

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 390

FINAL READING

Introduced by Murman, 38; Blood, 3; at the request of the Governor.

Read first time January 14, 2021

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend
2 sections 38-101 and 38-129.01, Revised Statutes Cumulative
3 Supplement, 2020; to provide for additional credentials; to change
4 requirements for credentials; to harmonize provisions; and to repeal
5 the original sections.

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

1 Section 1. Section 38-101, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 38-101 Sections 38-101 to 38-1,145 and section 3 of this act and the
4 following practice acts shall be known and may be cited as the Uniform
5 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 38-1,145 and section 3 of this act and any provision of a practice act,
15 the provision of the practice act shall prevail except as otherwise
16 specifically provided in section 3 of this act.

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

20 Sec. 2. Section 38-129.01, Revised Statutes Cumulative Supplement,
21 2020, is amended to read:

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

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

30 (a) A copy of his or her military dependent identification card
31 which identifies him or her as the spouse of an active duty member of the

1 United States Armed Forces;

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

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

7 (d) A copy of his or her fingerprints for a criminal background
8 check if required under section 38-131.

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

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

25 Sec. 3. (1) This section provides an additional method of issuing a
26 credential based on reciprocity and is supplemental to the methods of
27 credentialing found in the various practice acts within the Uniform
28 Credentialing Act. Any person required to be credentialed under any of
29 the various practice acts who meets the requirements of this section
30 shall be issued a credential subject to the provisions of this section.

31 (2) A person who has a credential that is current and valid in

1 another state, a territory of the United States, or the District of
2 Columbia may apply to the department for the equivalent credential under
3 the Uniform Credentialing Act. The department, with the recommendation of
4 the board with jurisdiction over the equivalent credential, shall
5 determine the appropriate level of credential for which the applicant
6 qualifies under this section. The department shall determine the
7 documentation required to comply with subsection (3) of this section. The
8 department shall issue the credential if the applicant meets the
9 requirements of subsections (3) and (4) of this section and section
10 38-129 and submits the appropriate fees for issuance of the credential,
11 including fees for a criminal background check if required for the
12 profession. A credential issued under this section shall not be valid for
13 purposes of an interstate compact or for reciprocity provisions of any
14 practice act under the Uniform Credentialing Act.

15 (3) The applicant shall provide documentation of the following:

16 (a) The credential held in the other state, territory, or District
17 of Columbia, the level of such credential, and the profession for which
18 credentialed;

19 (b) Such credential is valid and current and has been valid for at
20 least one year;

21 (c) Educational requirements;

22 (d) The minimum work experience and clinical supervision
23 requirements, if any, required for such credential and verification of
24 the applicant's completion of such requirements;

25 (e) The passage of an examination for such credential if such
26 passage is required to obtain the credential in the other jurisdiction;

27 (f) Such credential is not and has not been subject to revocation or
28 any other disciplinary action or voluntarily surrendered while the
29 applicant was under investigation for unprofessional conduct or any other
30 conduct which would be subject to section 38-178 if the conduct occurred
31 in Nebraska;

1 (g) Such credential has not been subject to disciplinary action. If
2 another jurisdiction has taken disciplinary action against the applicant
3 on any credential the applicant has held, the appropriate board under the
4 Uniform Credentialing Act shall determine if the cause for the
5 disciplinary action was corrected and the matter resolved. If the matter
6 has not been resolved, the applicant is not eligible for a credential
7 under this section until the matter is resolved; and

8 (h) Receipt of a passing score on a credentialing examination
9 specific to the laws of Nebraska if required by the appropriate board
10 under the Uniform Credentialing Act.

11 (4) An applicant who obtains a credential upon compliance with
12 subsections (2) and (3) of this section shall establish residency in
13 Nebraska within one hundred eighty days after the issuance of the
14 credential and shall provide proof of residency in a manner and within
15 the time period required by the department. The department shall
16 automatically revoke the credential of any credential holder who fails to
17 comply with this subsection.

18 (5) In addition to failure to submit the required documentation in
19 subsection (3) of this section, an applicant shall not be eligible for a
20 credential under this section if:

21 (a) The applicant had a credential revoked, subject to any other
22 disciplinary action, or voluntarily surrendered due to an investigation
23 in any jurisdiction for unprofessional conduct or any other conduct which
24 would be subject to section 38-178 if the conduct occurred in Nebraska;

25 (b) The applicant has a complaint, allegation, or investigation
26 pending before any jurisdiction that relates to unprofessional conduct or
27 any other conduct which would be subject to section 38-178 if the conduct
28 occurred in Nebraska. If the matter has not been resolved, the applicant
29 is not eligible for a credential under this section until the matter is
30 resolved; or

31 (c) The person has a disqualifying criminal history as determined by

1 the appropriate board pursuant to the Uniform Credentialing Act and rules
2 and regulations adopted and promulgated under the act.

3 (6) A person who holds a credential under this section shall be
4 subject to the Uniform Credentialing Act and other laws of this state
5 relating to the person's practice under the credential and shall be
6 subject to the jurisdiction of the appropriate board.

7 (7) This section applies to credentials for:

8 (a) Professions governed by the Advanced Practice Registered Nurse
9 Practice Act, the Certified Nurse Midwifery Practice Act, the Certified
10 Registered Nurse Anesthetist Practice Act, the Clinical Nurse Specialist
11 Practice Act, the Dentistry Practice Act, the Dialysis Patient Care
12 Technician Registration Act, the Emergency Medical Services Practice Act,
13 the Medical Nutrition Therapy Practice Act, the Medical Radiography
14 Practice Act, the Nurse Practitioner Practice Act, the Optometry Practice
15 Act, the Perfusion Practice Act, the Pharmacy Practice Act, the
16 Psychology Practice Act, and the Surgical First Assistant Practice Act;
17 and

18 (b) Physician assistants and acupuncturists credentialed pursuant to
19 the Medicine and Surgery Practice Act.

20 Sec. 4. Original sections 38-101 and 38-129.01, Revised Statutes
21 Cumulative Supplement, 2020, are repealed.