

ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014
COMMITTEE STATEMENT
LB54

Hearing Date: Friday January 25, 2013
Committee On: Health and Human Services
Introducer: Wightman
One Liner: Change display of credential and advertisement provisions under the Uniform Credentialing Act

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

Vote Results:
Aye: 7 Senators Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier
Nay:
Absent:
Present Not Voting:

Proponents:
Senator John Wightman
Ann Frohman
Ron Sedlacek

Representing:
District #36
Nebraska Medical Association
Nebraska Chiropractic Physicians Association

Opponents:
David McBride

Representing:
Nebraska Optometric Association

Neutral:
Jerry Stilmock

Representing:
Nebraska State Volunteer Firefighters Association and
Nebraska Fire Chiefs Association

Summary of purpose and/or changes:

LB 54 (Wightman) to change provisions relating to display of credentials and advertisement; to provide for disciplinary action; to harmonize provisions; and to repeal the original sections.

LB 54 adds the definition of "advertisement" to the Uniform Credentialing Act. The proposed definition reads, "advertisement means any communication or statement, whether printed, electronic, or oral, that names a credential holder in relation to his or her practice or profession or the institution in which the individual is employed, volunteers, or otherwise provides health services, health-related services, or environmental services, including signs, announcements, business cards, letterhead, patient brochures, email, Internet, audio, and video and any other communication or statement used in the course of business."

Additionally, LB 54 amends Neb. Rev. Stat. 38-124 so that any credential holder, who has direct patient care interactions for health care services, shall identify the type of credential held in any advertisement for services. The advertisement may not include deceptive or misleading information and may not include any affirmative communication or representation that misstates, falsely describes, or falsely represents the skills, training, expertise, education, board certification, or credential of the credential holder. The advertisements of the credential holder must clearly identify the profession or business in which the credential is held.

Moreover, the credential holder in a health care facility must wear a visible and apparent name tag during all patient care

interactions that clearly identifies the type of credential held unless wearing the tag would disturb sterilization or isolation protocols. The titles and abbreviations used by the credential holder must be authorized under the practice act applicable to his or her credential. Any credential holder who is a student (ie. a medical resident) is only required to wear a name tag that clearly identifies the credential holder by name and as a student. Students who do not have direct patient access only need to make their credentials available upon request- unless otherwise required by the appropriate board.

Any credential holder who fails to comply with the amendment's requirements is guilty of unprofessional conduct and is subject to disciplinary action under the Uniform Credentialing Act.

Explanation of amendments:

The Committee Amendment substitutes Section 4 of the bill. The amendment retains the definition for advertisement outlined in the bill. It removes the requirement for a credential holder in a health care facility or health care practitioner facility to wear a name tag that identifies the credentials held by the individual.

The Committee Amendment clarifies that, in regards to advertisements and the use of titles and abbreviations, only those titles and abbreviations authorized under the practice act applicable to his or her credential shall be allowed to be used by credential holders; or the title authorized by the practice act applicable to his or her credential for students in training.

The Committee Amendment keeps the bill's assertion that advertisements shall not include deceptive or misleading information and shall not include any affirmative communication or representation that misstates, falsely describes, or falsely represents the skills, training, expertise, education board certification or credential of the credential holder.

Additionally, the Committee Amendment, in regards to disciplinary action for failure to comply with this section, changes the bill's assertion that a credential holder "is" guilty of unprofessional conduct and "is" subject to disciplinary action" to "may be" subject to disciplinary action.

Kathy Campbell, Chairperson