

**ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021**  
**COMMITTEE STATEMENT**  
**LB390**

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**Hearing Date:** Thursday February 11, 2021  
**Committee On:** Health and Human Services  
**Introducer:** Murman  
**One Liner:** Provide for credentials based on reciprocity and change requirements for credentials under the Uniform Credentialing Act

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 7 Senators Arch, Cavanaugh, M., Day, Hansen, B., Murman, Walz, Williams  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Oral Testimony:**

<b>Proponents:</b> Dave Murman Gary Anthonie Andy Hale Ashlee Hendrickson Laura Ebke	<b>Representing:</b> Introducer Department of Health & Human Services Nebraska Hospital Association Nebraska Health Care Association Platte Institute
<b>Opponents:</b> Leslie Spry	<b>Representing:</b> Nebraska Medical Association
<b>Neutral:</b>	<b>Representing:</b>

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**Submitted Written Testimony:**

<b>Proponents:</b> Jessica Shelburn	<b>Representing:</b> Americans for Prosperity - Nebraska
<b>Opponents:</b>	<b>Representing:</b>
<b>Neutral:</b>	<b>Representing:</b>

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**Summary of purpose and/or changes:**

LB 390 would amend the Uniform Credentialing Act to allow Nebraska to offer an equivalent credential to applicants applying for credentialing based on credentialing in another state.

LB 390 would remove the residency requirement to obtain a temporary license in Nebraska. [Section 2, p. 4, line 10.]

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LB 390 states it would provide a supplemental method of issuing a credential for occupations under the Uniform Credentialing Act, based on reciprocity. An individual who meets the requirements of section 3 shall be issued a credential. If an individual is credentialed in another state, U.S. territory, or the District of Columbia, he or she may apply for an equivalent credential in Nebraska. The occupational board would determine the appropriate level of credential for which the applicant qualifies. The Department of Health and Human Services [DHHS] would issue the credential. The credential issued would not be valid for interstate compact or reciprocity provisions. [Section 3, pp. 4-5, lines 25-14].

DHHS would determine what documentation the applicant must provide with regards to the following categories:

- The credential currently held in another jurisdiction;
  - The validity of such credential, held for at least one year;
  - Educational requirements;
  - Work experience and clinical supervision requirements;
  - The passage of an examination;
  - That the credential is not or has not been revoked or voluntarily suspended;
  - That the credential has not been subject to disciplinary action, or that such action has been resolved appropriately; and
- Receipt of a passing score on a credentialing examination specific to Nebraska law. [Section 3, pp. 5-6, lines 6-7, 15-8].

An applicant would not be eligible for a credential if the applicant fails to submit the above documentation, or if the applicant had a credential revoked or voluntarily surrendered due to unprofessional conduct; if there is a pending disciplinary case for unprofessional conduct; or if there is a disqualifying criminal history. [Section 3, p. 6, lines 9-21].

The credential holder would be subject to the Uniform Credentialing Act regarding scopes of practice. [Section 3, p. 6, lines 22-25].

The following credentials would not be subject to reciprocity under this act:

Athletic Training;

- Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art;
- Environmental Health Specialists;
- Funeral Directing and Embalming;
- Genetic Counseling;
- Massage Therapy;
- Veterinary; and
- Water Well Standards and Contractors. [Section 3, pp. 6-7, lines 26-1]

The credential holder must also be 19 or older, a citizen of the United States or authorized to work, and must provide documentation that shows the applicant is of good character. [Neb. Rev. Stat. Section 38-129].

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#### **Explanation of amendments:**

AM 447 amends language to provide that the Department of Health and Human Services [DHHS] shall determine the credentialing level of the applicant with the recommendation of the appropriate advisory board.

The credential holder applying based on this new supplemental reciprocity would need to provide documentation that their credential is not subject to disciplinary action, based on unprofessional conduct or conduct that would subject the credential holder to disciplinary actions based on Nebraska law. It would also clarify that disciplinary action applies to all levels of

credentialing, and not simply licensure.

AM 447 would also add new language that states an applicant under this new supplemental reciprocity shall establish residency within 180 days.

An applicant would be ineligible for credentialing based on this supplemental reciprocity if they had been subject to other disciplinary action in any jurisdiction for unprofessional conduct.

It would also strike language regarding credential holders the supplemental reciprocity does not cover, and insert language regarding credential holders the reciprocity does cover. Those credential holders would be those credentialed under:

- The Advanced Practice Registered Nurse Practice Act
- The Certified Nurse Midwifery Practice Act
- The Certified Registered Nurse Anesthetist Practice Act
- The Clinical Nurse Specialist Practice Act
- The Dentistry Practice Act
- The Dialysis Patient Care Technician Registration Act
- The Emergency Medical Services Practices Act
- The Medical Nutrition Therapy Practice Act
- The Medical Radiography Practice Act
- The Nurse Practitioner Practice Act
- The Optometry Practice Act
- The Perfusion Practice Act
- The Pharmacy Practice Act
- The Podiatry Practice Act
- The Psychology Practice Act
- The Surgical First Assistant Practice Act
- Acupuncturists and Physician Assistants under the Medicine and Surgery Practice Act

Credential holders excluded from reciprocity in the green copy of the bill remain excluded in the amendment, a chart of which is attached.

All professions under the Uniform Credentialing Act, except optometrists, athletic trainers, podiatrists, environmental health specialists, funeral directors, water well professions, and professions under the cosmetology act and veterinary medicine act had some credentialing requirements waived during the pandemic by executive order.

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John Arch, Chairperson