistant, ~~(c)(i) (e)~~ form a component of the  
5 supervising physician's scope of practice or (ii) form a component of the  
6 scope of practice of a physician who meets the requirements of section  
7 38-2050 working in the same physician group as the physician assistant if  
8 delegated by and provided under the supervision of and collaboration with  
9 such physician, (d) are medical services for which the physician  
10 assistant has been prepared by education, experience, and training and  
11 that the physician assistant is competent to perform, and (e) ~~(d)~~ are not  
12 otherwise prohibited by law.

13 (2) A physician assistant shall have at least one supervising  
14 physician for each employer. If the employer is a multispecialty  
15 practice, the physician assistant shall have a supervising physician for  
16 each specialty practice area in which the physician assistant performs  
17 medical services.

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

22 (3) Each physician assistant and his or her supervising physician  
23 shall be responsible to ensure that (a) the scope of practice of the  
24 physician assistant is identified, (b) the delegation of medical tasks is  
25 appropriate to the level of education, experience, and training  
26 ~~competence~~ of the physician assistant, (c) the relationship of and access  
27 to the supervising physician is defined, and (d) a process for evaluation  
28 of the performance of the physician assistant is established.

29 (4) A physician assistant may pronounce death and may complete and  
30 sign death certificates and any other forms if such acts are within the  
31 scope of practice of the physician assistant, ~~are delegated by his or her~~

1 ~~supervising physician, and are not otherwise prohibited by law.~~

2 ~~(5) A physician assistant may practice under the supervision of a~~  
3 ~~podiatrist as provided in section 22 of this act.~~

4 ~~(5) In order for a physician assistant to practice in a hospital,~~  
5 ~~(a) his or her supervising physician shall be a member of the medical~~  
6 ~~staff of the hospital, (b) the physician assistant shall be approved by~~  
7 ~~the governing board of the hospital, and (c) the physician assistant~~  
8 ~~shall comply with applicable hospital policies, including, but not~~  
9 ~~limited to, reasonable requirements that the physician assistant and the~~  
10 ~~supervising physician maintain professional liability insurance with such~~  
11 ~~coverage and limits as established by the governing board of the~~  
12 ~~hospital.~~

13 ~~(6) For physician assistants with less than two years of experience,~~  
14 ~~the department, with the recommendation of the board, shall adopt and~~  
15 ~~promulgate rules and regulations establishing minimum requirements for~~  
16 ~~the personal presence of the supervising physician, stated in hours or~~  
17 ~~percentage of practice time, and may provide different minimum~~  
18 ~~requirements for the personal presence of the supervising physician based~~  
19 ~~on the geographic location of the supervising physician's primary and~~  
20 ~~other practice sites and other factors the board deems relevant.~~

21 ~~(7) A physician assistant may render services in a setting~~  
22 ~~geographically remote from the supervising physician, except that a~~  
23 ~~physician assistant with less than two years of experience shall comply~~  
24 ~~with standards of supervision established in rules and regulations~~  
25 ~~adopted and promulgated under the Medicine and Surgery Practice Act. The~~  
26 ~~board may consider an application for waiver of the standards and may~~  
27 ~~waive the standards upon a showing of good cause by the supervising~~  
28 ~~physician. The department may adopt and promulgate rules and regulations~~  
29 ~~establishing minimum requirements for such waivers.~~

30 Sec. 13. Section 38-2050, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

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

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

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

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

8 ~~(2)(a) An agreement between a supervising physician and a physician  
9 assistant shall (i) provide that the supervising physician will exercise  
10 supervision over the physician assistant in accordance with the Medicine  
11 and Surgery Practice Act and the rules and regulations adopted and  
12 promulgated under the act relating to such agreements, (ii) define the  
13 scope of practice of the physician assistant, (iii) provide that the  
14 supervising physician will retain professional and legal responsibility  
15 for medical services rendered by the physician assistant pursuant to such  
16 agreement, and (iv) be signed by the supervising physician and the  
17 physician assistant.~~

18 (2) ~~(b)~~ The supervising physician shall keep the collaborative  
19 agreement on file at his or her primary practice site, shall keep a copy  
20 of the collaborative agreement on file at each practice site where the  
21 physician assistant provides medical services, and shall make the  
22 collaborative agreement available to the board and the department upon  
23 request.

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

29 (4) A supervising physician may supervise no more than four  
30 physician assistants at any one time. The board may consider an  
31 application for waiver of this limit and may waive the limit upon a

1 showing that the supervising physician meets the minimum requirements for  
2 the waiver. The department may adopt and promulgate rules and regulations  
3 establishing minimum requirements for such waivers.

4 Sec. 14. Section 38-2053, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 38-2053 Any physician or physician groups utilizing physician  
7 assistants shall be liable for any negligent acts or omissions of  
8 physician assistants while acting under their supervision ~~and control~~.

9 Sec. 15. Section 38-2054, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 38-2054 Any physician assistant who is licensed and who renders  
12 services under the supervision ~~and control~~ of a licensed physician as  
13 provided by the Medicine and Surgery Practice Act shall not be construed  
14 to be engaged in the unauthorized practice of medicine.

15 Sec. 16. Section 38-2055, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 38-2055 (1) A physician assistant, under a collaborative agreement  
18 with a supervising physician, may prescribe drugs and devices ~~as~~  
19 ~~delegated to do so by a supervising physician. Any limitation placed by~~  
20 ~~the supervising physician on the prescribing authority of the physician~~  
21 ~~assistant shall be recorded on the physician assistant's scope of~~  
22 ~~practice agreement established pursuant to rules and regulations adopted~~  
23 ~~and promulgated under the Medicine and Surgery Practice Act.~~

24 (2) All such prescriptions and prescription container labels shall  
25 bear the name of the physician assistant and, if required for purposes of  
26 reimbursement, the name of the supervising physician. A physician  
27 assistant who prescribes to whom has been delegated the authority to  
28 prescribe controlled substances listed in Schedule II, III, IV, or V of  
29 section 28-405 shall obtain a federal Drug Enforcement Administration  
30 registration number. A physician assistant may dispense drug samples to  
31 patients and may request, receive, or sign for drug samples.

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

7       Sec. 17. Section 38-2056, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9       38-2056 (1) There is hereby created the Physician Assistant  
10 Committee which shall review and make recommendations to the board  
11 regarding all matters relating to physician assistants that come before  
12 the board. Such matters shall include, but not be limited to, (a)  
13 applications for licensure, (b) physician assistant education, (c) scope  
14 of practice, (d) proceedings arising pursuant to sections 38-178 and  
15 38-179, (e) physician assistant licensure ~~and supervising physician~~  
16 requirements, and (f) continuing competency. The committee shall be  
17 directly responsible to the board.

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

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

28       (4) The committee shall meet on a regular basis and committee  
29 members shall, in addition to necessary traveling and lodging expenses,  
30 receive a per diem for each day actually engaged in the discharge of his  
31 or her duties, including compensation for the time spent in traveling to

1 and from the place of conducting business. Traveling and lodging expenses  
2 shall be reimbursed on the same basis as provided in sections 81-1174 to  
3 81-1177. The compensation shall not exceed fifty dollars per day and  
4 shall be determined by the committee with the approval of the department.

5 Sec. 18. Section 38-3001, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 38-3001 Sections 38-3001 to 38-3012 and sections 20 to 23 of this  
8 act shall be known and may be cited as the Podiatry Practice Act.

9 Sec. 19. Section 38-3002, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 38-3002 For purposes of the Podiatry Practice Act and elsewhere in  
12 the Uniform Credentialing Act, unless the context otherwise requires, the  
13 definitions found in sections 38-3003 to 38-3005 and sections 20 and 21  
14 of this act apply.

15 Sec. 20. Supervising podiatrist means a licensed podiatrist who  
16 supervises a physician assistant under a collaborative agreement.

17 Sec. 21. Supervision means the ready availability of the  
18 supervising podiatrist for consultation and collaboration on the  
19 activities of the physician assistant.

20 Sec. 22. Under a collaborative agreement with a supervising  
21 podiatrist, a physician assistant may perform services that (1) are  
22 delegated by and provided under the supervision of a licensed podiatrist  
23 who meets the requirements of section 23 of this act, (2) are appropriate  
24 to the level of education, experience, and training of the physician  
25 assistant, (3) form a component of the supervising podiatrist's scope of  
26 practice, (4) are medical services for which the physician assistant has  
27 been prepared by education, experience, and training and that the  
28 physician assistant is competent to perform within the scope of practice  
29 of the supervising podiatrist, and (5) are not otherwise prohibited by  
30 law. A physician assistant shall have at least one supervising podiatrist  
31 for each employer.

1           Sec. 23.   (1) To supervise a physician assistant, a podiatrist  
2 shall:

3           (a) Be licensed to practice podiatry under the Podiatry Practice  
4 Act;

5           (b) Have no restriction imposed by the board on such podiatrist's  
6 ability to supervise a physician assistant; and

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

8           (2) The podiatrist shall keep the collaborative agreement on file at  
9 the podiatrist's primary practice site, shall keep a copy of the  
10 collaborative agreement on file at each practice site where the physician  
11 assistant provides podiatry services, and shall make the collaborative  
12 agreement available to the board and the department upon request.

13           (3) Supervision of a physician assistant by a supervising podiatrist  
14 shall be continuous but shall not require the physical presence of the  
15 supervising podiatrist at the time and place that the services are  
16 rendered. A physician assistant may render services in a setting that is  
17 geographically remote from the supervising podiatrist.

18           (4) A supervising podiatrist may supervise no more than four  
19 physician assistants at any one time. The board may consider an  
20 application for waiver of this limit and may waive the limit upon a  
21 showing that the supervising podiatrist meets the minimum requirements  
22 for the waiver. The department may adopt and promulgate rules and  
23 regulations establishing minimum requirements for such waivers.

24           Sec. 24. Section 71-202.01, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26           71-202.01 For purposes of the Barber Act, unless the context  
27 otherwise requires:

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

30           (2) Barber pole shall mean a cylinder or pole with alternating  
31 stripes of red, white, and blue or any combination of them which run

1 diagonally along the length of the cylinder or pole;

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

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

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

10 (6) Manager shall mean a licensed barber having control of the  
11 barber shop and of the persons working at or employed by the barber shop  
12 ~~therein~~;

13 (7) License shall mean a certificate of registration issued by the  
14 board;

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

17 (9) Assistant barber instructor shall mean a teacher of the  
18 barbering trade registered as an assistant barber instructor as required  
19 by the act;

20 (10) Mobile barber shop shall mean a self-contained, self-  
21 supporting, enclosed mobile unit licensed under the act as a mobile site  
22 for the performance of the practice of barbering by persons licensed  
23 under the act;

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

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

29 (13) Student shall mean a person attending an approved, licensed  
30 barber school or college, duly registered with the board as a student  
31 engaged in learning and acquiring any and all of the practices of

1 barbering, and who, while learning, performs and assists any of the  
2 practices of barbering in a barber school or college; and

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

8 Sec. 25. Section 71-224, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 71-224 Sections 71-201 to 71-255 and sections 26 to 31 of this act  
11 shall be known and may be cited as the Barber Act.

12 Sec. 26. (1) A barber shop may employ licensed barbers, according  
13 to the licensed activities of the barber shop, to perform home barber  
14 services by obtaining a home barber services permit.

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

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

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

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

22 Sec. 27. In order to maintain in good standing or renew its home  
23 barber services permit, a barber shop shall at all times operate in  
24 accordance with the requirements for operation, maintain its license in  
25 good standing, and ensure that the home barber services comply with the  
26 following requirements:

27 (1)(a) Clients receiving home barber services shall be in emergency  
28 or persistent circumstances which shall generally be defined as any  
29 condition sufficiently immobilizing to prevent the client from leaving  
30 the client's residence regularly to conduct routine affairs of daily  
31 living such as grocery shopping, visiting friends and relatives,

1 attending social events, attending worship services, and other similar  
2 activities.

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

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

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

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

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

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

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

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

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

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

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

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

31 (5) Each barber shop providing home barber services shall post a

1 daily itinerary for each barber providing home barber services. The kit  
2 used by each barber to provide home barber services shall be available  
3 for inspection at the barber shop or at the home of the client receiving  
4 the home barber services.

5       Sec. 28. An agent of the board may make an operation inspection in  
6 the home of a client if the inspection is limited to the activities,  
7 procedures, and materials of the barber providing the home barber  
8 services.

9       Sec. 29. No barber may perform home barber services except when  
10 employed by or under contract to a barber shop holding a valid home  
11 barber services permit.

12       Sec. 30. Each home barber services permit shall be subject to  
13 renewal at the same time as the barber shop license and shall be renewed  
14 upon request of the permitholder if the barber shop is operating its home  
15 barber services in compliance with the Barber Act and if the barber shop  
16 license is renewed. No permit that has been revoked or expired may be  
17 reinstated or transferred to another owner or location.

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

22       Sec. 32. Section 71-519, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24       71-519 (1) All infants born in the State of Nebraska shall be  
25 screened for phenylketonuria, congenital primary hypothyroidism,  
26 biotinidase deficiency, galactosemia, hemoglobinopathies, medium-chain  
27 acyl co-a dehydrogenase (MCAD) deficiency, X-linked adrenoleukodystrophy  
28 (X-ALD), mucopolysaccharidoses type 1 (MPS-1), Pompe disease, spinal  
29 muscular atrophy, and such other inherited or congenital infant or  
30 childhood-onset diseases as the Department of Health and Human Services  
31 may from time to time specify. Confirmatory tests shall be performed if a

1 presumptive positive result on the screening test is obtained.

2 (2) The attending physician shall collect or cause to be collected  
3 the prescribed blood specimen or specimens and shall submit or cause to  
4 be submitted the same to the laboratory designated by the department for  
5 the performance of such tests within the period and in the manner  
6 prescribed by the department. If a birth is not attended by a physician  
7 and the infant does not have a physician, the person registering the  
8 birth shall cause such tests to be performed within the period and in the  
9 manner prescribed by the department. The laboratory shall within the  
10 period and in the manner prescribed by the department perform such tests  
11 as are prescribed by the department on the specimen or specimens  
12 submitted and report the results of these tests to the physician, if any,  
13 the hospital or other birthing facility or other submitter, and the  
14 department. The laboratory shall report to the department the results of  
15 such tests that are presumptive positive or confirmed positive within the  
16 period and in the manner prescribed by the department.

17 (3) The hospital or other birthing facility shall record the  
18 collection of specimens for tests for metabolic diseases and the report  
19 of the results of such tests or the absence of such report. For purposes  
20 of tracking, monitoring, and referral, the hospital or other birthing  
21 facility shall provide from its records, upon the department's request,  
22 information about the infant's and mother's location and contact  
23 information, and care and treatment of the infant.

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

28 (b) The department shall adopt and promulgate rules and regulations  
29 relating to the retention and disposal of such specimens. The rules and  
30 regulations shall: (i) Be consistent with nationally recognized standards  
31 for laboratory accreditation and shall comply with all applicable

1 provisions of federal law; (ii) require that the disposal be conducted in  
2 the presence of a witness who may be an individual involved in the  
3 disposal or any other individual; and (iii) provide for maintenance of a  
4 written or electronic record of the disposal, verified by such witness.

5 (c) The department shall adopt and promulgate rules and regulations  
6 relating to the use of such specimens and related information. Such use  
7 shall only be made for public health purposes and shall comply with all  
8 applicable provisions of federal law. The department may charge a  
9 reasonable fee for evaluating proposals relating to the use of such  
10 specimens for public health research and for preparing and supplying  
11 specimens for research proposals approved by the department.

12 (5) The department shall prepare written materials explaining the  
13 requirements of this section. The department shall include the following  
14 information in the pamphlet:

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

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

21 (c) The department's procedures for retaining and disposing of blood  
22 specimens developed under subsection (4) of this section; and

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

26 (6) In addition to the requirements of subsection (1) of this  
27 section, the attending physician or person registering the birth may  
28 offer to draw an additional blood specimen from the infant. If such an  
29 offer is made, it shall be made to the infant's parent, guardian, or  
30 person in loco parentis at the time the blood specimens are drawn for  
31 purposes of subsection (1) of this section. If the infant's parent,

1 guardian, or person in loco parentis accepts the offer of an additional  
2 blood specimen, the blood specimen shall be preserved in a manner that  
3 does not require special storage conditions or techniques. The attending  
4 physician or person making the offer shall explain to the parent,  
5 guardian, or person in loco parentis at the time the offer is made that  
6 the additional blood specimen can be used for future identification  
7 purposes and should be kept in a safe place. The attending physician or  
8 person making the offer may charge a fee that is not more than the actual  
9 cost of obtaining and preserving the additional blood specimen.

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

15 (8) Dietary and therapeutic management of the infant with  
16 phenylketonuria, primary hypothyroidism, biotinidase deficiency,  
17 galactosemia, hemoglobinopathies, MCAD deficiency, X-linked  
18 adrenoleukodystrophy (X-ALD), mucopolysaccharidoses type 1 (MPS-1), Pompe  
19 disease, spinal muscular atrophy, or such other inherited or congenital  
20 infant or childhood-onset diseases as the department may from time to  
21 time specify shall be the responsibility of the child's parent, guardian,  
22 or custodian with the aid of a physician selected by such person.

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

29 Sec. 33. Section 81-6,103, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 81-6,103 The pharmacist in charge of each pharmacy located within

1 the state or doing business in the state shall file a semiannual report  
2 with the department listing persons to whom the pharmacist has dispensed  
3 drugs on the list of drugs required to be reported under this section for  
4 Parkinson's disease. The report shall include the name, address, and date  
5 of birth ~~social security number~~ of the person for whom the drugs were  
6 prescribed and the name and address of the prescribing physician. The  
7 department shall issue a list of drugs used for the treatment of  
8 Parkinson's disease to be reported under this section, shall review and  
9 revise the list annually, and shall distribute the list to each pharmacy  
10 located within the state or doing business in the state.

11 Sec. 34. Section 81-3401, Revised Statutes Cumulative Supplement,  
12 2018, is amended to read:

13 81-3401 Sections 81-3401 to 81-3455 and section 36 of this act shall  
14 be known and may be cited as the Engineers and Architects Regulation Act.

15 Sec. 35. Section 81-3403, Revised Statutes Cumulative Supplement,  
16 2018, is amended to read:

17 81-3403 For purposes of the Engineers and Architects Regulation Act,  
18 the definitions found in sections 81-3404 to 81-3427 and section 36 of  
19 this act shall be used.

20 Sec. 36. ABET means an entity incorporated as the Accreditation  
21 Board for Engineering and Technology, Inc., which is a nongovernmental  
22 organization that accredits postsecondary education programs.

23 Sec. 37. Section 81-3416.01, Revised Statutes Cumulative Supplement,  
24 2018, is amended to read:

25 81-3416.01 Intern architect means a person who has enrolled in the  
26 Architectural Experience Intern—Development Program of the National  
27 Council of Architectural Registration Boards and holds a degree from a  
28 program accredited by the National Architectural Accrediting Board or  
29 equivalent.

30 Sec. 38. Section 81-3428, Revised Statutes Cumulative Supplement,  
31 2018, is amended to read:

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

6           (a) Three architect members, two of whom shall be appointed after  
7 consulting with the appropriate architectural professional organizations,  
8 and one education member who is a faculty member of the University of  
9 Nebraska appointed upon the recommendation of the Dean of Architecture of  
10 the University of Nebraska;

11           (b) Four professional engineer members, three of whom shall be  
12 appointed after consulting with the appropriate engineering professional  
13 organizations, and one education member who is a faculty member of the  
14 University of Nebraska appointed upon the recommendation of the Dean of  
15 Engineering of the University of Nebraska; and

16           (c) One public member.

17           (2) Each member shall hold office after the expiration of his or her  
18 term until his or her successor is duly appointed and qualified.  
19 Vacancies in the membership of the board, however created, shall be  
20 filled for the unexpired term by appointment by the Governor. The  
21 Governor shall reappoint or replace existing members as their terms  
22 expire, and the public member shall be reappointed or replaced in the  
23 fifth year of his or her term. The Governor may remove any member of the  
24 board for misconduct, incompetency, or neglect of duty.

25           (3) Each member of the board shall be a citizen of the United States  
26 and a resident of the State of Nebraska for at least one year immediately  
27 preceding appointment. Each architect or professional engineer member  
28 shall have been engaged in the active practice of the design profession  
29 for at least ten years and ~~7~~ shall have been licensed in the relevant  
30 profession ~~had direct supervision of work~~ for at least five years at the  
31 time of his or her appointment, ~~and shall be licensed in the relevant~~

1 profession.

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

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

7 Sec. 39. Section 81-3429, Revised Statutes Cumulative Supplement,  
8 2018, is amended to read:

9 81-3429 (1) Each member of the board shall receive as compensation  
10 not more than one hundred dollars per day or portion of a day for (a)  
11 participating in meetings for each day or substantial portion of a day  
12 spent traveling to and from and attending sessions of the board and its  
13 committees, (b) traveling to or attending authorized meetings of the  
14 National Council of Architectural Registration Boards, the National  
15 Council of Examiners for Engineering and Surveying, or their subdivisions  
16 or committees on which the member serves, and (c) ,~~or~~ other business as  
17 authorized by the board. Participation in, attendance at, and conduct of  
18 such authorized activities by telephone or electronic means shall be  
19 eligible for such compensation.

20 (2) Each member of the board shall be reimbursed for all necessary  
21 and authorized expenses incident to the performance of his or her duties  
22 under the Engineers and Architects Regulation Act as provided in sections  
23 81-1174 to 81-1177.

24 Sec. 40. Section 81-3432, Revised Statutes Cumulative Supplement,  
25 2018, is amended to read:

26 81-3432 The Engineers and Architects Regulation Fund is created. The  
27 ~~secretary of the~~ board shall receive and account for all money derived  
28 from the operation of the Engineers and Architects Regulation Act and  
29 shall remit the money to the State Treasurer for credit to the Engineers  
30 and Architects Regulation Fund. All expenses certified by the board as  
31 properly and necessarily incurred in the discharge of duties, including

1 compensation and administrative staff, and any expense incident to the  
2 administration of the act relating to other states shall be paid out of  
3 the fund. Debt repayments payable pursuant to section 81-3432.01 shall be  
4 paid out of the fund. Warrants for the payment of expenses shall be  
5 issued by the Director of Administrative Services and paid by the State  
6 Treasurer upon presentation of vouchers regularly drawn by the  
7 chairperson and secretary of the board and approved by the board. At no  
8 time shall the total amount of warrants exceed the total amount of the  
9 fees collected under the act and to the credit of the fund. Any money in  
10 the fund available for investment shall be invested by the state  
11 investment officer pursuant to the Nebraska Capital Expansion Act and the  
12 Nebraska State Funds Investment Act. Money in the Engineers and  
13 Architects Regulation Fund may be transferred to the General Fund at the  
14 direction of the Legislature.

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

20 Sec. 41. Section 81-3433, Revised Statutes Cumulative Supplement,  
21 2018, is amended to read:

22 81-3433 The board shall maintain and make available to the public a  
23 complete roster of all architects and professional engineers showing  
24 their names and last-known addresses. The board shall file the roster  
25 with the Secretary of State and may distribute a copy of the roster to  
26 each licensed person as well as county and municipal officials. The board  
27 may charge a fee for distributing the roster.

28 Sec. 42. Section 81-3438, Revised Statutes Cumulative Supplement,  
29 2018, is amended to read:

30 81-3438 Certificates of licensure and certificates of authorization  
31 shall expire on a date established by the board and shall become invalid

1 after that date unless renewed. The board shall notify every person  
2 licensed under the Engineers and Architects Regulation Act and every  
3 organization holding a certificate of authorization under the act of the  
4 date of the expiration of the certificate of licensure or certificate of  
5 authorization and the amount of the fee required for renewal. The notice  
6 shall be provided ~~mailed~~ at least one month in advance of the date of the  
7 expiration to the licensee or organization at the last-known address on  
8 file with the board. Valid certificates may be renewed prior to  
9 expiration upon application and payment of applicable fees. Expired  
10 certificates may be renewed in accordance with rules and regulations of  
11 the board. Renewal fees shall not exceed two hundred dollars per year.  
12 The board may require licensees to obtain continuing education as a  
13 condition of license renewal.

14 Sec. 43. Section 81-3448, Revised Statutes Cumulative Supplement,  
15 2018, is amended to read:

16 81-3448 ~~(1) The following shall be considered as the minimum~~  
17 ~~evidence satisfactory to the board that an applicant is eligible for~~  
18 ~~admission to an examination on technical and professional subjects of~~  
19 ~~architecture as prescribed by the board:~~

20 ~~(a) Graduation from a program accredited by the National~~  
21 ~~Architectural Accrediting Board, or satisfying the requirements of the~~  
22 ~~Education Standard of the National Council of Architectural Registration~~  
23 ~~Boards as determined by the council;~~

24 ~~(b) Establishment of a record maintained by the National Council of~~  
25 ~~Architectural Registration Boards for the purpose of documenting~~  
26 ~~architectural work experience for the council's Intern Development~~  
27 ~~Program; and~~

28 ~~(c) Submittal of an application accompanied by the fee established~~  
29 ~~by the board.~~

30 (1) ~~(2)~~ The following shall be considered as the minimum evidence  
31 satisfactory to the board that an applicant is eligible for initial

1 licensure as an architect:

2 (a)(i) Graduation from a program accredited by the National  
3 Architectural Accrediting Board;

4 (ii) Graduation from a program accredited by the Canadian  
5 Architectural Certification Board; or

6 (iii) Satisfying the requirements of the Education Standard of the  
7 National Council of Architectural Registration Boards as determined by  
8 the council;

9 (b) (a) Passage of an examination on technical and professional  
10 subjects of architecture as prescribed by the board as set forth in  
11 subsection (1) of this section;

12 (c) (b) Completion of the Architectural Experience Intern  
13 Development Program of the National Council of Architectural Registration  
14 Boards, or its equivalent as determined by the council or the Board of  
15 Engineers and Architects;

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

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

22 (2) (3) An individual holding a license to practice architecture  
23 issued by a proper authority of any jurisdiction, based on credentials  
24 that do not conflict with subsection (1) (2) of this section and other  
25 provisions of the Engineers and Architects Regulation Act, may, upon  
26 application, be licensed as an architect after:

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

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

1 licensure.

2       ~~(3) (4)~~ An individual who holds a current and valid certification  
3 issued by the National Council of Architectural Registration Boards and  
4 who submits satisfactory evidence of such certification to the board may,  
5 upon 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       ~~(4) (5)~~ An individual who has been licensed to practice architecture  
13 for fifteen years or more in one or more jurisdictions and who has  
14 practiced architecture for fifteen years in compliance with the licensing  
15 laws in the jurisdictions where his or her architectural practice has  
16 occurred since initial licensure may, upon application, be licensed as an  
17 architect after:

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

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

24       ~~(5) Upon application to the board in writing and payment of a fee~~  
25 ~~established by the board, an~~ ~~(6)~~ An individual who holds a valid license  
26 to practice architecture in another jurisdiction may be issued a  
27 temporary permit, valid for a definite period of time, to provide  
28 architectural services for a specific project. An individual may not be  
29 issued more than one temporary permit. No right to practice architecture  
30 accrues to such applicant with respect to any other work not set forth in  
31 the temporary permit. Temporary permit holders are subject to all of the

1 provisions of the Engineers and Architects Regulation Act governing the  
2 practice of architecture.

3 ~~(6) (7)~~ None of the examination materials described in this section  
4 shall be considered public records.

5 ~~(7) (8)~~ The board or its agent shall direct the time and place of  
6 the architectural examinations referenced in subsection ~~subsections~~ (1)  
7 ~~and (2)~~ of this section.

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

11 ~~(9) (10)~~ Licensure shall be effective upon issuance.

12 Sec. 44. Section 81-3451, Revised Statutes Cumulative Supplement,  
13 2018, is amended to read:

14 81-3451 (1) The following shall be considered as the minimum  
15 evidence satisfactory to the board that an applicant is eligible for  
16 enrollment as an engineer-intern:

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

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

21 (iii) Meeting the Education Standard of the National Council of  
22 Examiners for Engineering and Surveying as determined by the council;

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

25 (c) Submittal of an application accompanied by the fee established  
26 by the board; and

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

31 (2)(a) The following shall be considered as the minimum evidence

1 satisfactory to the board that an applicant is eligible for admission to  
2 the examination on the principles and practice of engineering that is  
3 adopted by the board:

4 (i)(A) (i) Graduation from a program accredited by the Engineering  
5 Accreditation Commission of ABET;

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

8 (C) Meeting , or meeting the Education Standard of the National  
9 Council of Examiners for Engineering and Surveying as determined by the  
10 council;

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

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

17 (iii) (iv) Submittal of an application accompanied by the fee  
18 established by the board; and

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

22 (b) A candidate who fails the principles and practice of engineering  
23 examination may apply for reexamination, which may be granted upon  
24 payment of a fee established by the board. In the event of a second or  
25 subsequent failure, the examinee may, at the discretion of the board, be  
26 required to appear before the board with evidence of having acquired the  
27 necessary additional knowledge to qualify before admission to the  
28 examination.

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

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

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

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

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

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

18 (a) 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; and

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

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

30 (a) 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; and

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

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

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

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

20 (9) The board or its agent shall direct the time and place of the  
21 engineering examinations referenced in subsections (1), (2), and (3) of  
22 this section.

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

26 (11) Licensure shall be effective upon issuance.

27 Sec. 45. Section 81-3453, Revised Statutes Supplement, 2019, is  
28 amended to read:

29 81-3453 The provisions of the Engineers and Architects Regulation  
30 Act regulating the practice of engineering do not apply to the following  
31 activities:

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

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

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

30           (4) Any public works project with contemplated expenditures for the  
31 completed project that do not exceed one hundred thousand dollars. The

1 board shall adjust the dollar amount in this subdivision every fifth  
2 year. The first such adjustment after August 27, 2011, shall be effective  
3 on July 1, 2014. The adjusted amount shall be equal to the then current  
4 amount adjusted by the cumulative percentage change in the Consumer Price  
5 Index for All Urban Consumers published by the Federal Bureau of Labor  
6 Statistics for the five-year period preceding the adjustment date. The  
7 amount shall be rounded to the next highest one-thousand-dollar amount;

8 (5) Any alteration, renovation, or remodeling of a building if the  
9 alteration, renovation, or remodeling does not affect architectural or  
10 engineering safety features of the building;

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

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

16 (8) The practice by a qualified member of another legally recognized  
17 profession who is otherwise licensed or certified by this state or any  
18 political subdivision to perform services consistent with the laws of  
19 this state, the training, and the code of ethics of such profession, if  
20 such qualified member does not represent himself or herself to be  
21 practicing engineering and does not represent himself or herself to be a  
22 professional engineer;

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

1        ~~(9)~~ ~~(10)~~ The work of an employee or a subordinate of a person  
2 holding a certificate of licensure or a temporary permit under the  
3 Engineers and Architects Regulation Act ~~or an employee of a person~~  
4 ~~practicing lawfully under subdivision (9) of this section~~ if the work is  
5 done under the direct supervision of a person holding a certificate of  
6 licensure or a temporary permit under the act ~~person practicing lawfully~~  
7 ~~under such subdivision;~~

8        ~~(10)~~ ~~(11)~~ Those services ordinarily performed by subordinates under  
9 direct supervision of a professional engineer or those commonly  
10 designated as locomotive, stationary, marine operating engineers, power  
11 plant operating engineers, or manufacturers who supervise the operation  
12 of or operate machinery or equipment or who supervise construction within  
13 their own plant;

14        ~~(11)~~ ~~(12)~~ Financial institutions making disbursements of funds in  
15 connection with construction projects;

16        ~~(12)~~ ~~(13)~~ Earthmoving and related work associated with soil and  
17 water conservation practices performed on farmland or any land owned by a  
18 political subdivision that is not subject to a permit from the Department  
19 of Natural Resources or for work related to livestock waste facilities  
20 that are not subject to a permit by the Department of Environment and  
21 Energy;

22        ~~(13)~~ ~~(14)~~ The work of employees and agents of a political  
23 subdivision or a nonprofit entity organized for the purpose of furnishing  
24 electrical service performing, in accordance with other requirements of  
25 law, their customary duties in the administration and enforcement of  
26 codes, permit programs, and land-use regulations and their customary  
27 duties in utility and public works construction, operation, and  
28 maintenance;

29        ~~(14)~~ ~~(15)~~ Work performed exclusively in the exploration for and  
30 development of energy resources and base, precious, and nonprecious  
31 minerals, including sand, gravel, and aggregate, which does not have a

1 substantial impact upon public health, safety, and welfare, as determined  
2 by the board, or require the submission of reports or documents to public  
3 agencies;

4 ~~(15)~~ (16) The construction of water wells as defined in section  
5 46-1212, the installation of pumps and pumping equipment into water  
6 wells, and the decommissioning of water wells, unless such construction,  
7 installation, or decommissioning is required by the owner thereof to be  
8 designed or supervised by an engineer or unless legal requirements are  
9 imposed upon the owner of a water well as a part of a public water  
10 supply;

11 ~~(16)~~ (17) Work performed in the exploration, development, and  
12 production of oil and gas or before the Nebraska Oil and Gas Conservation  
13 Commission; and

14 ~~(17)~~ (18) Siting, layout, construction, and reconstruction of a  
15 private onsite wastewater treatment system with a maximum flow from the  
16 facility of one thousand gallons of domestic wastewater per day if such  
17 system meets all of the conditions required pursuant to the Private  
18 Onsite Wastewater Treatment System Contractors Certification and System  
19 Registration Act unless the siting, layout, construction, or  
20 reconstruction by an engineer is required by the Department of  
21 Environment and Energy, mandated by law or rules and regulations imposed  
22 upon the owner of the system, or required by the owner.

23 Sec. 46. The Department of Health and Human Services and Department  
24 of Veterans' Affairs shall work jointly to encourage service providers in  
25 their respective departments and in other state and local agencies and  
26 departments to ask the question "Have you or a family member ever served  
27 in the military?". The question should be included in intake forms and  
28 interviews where appropriate, including, but not limited to, at  
29 hospitals, mental health care centers, senior centers, employment  
30 offices, courts, and schools and in encounters with law enforcement.

31 Sec. 47. Original sections 38-10,121, 38-10,160, 38-2002, 38-2008,

1 38-2014, 38-2017, 38-2018, 38-2023, 38-2046, 38-2047, 38-2050, 38-2053,  
2 38-2054, 38-2055, 38-2056, 38-3001, 38-3002, 71-202.01, 71-224, 71-519,  
3 and 81-6,103, Reissue Revised Statutes of Nebraska, sections 81-3401,  
4 81-3403, 81-3416.01, 81-3428, 81-3429, 81-3432, 81-3433, 81-3438,  
5 81-3448, and 81-3451, Revised Statutes Cumulative Supplement, 2018, and  
6 sections 38-2001 and 81-3453, Revised Statutes Supplement, 2019, are  
7 repealed.