

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 422

Introduced by McGill, 26; Crawford, 45.

Read first time January 22, 2013

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Uniform Credentialing Act; to amend
2 section 38-126, Reissue Revised Statutes of Nebraska, and
3 section 38-101, Revised Statutes Cumulative Supplement,
4 2012; to provide duties for professional boards; to
5 provide for a temporary practice permit based on a
6 credential in another jurisdiction as prescribed; to
7 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 38-101, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 38-101 Sections 38-101 to 38-1,140 and section 3 of this
4 act and the following practice acts shall be known and may be cited
5 as the Uniform 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
10 Act;
- 11 (5) The Certified Nurse Midwifery Practice Act;
- 12 (6) The Certified Registered Nurse Anesthetist Practice
13 Act;
- 14 (7) The Chiropractic Practice Act;
- 15 (8) The Clinical Nurse Specialist Practice Act;
- 16 (9) The Cosmetology, Electrology, Esthetics, Nail
17 Technology, and Body Art Practice Act;
- 18 (10) The Dentistry Practice Act;
- 19 (11) The Emergency Medical Services Practice Act;
- 20 (12) The Environmental Health Specialists Practice Act;
- 21 (13) The Funeral Directing and Embalming Practice Act;
- 22 (14) The Genetic Counseling Practice Act;
- 23 (15) The Hearing Instrument Specialists Practice Act;
- 24 (16) The Licensed Practical Nurse-Certified Practice Act;
- 25 (17) The Massage Therapy Practice Act;

- 1 (18) The Medical Nutrition Therapy Practice Act;
2 (19) The Medical Radiography Practice Act;
3 (20) The Medicine and Surgery Practice Act;
4 (21) The Mental Health Practice Act;
5 (22) The Nurse Practice Act;
6 (23) The Nurse Practitioner Practice Act;
7 (24) The Nursing Home Administrator Practice Act;
8 (25) The Occupational Therapy Practice Act;
9 (26) The Optometry Practice Act;
10 (27) The Perfusion Practice Act;
11 (28) The Pharmacy Practice Act;
12 (29) The Physical Therapy Practice Act;
13 (30) The Podiatry Practice Act;
14 (31) The Psychology Practice Act;
15 (32) The Respiratory Care Practice Act;
16 (33) The Veterinary Medicine and Surgery Practice Act;
17 and
18 (34) The Water Well Standards and Contractors' Practice
19 Act.

20 If there is any conflict between any provision of
21 sections 38-101 to 38-1,139 and any provision of a practice act, the
22 provision of the practice act shall prevail.

23 The Revisor of Statutes shall assign the Uniform
24 Credentialing Act, including the practice acts enumerated in
25 subdivisions (1) through (33) of this section, to articles within

1 Chapter 38.

2 Sec. 2. Section 38-126, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 38-126 To protect the health, safety, and welfare of the
5 public and to insure to the greatest extent possible the efficient,
6 adequate, and safe practice of health services, health-related
7 services, and environmental services:

8 (1)(a) The appropriate board may adopt rules and
9 regulations to:

10 (i) Specify minimum standards required for a credential,
11 including education, experience, and eligibility for taking the
12 credentialing examination, and for an expedited temporary practice
13 permit pursuant to section 3 of this act;

14 (ii) Designate credentialing examinations, specify the
15 passing score on credentialing examinations, and specify standards,
16 if any, for accepting examination results from other jurisdictions;

17 (iii) Set continuing competency requirements in
18 conformance with section 38-145;

19 (iv) Set standards for waiver of continuing competency
20 requirements in conformance with section 38-146;

21 (v) Set standards for courses of study; and

22 (vi) Specify acts in addition to those set out in section
23 38-179 that constitute unprofessional conduct; and

24 (b) The department shall promulgate and enforce such
25 rules and regulations;

1 (2) For professions or businesses that do not have a
2 board created by statute:

3 (a) The department may adopt, promulgate, and enforce
4 such rules and regulations; and

5 (b) The department shall carry out any statutory powers
6 and duties of the board;

7 (3) The department, with the recommendation of the
8 appropriate board, if any, may adopt, promulgate, and enforce rules
9 and regulations for the respective profession, other than those
10 specified in subdivision (1) of this section, to carry out the
11 Uniform Credentialing Act; and

12 (4) The department may adopt, promulgate, and enforce
13 rules and regulations with general applicability to carry out the
14 Uniform Credentialing Act.

15 Each board shall evaluate the ability of spouses of
16 veterans and spouses of active military personnel to meet the
17 requirements for its credentialed profession using training and
18 experience obtained in other jurisdictions.

19 Sec. 3. The department, with the recommendation of the
20 appropriate board, may issue a temporary practice permit to a spouse
21 of a veteran or a spouse of active military personnel licensed,
22 certified, or registered in another jurisdiction while the spouse is
23 satisfying the requirements for credentialing under the Uniform
24 Credentialing Act if that jurisdiction has licensure, certification,
25 or registration standards substantially equivalent to the standards

1 for licensure, certification, or registration in this state. The
2 spouse may practice under the temporary practice permit until a
3 license, certification, or registration is granted or until a notice
4 to deny a license, certification, or registration is issued in
5 accordance with rules and regulations adopted and promulgated under
6 the Uniform Credentialing Act.

7 Sec. 4. Original section 38-126, Reissue Revised Statutes
8 of Nebraska, and section 38-101, Revised Statutes Cumulative
9 Supplement, 2012, are repealed.