

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 554

Introduced by Riepe, 12.

Read first time January 22, 2025

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to public health and welfare; to amend
2 sections 71-6207, 71-6207.02, 71-6219.01, 71-6223.02, 71-6224,
3 71-6225, and 71-6226, Reissue Revised Statutes of Nebraska, and
4 section 71-6227, Revised Statutes Cumulative Supplement, 2024; to
5 create the Nebraska Health Professions Commission; to change powers
6 and duties; to define and redefine terms; to eliminate technical
7 committees; to harmonize provisions; and to repeal the original
8 sections.
9 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 71-6207, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-6207 Commission Committee shall mean the Nebraska Health
4 Professions Commission ~~technical committee~~ created in section 71-6224.

5 **Sec. 2.** Section 71-6207.02, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 71-6207.02 Directed review shall mean a review conducted pursuant to
8 section 71-6223.02 in which (1) there is no applicant group or
9 application, (2) the duty of the commission committee is to formulate an
10 initial proposal on the issues subject to review, and (3) the duty of the
11 board and the director is to evaluate the proposal using the appropriate
12 criteria and to make recommendations to the Legislature.

13 **Sec. 3.** Section 71-6219.01, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 71-6219.01 Review body shall mean the commission committee, the
16 board, or the director charged with reviewing applications for new
17 credentialing or change in scope of practice.

18 **Sec. 4.** Section 71-6223.02, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 71-6223.02 (1) At any time the director and the chairperson may
21 initiate a directed review or the chairperson in consultation with the
22 members of the Health and Human Services Committee of the Legislature may
23 initiate a directed review. The purpose of a directed review is to
24 determine the advisability of credentialing a health professional group
25 not previously regulated, of changing the scope of practice of a
26 regulated health profession, or of other issues regarding the regulation
27 of health professions.

28 (2) The commission shall review scope of practice proposals or
29 proposals seeking to credential new health professions. The commission
30 may initiate proposals for scope of practice reviews. Before making a
31 decision, the commission shall consider the impact on public health and

1 safety, including data on workforce shortages, health care quality,
2 access to health care services, and patient affordability and shall
3 conduct public factfinding hearings.

4 (3) Recommendations of the commission shall be forwarded to the
5 Health and Human Services Committee of the Legislature no later than
6 October 1 each year for action during the following legislative session.

7 (4) The commission shall detail its findings in a report and file
8 the report with the board, the director, and the chairperson of the
9 Health and Human Services Committee of the Legislature. The commission
10 shall evaluate each application presented on the basis of the criteria
11 set forth in sections 71-6221 to 71-6223 and shall make written findings
12 and a recommendation for approval or denial. Regardless of whether the
13 commission recommends approval or denial of an application, it may make
14 additional recommendations for changes to the proposal or other solutions
15 to address problems identified during the review and may comment on the
16 anticipated benefits to the health, safety, and welfare of the public.
17 ~~Before initiating a directed review, the director and the chairperson, or~~
18 ~~the chairperson in consultation with the Health and Human Services~~
19 ~~Committee, shall determine that no appropriate applicant group exists. No~~
20 ~~letter of intent, applicant group, application, or application fee shall~~
21 ~~be required in a directed review. The duty of the technical committee in~~
22 ~~a directed review shall be to investigate the issues that are the subject~~
23 ~~of the review, to hold a public hearing to receive information from the~~
24 ~~public on the issues, to develop a specific proposal to address the~~
25 ~~issues investigated taking into account the appropriate criteria as set~~
26 ~~forth in section 71-6221, and to prepare a final report containing the~~
27 ~~technical committee's proposal, other options considered, and other~~
28 ~~relevant information.~~

29 **Sec. 5.** Section 71-6224, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 71-6224 (1) The Nebraska Health Professions Commission is created as

1 the body responsible for reviewing applications and conducting directed
2 reviews as described in sections 71-6221 to 71-6223.

3 (2)(a) The commission shall be co-chaired by a representative from a
4 college of public health at Nebraska's largest postsecondary educational
5 institution with a college of medicine and a representative from a
6 research institute focused on population health that operates under the
7 auspice of a different postsecondary educational institution with a
8 college of medicine in Nebraska.

9 (b) Other members shall include (i) the chief medical officer of the
10 Department of Health and Human Services or designee, (ii) the chairperson
11 of the State Board of Health or designee, and (iii) no more than seven
12 additional members designated by the co-chairs of the commission, of whom
13 no more than four shall reside in the three most populous counties in
14 Nebraska and no more than two shall be from the same regulated health
15 profession, subject to legislative approval.

16 (3) The commission shall comply with the Open Meetings Act and shall
17 hold public hearings to receive information from stakeholders and the
18 public.

19 (4) The commission shall serve as a factfinding body to investigate
20 proposals for credentialing health professions or changing scope of
21 practice regulations. The commission shall:

22 (a) Evaluate proposals based on the criteria established in sections
23 71-6221 to 71-6223;

24 (b) Collect and analyze relevant data, including workforce trends,
25 public health impacts, health care quality, and affordability; and

26 (c) Hold public hearings to ensure transparency and inclusivity.

27 (5) The commission may monitor and evaluate health care quality and
28 public health impact of any recommended changes enacted by the
29 Legislature.

30 (6) The commission may also initiate its own proposals for scope-of-
31 practice reviews or credentialing.

1 (7) It is the intent of the Legislature to appropriate three hundred
2 thousand dollars annually to the commission to support its activities,
3 including data collection, analysis, preparation of reports, and
4 organizing meetings. Of this amount, one hundred thousand dollars shall
5 be allocated to support the Health Professions Tracking Service of the
6 University of Nebraska Medical Center in collecting data on practice
7 locations and scope of practice for credentialed health professionals.
8 These findings shall be included in the commission's annual report.

9 (8) The commission shall submit an electronic report detailing its
10 findings, conclusions, and recommendations to the director, the Speaker
11 of the Legislature, and the chairperson of the Health and Human Services
12 Committee of the Legislature. The report shall include the results of
13 data collection and analysis, a summary of public hearings, and any
14 additional insights or recommendations.

15 (9) The commission shall not be involved in the implementation of
16 scope-of-practice changes or credentialing new health professions. These
17 responsibilities shall remain with the appropriate state licensing
18 authority, which is tasked with setting standards for training,
19 competency, and evaluation.

20 (10) No member of the commission shall be permitted to vote on
21 matters directly affecting a member's regulated health profession, an
22 applicant group to which the member belongs, or a health profession
23 seeking to be regulated.

24 ~~(1) The director with the advice of the board shall appoint an~~
25 ~~appropriate technical committee to examine and investigate each~~
26 ~~application. The committee shall consist of six appointed members and one~~
27 ~~member of the board designated by the board who shall serve as~~
28 ~~chairperson of the committee. The chairperson of the committee shall not~~
29 ~~be a member of the applicant group, any health profession sought to be~~
30 ~~regulated by the application, or any health profession which is directly~~
31 ~~or indirectly affected by the application. The director shall ensure that~~

1 ~~the total composition of the committee is fair, impartial, and equitable.~~
2 ~~In no event shall more than one member of the same regulated health~~
3 ~~profession, the applicant group, or the health profession sought to be~~
4 ~~regulated by an application serve on a technical committee.~~

5 ~~(2) As soon as possible after its appointment, the committee shall~~
6 ~~meet and review the application assigned to it. The committee shall serve~~
7 ~~as a factfinding body and undertake such investigation as it deems~~
8 ~~necessary to address the issues identified in the application. As part of~~
9 ~~its investigation, each committee shall consider available scientific~~
10 ~~evidence and conduct public factfinding hearings. Each committee shall~~
11 ~~comply with the Open Meetings Act.~~

12 ~~(3) An applicant group shall have the burden of producing evidence~~
13 ~~to support its application.~~

14 ~~(11) The commission~~ (4) Each committee shall detail its findings in
15 a report and file the report with the board and the director. The
16 commission Each committee shall evaluate the application presented to it
17 on the basis of the appropriate criteria as established in sections
18 71-6221 to 71-6223, shall make written findings on all criteria, and
19 shall make a recommendation for approval or denial. Whether it recommends
20 approval or denial of an application, the commission ~~committee~~ may make
21 additional recommendations regarding changes to the proposal or other
22 solutions to problems identified during the review and may comment on the
23 anticipated benefits to the health, safety, and welfare of the public. If
24 the commission ~~committee~~ recommends approval of an application for
25 regulation of a health profession not currently regulated, it shall also
26 recommend the least restrictive method of regulation to be implemented
27 consistent with the cost-effective protection of the public and with
28 section 71-6222. The commission ~~committee~~ may recommend a specific method
29 of regulation not listed in section 71-6222 if it finds that such method
30 is the best alternative method of regulation.

31 **Sec. 6.** Section 71-6225, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 71-6225 The board shall receive reports from the commission
3 ~~technical committees~~ and shall meet to review and discuss each report.
4 The board shall apply the criteria established in sections 71-6221 to
5 71-6223 and compile its own report, including its findings and
6 recommendations, and submit such report, together with the commission
7 ~~committee~~ report, to the director. ~~The recommendation of the board shall~~
8 ~~be developed in a manner consistent with subsection (4) of section~~
9 ~~71-6224.~~

10 **Sec. 7.** Section 71-6226, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 71-6226 (1) After receiving and considering reports from the
13 commission ~~committee~~ or the board, the director shall prepare a final
14 report for the Legislature. The final report shall include copies of the
15 commission ~~committee~~ report and the board report, if any, but the
16 director shall not be bound by the findings and recommendations of such
17 reports. The director in compiling his or her report shall apply the
18 criteria established in sections 71-6221 to 71-6223 and may consult with
19 the board or the commission ~~committee~~. ~~The recommendation of the director~~
20 ~~shall be developed in a manner consistent with subsection (4) of section~~
21 ~~71-6224.~~ The final report shall be submitted electronically to the
22 Speaker of the Legislature, the chairperson ~~Chairperson~~ of the Executive
23 Board of the Legislature, and the chairperson ~~Chairperson~~ of the Health
24 and Human Services Committee of the Legislature no later than twelve
25 months after the application is submitted to the director and found to be
26 complete and shall be made available electronically to all other members
27 of the Legislature upon request.

28 (2) The director may recommend that no legislative action be taken
29 on an application. If the director recommends that an application of an
30 applicant group be approved, the director shall recommend an agency to be
31 responsible for the regulation and the level of regulation to be assigned

1 to such applicant group.

2 (3) An application which is resubmitted shall be considered the same
3 as a new application.

4 **Sec. 8.** Section 71-6227, Revised Statutes Cumulative Supplement,
5 2024, is amended to read:

6 71-6227 (1) The director may, with the advice of the board, adopt
7 and promulgate rules and regulations necessary to carry out the Nebraska
8 Regulation of Health Professions Act.

9 (2) The director shall provide all necessary professional and
10 clerical services to assist the commission ~~committees~~ and the board.
11 Records of all official actions and minutes of all business coming before
12 the commission ~~committees~~ and the board shall be kept. The director shall
13 be the custodian of all records, documents, and other property of the
14 commission ~~committees~~ and the board.

15 (3) Commission ~~Committee~~ members shall receive no salary but shall
16 be reimbursed for expenses as provided in sections 81-1174 to 81-1177.

17 **Sec. 9.** Original sections 71-6207, 71-6207.02, 71-6219.01,
18 71-6223.02, 71-6224, 71-6225, and 71-6226, Reissue Revised Statutes of
19 Nebraska, and section 71-6227, Revised Statutes Cumulative Supplement,
20 2024, are repealed.