

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 112**

Introduced by Howard, 9; Blood, 3; Crawford, 45; Quick, 35.

Read first time January 10, 2019

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend  
2 sections 38-151, 38-154, and 38-155, Reissue Revised Statutes of  
3 Nebraska, and sections 38-101, 38-105, 38-118.01, 38-129.01, and  
4 38-131, Revised Statutes Cumulative Supplement, 2018; to define  
5 terms; to provide for the waiver of certain fees for low-income  
6 individuals, military families, and young workers; to harmonize  
7 provisions; to provide an operative date; and to repeal the original  
8 sections.  
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-101, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3 38-101 Sections 38-101 to 38-1,142 and sections 3, 4, and 6 of this  
4 act and the following practice acts shall be known and may be cited as  
5 the Uniform Credentialing Act:

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

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

13 If there is any conflict between any provision of sections 38-101 to  
14 38-1,142 and sections 3, 4, and 6 of this act and any provision of a  
15 practice act, the provision of the practice act shall prevail.

16 The Revisor of Statutes shall assign the Uniform Credentialing Act,  
17 including the practice acts enumerated in subdivisions (1) through (35)  
18 of this section, to articles within Chapter 38.

19 Sec. 2. Section 38-105, Revised Statutes Cumulative Supplement,  
20 2018, is amended to read:

21 38-105 For purposes of the Uniform Credentialing Act, unless the  
22 context otherwise requires, the definitions found in sections 38-106 to  
23 38-120.02 and sections 3, 4, and 6 of this act apply.

24 Sec. 3. Low-income individual means an individual enrolled in a  
25 state or federal public assistance program, including, but not limited  
26 to, the medical assistance program established pursuant to the Medical  
27 Assistance Act, the federal Supplemental Nutrition Assistance Program, or  
28 the federal Temporary Assistance for Needy Families program, or whose  
29 household adjusted gross income is below one hundred thirty percent of  
30 the federal income poverty guideline or a higher threshold to be set by  
31 the Licensure Unit of the Division of Public Health of the Department of

1 Health and Human Services.

2       Sec. 4. Military families means active duty service members in the  
3 armed services of the United States, military spouses, honorably  
4 discharged veterans of the armed services of the United States, spouses  
5 of such honorably discharged veterans, and unremarried surviving spouses  
6 of deceased service members of the armed services of the United States.

7       Sec. 5. Section 38-118.01, Revised Statutes Cumulative Supplement,  
8 2018, is amended to read:

9       38-118.01 Military spouse means the spouse of an ~~officer or enlisted~~  
10 ~~person~~ on active duty service member in the armed forces of the United  
11 States.

12       Sec. 6. Young worker means an applicant for an initial credential  
13 under the Uniform Credentialing Act who is between the ages of eighteen  
14 and twenty-five years.

15       Sec. 7. Section 38-129.01, Revised Statutes Cumulative Supplement,  
16 2018, is amended to read:

17       38-129.01 (1) The department, with the recommendation of the  
18 appropriate board, shall issue a temporary credential to a military  
19 spouse who complies with and meets the requirements of this section  
20 pending issuance of the applicable credential under the Uniform  
21 Credentialing Act. This section shall not apply to a license to practice  
22 dentistry, including a temporary license under section 38-1123.

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

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

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

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

1 and

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

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

6 (3) If the department, with the recommendation of the appropriate  
7 board, determines that the applicant is a resident of Nebraska, is the  
8 spouse of an active duty member of the United States Armed Forces who is  
9 assigned to a duty station in Nebraska, holds a valid credential in  
10 another jurisdiction which has similar standards for the profession to  
11 the Uniform Credentialing Act and the rules and regulations adopted and  
12 promulgated under the act, has submitted fingerprints for a criminal  
13 background check if required under section 38-131, ~~and has paid the~~  
14 ~~applicable fees pursuant to sections 38-151 to 38-157,~~ the department  
15 shall issue a temporary credential to the applicant. The applicant shall  
16 not be required to pay any fees pursuant to the Uniform Credentialing Act  
17 for the temporary credential or the initial regular credential.

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

21 Sec. 8. Section 38-131, Revised Statutes Cumulative Supplement,  
22 2018, is amended to read:

23 38-131 (1) An applicant for an initial license to practice as a  
24 registered nurse, a licensed practical nurse, a physical therapist, a  
25 physical therapy assistant, a psychologist, an advanced emergency medical  
26 technician, an emergency medical technician, or a paramedic or to  
27 practice a profession which is authorized to prescribe controlled  
28 substances shall be subject to a criminal background check. A criminal  
29 background check may also be required for initial licensure or  
30 reinstatement of a license governed by the Uniform Credentialing Act if a  
31 criminal background check is required by an interstate licensure compact.

1 Except as provided in subsection (3) of this section, the applicant shall  
2 submit with the application a full set of fingerprints which shall be  
3 forwarded to the Nebraska State Patrol to be submitted to the Federal  
4 Bureau of Investigation for a national criminal history record  
5 information check. The applicant shall authorize release of the results  
6 of the national criminal history record information check to the  
7 department. The applicant shall pay the actual cost of the fingerprinting  
8 and criminal background check unless the applicant is applying for an  
9 initial credential and the fee is waived under subsection (3) of section  
10 38-155.

11 (2) This section shall not apply to a dentist who is an applicant  
12 for a dental locum tenens under section 38-1122, to a physician or  
13 osteopathic physician who is an applicant for a physician locum tenens  
14 under section 38-2036, or to a veterinarian who is an applicant for a  
15 veterinarian locum tenens under section 38-3335.

16 (3) An applicant for a temporary educational permit as defined in  
17 section 38-2019 shall have ninety days from the issuance of the permit to  
18 comply with subsection (1) of this section and shall have his or her  
19 permit suspended after such ninety-day period if the criminal background  
20 check is not complete or revoked if the criminal background check reveals  
21 that the applicant was not qualified for the permit.

22 Sec. 9. Section 38-151, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 38-151 (1) It is the intent of the Legislature that the revenue to  
25 cover the cost of the credentialing system administered by the department  
26 is to be derived from General Funds, cash funds, federal funds, gifts,  
27 grants, or fees from individuals or businesses seeking credentials except  
28 as otherwise provided in section 38-155. The credentialing system  
29 includes the totality of the credentialing infrastructure and the process  
30 of issuance and renewal of credentials, examinations, inspections,  
31 investigations, continuing competency, compliance assurance, the periodic

1 review under section 38-128, and the activities conducted under the  
2 Nebraska Regulation of Health Professions Act, for individuals and  
3 businesses that provide health services, health-related services, and  
4 environmental services.

5 (2) The department shall determine the cost of the credentialing  
6 system for such individuals and businesses by calculating the total of  
7 the base costs, the variable costs, and any adjustments as provided in  
8 sections 38-152 to 38-154.

9 (3) When fees are to be established pursuant to section 38-155 for  
10 individuals or businesses other than individuals in the practice of  
11 constructing or decommissioning water wells and installing water well  
12 pumps and pumping equipment, the department, with the recommendation of  
13 the appropriate board if applicable, shall base the fees on the cost of  
14 the credentialing system and shall include usual and customary cost  
15 increases, a reasonable reserve, and the cost of any new or additional  
16 credentialing activities. For individuals in the practice of constructing  
17 or decommissioning water wells and installing water well pumps and  
18 pumping equipment, the Water Well Standards and Contractors' Licensing  
19 Board shall establish the fees as otherwise provided in this subsection.  
20 All such fees shall be used as provided in section 38-157.

21 Sec. 10. Section 38-154, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 38-154 Adjustments to the cost of credentialing include, but are not  
24 limited to:

25 (1) Revenue from sources that include, but are not limited to:

26 (a) Interest earned on the Professional and Occupational  
27 Credentialing Cash Fund, if any;

28 (b) Certification and verification of credentials;

29 (c) Administrative fees;

30 (d) Reinstatement fees;

31 (e) General Funds and federal funds;

1 (f) Fees for miscellaneous services, such as production of  
2 photocopies, lists, labels, and diskettes;

3 (g) Gifts; and

4 (h) Grants;~~and~~

5 (2) Transfers to other funds for costs related to the Nebraska  
6 Regulation of Health Professions Act and section 38-128; and -

7 (3) Costs associated with subsection (3) of section 38-155.

8 Sec. 11. Section 38-155, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 38-155 (1) Subject to subsection (3) of this section, The  
11 department, with the recommendation of the appropriate board if  
12 applicable, or the Water Well Standards and Contractors' Licensing Board  
13 as provided in section 38-151, shall adopt and promulgate rules and  
14 regulations to establish and collect the fees for the following  
15 credentials:

16 (a) Initial credentials, which include, but are not limited to:

17 (i) Licensure, certification, or registration;

18 (ii) Add-on or specialty credentials;

19 (iii) Temporary, provisional, or training credentials; and

20 (iv) Supervisory or collaborative relationship credentials;

21 (b) Applications to renew licenses, certifications, and  
22 registrations;

23 (c) Approval of continuing education courses and other methods of  
24 continuing competency; and

25 (d) Inspections and reinspections.

26 (2) When a credential will expire within one hundred eighty days  
27 after its initial issuance date or its reinstatement date and the initial  
28 credentialing or renewal fee is twenty-five dollars or more, the  
29 department shall collect twenty-five dollars or one-fourth of the initial  
30 credentialing or renewal fee, whichever is greater, for the initial or  
31 reinstated credential. The initial or reinstated credential shall be



1 valid until the next subsequent renewal date.

2 (3) All fees for initial credentials under the Uniform Credentialing  
3 Act for low-income individuals, military families, and young workers  
4 shall be waived.

5 Sec. 12. This act becomes operative on January 1, 2020.

6 Sec. 13. Original sections 38-151, 38-154, and 38-155, Reissue  
7 Revised Statutes of Nebraska, and sections 38-101, 38-105, 38-118.01,  
8 38-129.01, and 38-131, Revised Statutes Cumulative Supplement, 2018, are  
9 repealed.