

AMENDMENTS TO LB596

(Amendments to Standing Committee amendments, AM621)

Introduced by Groene, 42.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Section 38-101, Revised Statutes Supplement, 2017, is
4 amended to read:

5 38-101 Sections 38-101 to 38-1,142 and section 3 of this act and the
6 following practice acts shall be known and may be cited as the Uniform
7 Credentialing Act:

8 (1) The Advanced Practice Registered Nurse Practice Act;

9 (2) The Alcohol and Drug Counseling Practice Act;

10 (3) The Athletic Training Practice Act;

11 (4) The Audiology and Speech-Language Pathology Practice Act;

12 (5) The Certified Nurse Midwifery Practice Act;

13 (6) The Certified Registered Nurse Anesthetist Practice Act;

14 (7) The Chiropractic Practice Act;

15 (8) The Clinical Nurse Specialist Practice Act;

16 (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and
17 Body Art Practice Act;

18 (10) The Dentistry Practice Act;

19 (11) The Dialysis Patient Care Technician Registration Act;

20 (12) The Emergency Medical Services Practice Act;

21 (13) The Environmental Health Specialists Practice Act;

22 (14) The Funeral Directing and Embalming Practice Act;

23 (15) The Genetic Counseling Practice Act;

24 (16) The Hearing Instrument Specialists Practice Act;

25 (17) The Licensed Practical Nurse-Certified Practice Act until
26 November 1, 2017;

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

20 If there is any conflict between any provision of sections 38-101 to
21 38-1,142 and any provision of a practice act, the provision of the
22 practice act shall prevail.

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

26 Sec. 2. Section 38-121, Revised Statutes Supplement, 2017, is
27 amended to read:

28 38-121 (1) No individual shall engage in the following practices
29 unless such individual has obtained a credential under the Uniform
30 Credentialing Act:

- 31 (a) Acupuncture;

- 1 (b) Advanced practice nursing;
- 2 (c) Alcohol and drug counseling;
- 3 (d) Asbestos abatement, inspection, project design, and training;
- 4 (e) Athletic training;
- 5 (f) Audiology;
- 6 (g) Speech-language pathology;
- 7 (h) Body art;
- 8 (i) Chiropractic;
- 9 (j) Cosmetology;
- 10 (k) Dentistry;
- 11 (l) Dental hygiene;
- 12 (m) Electrology;
- 13 (n) Emergency medical services;
- 14 (o) Esthetics;
- 15 (p) Funeral directing and embalming;
- 16 (q) Genetic counseling;
- 17 (r) Hearing instrument dispensing and fitting;
- 18 (s) Lead-based paint abatement, inspection, project design, and
- 19 training;
- 20 (t) Licensed practical nurse-certified until November 1, 2017;
- 21 (u) Massage therapy;
- 22 (v) Medical nutrition therapy;
- 23 (w) Medical radiography;
- 24 (x) Medicine and surgery;
- 25 (y) Mental health practice;
- 26 (z) Nail technology;
- 27 (aa) Nursing;
- 28 (bb) Nursing home administration;
- 29 (cc) Occupational therapy;
- 30 (dd) Optometry;
- 31 (ee) Osteopathy;

- 1 (ff) Perfusion;
- 2 (gg) Pharmacy;
- 3 (hh) Physical therapy;
- 4 (ii) Podiatry;
- 5 (jj) Psychology;
- 6 (kk) Radon detection, measurement, and mitigation;
- 7 (ll) Respiratory care;
- 8 (mm) Surgical assisting;
- 9 (nn) Veterinary medicine and surgery;
- 10 (oo) Public water system operation; and
- 11 (pp) Constructing or decommissioning water wells and installing
- 12 water well pumps and pumping equipment.

13 (2) No individual shall hold himself or herself out as any of the
14 following until such individual has obtained a credential under the
15 Uniform Credentialing Act for that purpose:

- 16 (a) Registered environmental health specialist;
- 17 (b) Certified marriage and family therapist;
- 18 (c) Certified professional counselor;
- 19 (d) Social worker;~~or~~
- 20 (e) Dialysis patient care technician; or ~~or~~
- 21 (f) Equine massage practitioner.

22 (3) No business shall operate for the provision of any of the
23 following services unless such business has obtained a credential under
24 the Uniform Credentialing Act:

- 25 (a) Body art;
- 26 (b) Cosmetology;
- 27 (c) Emergency medical services;
- 28 (d) Esthetics;
- 29 (e) Funeral directing and embalming;
- 30 (f) Massage therapy; or
- 31 (g) Nail technology.

1 Sec. 3. (1) For purposes of this section:

2 (a) Equine massage practice means the application of hands-on
3 massage techniques for the purpose of increasing circulation, relaxing
4 muscle spasms, relieving tension, enhancing muscle tone, and increasing
5 range of motion in equine; and

6 (b) Equine massage practitioner means a person registered on the
7 Equine Massage Practitioner Registry to engage in equine massage
8 practice.

9 (2) The Equine Massage Practitioner Registry is created. Any person
10 engaged in the practice of equine massage for compensation shall (a)
11 apply to the department for listing in the registry, (b) submit as part
12 of the application (i) evidence of receipt of a degree or certificate in
13 equine massage from a school approved by the department or with an
14 accreditation recognized by the United States Department of Education or
15 (ii) until January 1, 2022, two letters of recommendation from licensed
16 veterinarians attesting to the applicant's competence to engage in equine
17 massage practice, and (c) pay the applicable fee. A listing in the
18 registry shall be valid for five years and shall be eligible to be
19 renewed unless such listing is refused renewal or removed pursuant to
20 subsection (4) of this section or section 38-178.

21 (3) The department shall list on the registry the following
22 information for each applicant who submits a complete application and
23 pays the applicable fee: (a) The individual's full name; (b) information
24 necessary to identify and contact the individual; (c) a list of
25 experience and education related to equine massage practice; and (d) any
26 other information as the department may require by rule and regulation.

27 (4) Any person convicted of violating the Livestock Animal Welfare
28 Act shall be denied registration or renewal of a registration and shall
29 be removed from the registry, if applicable.

30 Sec. 4. Section 38-3314, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 38-3314 Unlicensed assistant means an individual who is not a
2 licensed veterinarian, a licensed veterinary technician, or a licensed
3 animal therapist and who is working in veterinary medicine. Unlicensed
4 assistant does not include an equine massage practitioner as defined in
5 section 3 of this act.

6 Sec. 5. Section 38-3321, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 38-3321 No person may practice veterinary medicine and surgery in
9 the state who is not a licensed veterinarian, no person may perform
10 delegated animal health care tasks in the state who is not a licensed
11 veterinary technician or an unlicensed assistant performing such tasks
12 within the limits established under subdivision (2) of section 38-3326,
13 and no person may perform health care therapy on animals in the state who
14 is not a licensed animal therapist. The Veterinary Medicine and Surgery
15 Practice Act shall not be construed to prohibit:

16 (1) An employee of the federal, state, or local government from
17 performing his or her official duties;

18 (2) A person who is a student in a veterinary school from performing
19 duties or actions assigned by his or her instructors or from working
20 under the direct supervision of a licensed veterinarian;

21 (3) A person who is a student in an approved veterinary technician
22 program from performing duties or actions assigned by his or her
23 instructors or from working under the direct supervision of a licensed
24 veterinarian or a licensed veterinary technician;

25 (4) Any merchant or manufacturer from selling feed or feeds whether
26 medicated or nonmedicated;

27 (5) A veterinarian regularly licensed in another state from
28 consulting with a licensed veterinarian in this state;

29 (6) Any merchant or manufacturer from selling from his or her
30 established place of business medicines, appliances, or other products
31 used in the prevention or treatment of animal diseases or any merchant or

1 manufacturer's representative from conducting educational meetings to
2 explain the use of his or her products or from investigating and advising
3 on problems developing from the use of his or her products;

4 (7) An owner of livestock or a bona fide farm or ranch employee from
5 performing any act of vaccination, surgery, pregnancy testing,
6 retrievable transplantation of embryos on bovine, including recovering,
7 freezing, and transferring embryos on bovine, or the administration of
8 drugs in the treatment of domestic animals under his or her custody or
9 ownership nor the exchange of services between persons or bona fide
10 employees who are principally farm or ranch operators or employees in the
11 performance of these acts;

12 (8) A member of the faculty of a veterinary school or veterinary
13 science department from performing his or her regular functions, or a
14 person lecturing or giving instructions or demonstrations at a veterinary
15 school or veterinary science department or in connection with a
16 continuing competency activity;

17 (9) Any person from selling or applying any pesticide, insecticide,
18 or herbicide;

19 (10) Any person from engaging in bona fide scientific research which
20 reasonably requires experimentation involving animals;

21 (11) Any person from treating or in any manner caring for domestic
22 chickens, turkeys, or waterfowl, which are specifically exempted from the
23 Veterinary Medicine and Surgery Practice Act;

24 (12) Any person from performing dehorning or castrating livestock,
25 not to include equidae.

26 For purposes of the Veterinary Medicine and Surgery Practice Act,
27 castration shall be limited to the removal or destruction of male testes;

28 (13) Any person who holds a valid credential in the State of
29 Nebraska in a health care profession or occupation regulated under the
30 Uniform Credentialing Act from consulting with a licensed veterinarian or
31 performing collaborative animal health care tasks on an animal under the

1 care of such veterinarian if all such tasks are performed under the
2 immediate supervision of such veterinarian;~~or~~

3 (14) A person from performing a retrievable transplantation of
4 embryos on bovine, including recovering, freezing, and transferring
5 embryos on bovine, if the procedure is being performed by a person who
6 (a) holds a doctorate degree in animal science with an emphasis in
7 reproductive physiology from an accredited college or university and (b)
8 has and can show proof of valid professional liability insurance;or -

9 (15) An equine massage practitioner as defined in section 3 of this
10 act from engaging in equine massage practice as defined in section 3 of
11 this act.

12 Sec. 6. Original sections 38-3314 and 38-3321, Reissue Revised
13 Statutes of Nebraska, and sections 38-101 and 38-121, Revised Statutes
14 Supplement, 2017, are repealed.