

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1187

Introduced by La Grone, 49.

Read first time January 23, 2020

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to professions and occupations; to amend
2 section 84-933, Revised Statutes Cumulative Supplement, 2018; to
3 change provisions relating to the Occupational Board Reform Act; to
4 require occupational boards to issue an occupational license or
5 government certification based on occupational licensure, government
6 certification, private certification, or work experience in another
7 state; to provide for jurisprudential examinations and appeals from
8 denial of a license; to harmonize provisions; and to repeal the
9 original section.

10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 84-933, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 84-933 Sections 84-933 to 84-948 and section 2 of this act shall be
4 known and may be cited as the Occupational Board Reform Act.

5 Sec. 2. (1) Subject to subsection (2) of this section and except as
6 provided in the Driver License Compact, the EMS Personnel Licensure
7 Compact, the Interstate Compact on Licensure of Participants in Horse
8 Racing with Pari-Mutuel Wagering, the Interstate Medical Licensure
9 Compact, the Nurse Licensure Compact, the Physical Therapy Licensure
10 Compact, or the Psychology Interjurisdictional Compact, and except for an
11 occupation regulated by the Supreme Court:

12 (a) An occupational board shall issue an occupational license or
13 government certification to an individual upon application if:

14 (i) The applicant holds an occupational license or government
15 certification in another state in an occupation with a similar scope of
16 practice, as determined by the occupational board;

17 (ii) The applicant has held the occupational license or government
18 certification in the other state for at least one year;

19 (iii) The board in the other state required the applicant to pass an
20 examination or meet education, training, or experience standards;

21 (iv) The applicant does not have a disqualifying criminal record as
22 determined by the occupational board;

23 (v) No board in any state has revoked the applicant's occupational
24 license or government certification because of negligence or intentional
25 misconduct related to the applicant's work in the occupation;

26 (vi) The applicant did not surrender an occupational license or
27 government certification because of negligence or intentional misconduct
28 related to the applicant's work in the occupation in any state;

29 (vii) The applicant does not have a complaint, allegation, or
30 investigation pending before a board in any state that relates to
31 unprofessional conduct or an alleged crime. If the applicant has a

1 complaint, allegation, or investigation pending, the occupational board
2 shall not issue or deny an occupational license or government
3 certification to the applicant until the complaint, allegation, or
4 investigation is resolved or the applicant otherwise meets the criteria
5 for an occupational license or government certification to the
6 satisfaction of the occupational board; and

7 (viii) The applicant has paid all applicable fees required for
8 issuance of the occupational license or government certification in this
9 state;

10 (b) If an applicant has work experience for an occupation in a state
11 that does not use an occupational license or government certification to
12 regulate an occupation with a similar scope of practice to an occupation
13 for which this state requires an occupational license or government
14 certification to regulate such occupation, as determined by the
15 occupational board, the occupational board shall issue an occupational
16 license or government certification to an individual upon application
17 based on work experience in another state if:

18 (i) The applicant worked for at least three years in the occupation;

19 (ii) No board in any state has revoked the applicant's occupational
20 license or government certification because of negligence or intentional
21 misconduct related to the applicant's work in the occupation;

22 (iii) The applicant did not surrender an occupational license or
23 government certification because of negligence or intentional misconduct
24 related to the applicant's work in the occupation in any state;

25 (iv) The applicant does not have a complaint, allegation, or
26 investigation pending before a board in any state that relates to
27 unprofessional conduct or an alleged crime. If the applicant has a
28 complaint, allegation, or investigation pending, the occupational board
29 shall not issue or deny an occupational license or government
30 certification to the applicant until the complaint, allegation, or
31 investigation is resolved or the applicant otherwise meets the criteria

1 for an occupational license or government certification to the
2 satisfaction of the occupational board; and

3 (v) The applicant has paid all applicable fees required for issuance
4 of the occupational license or government certification in this state;
5 and

6 (c) If an applicant holds a private certification and has work
7 experience for an occupation in a state that does not use an occupational
8 license or government certification to regulate an occupation with a
9 similar scope of practice to an occupation for which this state requires
10 an occupational license or government certification to regulate such
11 occupation, as determined by the occupational board, the occupational
12 board shall issue an occupational license or government certification to
13 an individual upon application based on private certification and work
14 experience in another state if:

15 (i) The applicant worked for at least two years in the occupation;

16 (ii) The applicant holds a private certification in the occupation;

17 (iii) The provider of the private certification holds the applicant
18 in good standing;

19 (iv) No board in any state has revoked the applicant's occupational
20 license or government certification because of negligence or intentional
21 misconduct related to the applicant's work in the occupation;

22 (v) The applicant did not surrender an occupational license or
23 government certification because of negligence or intentional misconduct
24 related to the applicant's work in the occupation in any state;

25 (vi) The applicant does not have a complaint, allegation, or
26 investigation pending before a board in any state that relates to
27 unprofessional conduct or an alleged crime. If the applicant has a
28 complaint, allegation, or investigation pending, the occupational board
29 shall not issue or deny an occupational license or government
30 certification to the applicant until the complaint, allegation, or
31 investigation is resolved or the applicant otherwise meets the criteria

1 for an occupational license or government certification to the
2 satisfaction of the occupational board; and

3 (vii) The applicant has paid all applicable fees required for
4 issuance of the occupational license or government certification in this
5 state.

6 (2) An occupational board may require an applicant to pass a
7 jurisprudential examination specific to relevant state law that regulates
8 the occupation if an occupational license or government certification in
9 this state requires a person to pass a jurisprudential examination
10 specific to relevant state statutes and administrative rules and
11 regulations that regulate the occupation.

12 (3) An occupational board shall approve or deny an occupational
13 license or government certification in writing within sixty days after
14 receiving a complete application under subsection (1) of this section.

15 (4) An applicant may appeal the denial of an occupational license or
16 government certification under this section. The appeal shall be in
17 accordance with the Administrative Procedure Act.

18 (5)(a) An occupational license or government certification issued
19 pursuant to this section is valid only in this state and does not make
20 the individual eligible to work in another state under an interstate
21 compact or reciprocity agreement unless otherwise provided by law.

22 (b) Nothing in this section shall be construed to prevent this state
23 from entering into a licensing compact or reciprocity agreement with
24 another state, foreign province, or foreign country.

25 (c) Nothing in this section shall be construed to prevent this state
26 from recognizing an occupational credential issued by a private
27 certification organization, foreign province, foreign country,
28 international organization, or other entity.

29 (d) Nothing in this section shall be construed to require a private
30 certification organization to grant or deny private certification to any
31 individual.

1 Sec. 3. Original section 84-933, Revised Statutes Cumulative
2 Supplement, 2018, is repealed.