

## LEGISLATIVE BILL 926

Approved by the Governor April 18, 1986

Introduced by Public Health & Welfare Committee, Wesely,  
26, Chairperson; Smith, 33; Withem, 14;  
Hall, 7; Lynch, 13

AN ACT relating to public health and welfare; to amend sections 71-103, 71-108, 71-115, 71-121.01, 71-123, 71-124, 71-125, 71-134, 71-135, 71-138, 71-147, 71-148, 71-153, 71-161.04, 71-161.05, 71-161.11, 71-163, 71-166, 71-193.04, 71-195, 71-198, 71-1,155, 71-1327, 71-1331, 71-2045.03, 71-2045.05, and 71-2713, Reissue Revised Statutes of Nebraska, 1943, sections 71-101, 71-129, 71-130, 71-134.01, 71-134.02, 71-155, 71-155.01, 71-1,132.49, 71-1347, 71-1348, 71-1351, 71-1352, 71-1722, 71-1724, 71-1757, 71-3710, and 71-6114, Revised Statutes Supplement, 1984, and sections 71-110, 71-114, 71-116, 71-121, 71-122, 71-131, 71-134.03, 71-139, 71-161.10, 71-162, 71-174.01, 71-179.01, 71-180.03, 71-1,136.01, 71-1,162, and 71-6109, Revised Statutes Supplement, 1985; to harmonize provisions; to provide for certain fees; to change provisions relating to fees; to change the membership requirements of a board; to provide for board teleconference meetings; to change board compensation requirements; to change provisions relating to examinations, reciprocal licenses, relicensure, license denial, revocation, suspension, and reinstatement, and disciplinary actions; to provide for temporary suspension; to change a penalty; to change certain licensing and examination requirements; to eliminate certain licensure requirements; to eliminate the accredited high schools list; to eliminate registration requirements; to eliminate an exemption; to define a term; to repeal the original sections, and also sections 71-127 and 71-187, Reissue Revised Statutes of Nebraska, 1943, sections 71-122.01 and 71-1355, Revised Statutes Supplement, 1984, and section 71-109, Revised Statutes Supplement, 1985; and to declare an emergency.

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

Section 1. That section 71-101, Revised Statutes Supplement, 1984, be amended to read as follows:

71-101. Sections 71-101 to 71-1,107.30, 71-1,133 to 71-1,162, 71-1,186 to 71-1,226, 71-1325 to 71-1355, and 71-2801 to 71-2822 shall be known and may be cited as the Uniform Licensing Law.

For the purpose of this act the Uniform Licensing Law, unless the context otherwise requires:

(1) Board of examiners or board shall mean one of the boards appointed by the department Department of Health to give examinations to applicants for licenses;

(2) licensed Licensed, when applied to any licensee in any of the professions named in section 71-102, shall mean a person licensed under this act the Uniform Licensing Law;

(3) profession Profession shall mean and refer to any of the several groups named in section 71-102;

(4) department Department shall mean the Department of Health; and of the State of Nebraska;

(5) wherever Whenever the masculine gender is used, it shall be construed to include the feminine, and the singular number shall include the plural when consistent with the intent of the Uniform Licensing Law. this act ; and

(6) this act shall mean and refer to sections 71-101 to 71-1,167 and 71-1,206 to 71-1,226, which for convenience shall be known as the Uniform Licensing Law.

Sec. 2. That section 71-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-103. No person shall be licensed to practice a profession under this act the Uniform Licensing Law until he or she shall have furnished satisfactory evidence to the department Department of Health that he or she has attained the age of twenty-one years majority and is of good moral character.

Sec. 3. That section 71-108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-108. The name, age, nativity date and place of birth, location or post office address, school and date of graduation, date of examination and ratings or grades received, and date of license, if one is issued, of all applicants for examination in the several professions regulated by this act; the Uniform Licensing Law shall be entered in a book kept in the office of the



Department of Health department, to be known as the registry record. A separate registry record shall be kept for each profession, and the names of applicants in that profession shall be given consecutive numbers, and all other records relating to that application or license granted thereunder shall be given the same number. A list shall also be kept of those granted licenses in the several professions. Applications for a license shall be upon forms prepared by the department, and the completed applications shall be kept as a part of the permanent files of the department. All applications based on licenses granted in other states shall be received upon forms prepared by the department and entered in the registry records as nearly as may be in the same form as are those applying for examinations. In addition, the date of license and the length of time of practice in the other state shall be given and entered. The data in any or all of such records may be maintained in computer files, placed upon microfilm, or stored in a similar form. All such records, in whatever form, shall be available for public inspection, as defined by regulations of the department. Investigational records, reports, and files of any kind shall not be a public record until such time as formal charges are filed by the department, the Attorney General, or the appropriate county attorney in the manner outlined in sections 71-147 to 71-172 and sections 71-1, 156 to 71-1, 167 the Uniform Licensing Law.

Sec. 4. That section 71-110, Revised Statutes Supplement, 1985, be amended to read as follows:

71-110. (1) The different licenses to practice a profession shall be renewed biennially upon request of the licensee without examination. The biennial license renewals provided for in this section shall be accomplished in such manner as the department, with the approval of the board, shall establish by rule and regulation. The biennial expiration date in the different professions shall be as follows: January, pharmacy and psychology; February, embalming and funeral directing; March, dentistry and dental hygiene; April, podiatry and veterinary medicine and surgery; August, chiropractic and optometry; September, osteopathy; October, medicine and surgery; November, physical therapy; and December, audiology and speech-language pathology. The request for renewal need not be in any particular form and shall be accompanied by the legal fee. Such fee shall be paid not later than the date of the expiration of such license, except that while actively engaged in the military service of the United

States, as defined in the Soldiers' and Sailors' Civil Relief Act of 1940 as amended, persons licensed to practice the professions above named shall not be required to pay the renewal license fee.

(2) At least thirty days before the expiration of a license, as set forth in subsection (1) of this section, the ~~department~~ Department of Health shall notify each licensee by a letter addressed to him or her at his or her last place of residence as noted upon its records. Any licensee who fails to pay the renewal fee on or before the date of expiration of his or her license shall be given a second notice in the same manner advising him or her (a) of the failure to pay, (b) that the license on that account has expired, (c) that the department will suspend action for thirty days following the date of expiration, (d) that upon the receipt of the renewal fee, together with an additional fee of ~~five~~ ten dollars, within that time, no order of revocation will be entered, and (e) that upon the failure to receive the amount then due and ~~five~~ ten dollars in addition to the regular renewal fee, as provided by subsection (1) of this section, an order of revocation will be entered.

(3) Any licensee who allows a license to lapse by failing to renew the same, as provided in subsections (1) and (2) of this section, may be reinstated upon the recommendation of the board of examiners for his or her profession and the payment of the regular and additional renewal fees then due.

Sec. 5. That section 71-114, Revised Statutes Supplement, 1985, be amended to read as follows:

71-114. (1) Except as provided in subsection (4) of this section, every professional examiner shall be and have been actively engaged in the practice of his or her profession in the State of Nebraska, under a license issued in this state, for a period of five years just preceding his or her appointment, except for the members of boards of examiners for professions coming within the scope of ~~sections 71-101 to 71-115~~ the Uniform Licensing Law for the first time and for a period of five years thereafter. Examiners appointed during such period shall be required to meet the minimum qualifications for licensure in the profession in this state and shall, insofar as possible, meet the requirements as to years of practice in this state otherwise provided by this section.

(2) A lay member of a board of examiners shall be of the age of legal majority and shall have been a resident of the State of Nebraska for at least five



years immediately prior to appointment to the board. Such a lay member shall never serve in a capacity to judge professional competence and ~~should~~ shall be a representative of consumer viewpoints.

(3) Each member of the Board of Examiners in Audiology and Speech-Language Pathology shall have been a resident of the State of Nebraska for at least one year immediately prior to appointment and shall also have been engaged in rendering services to the public in audiology or speech-language pathology for at least three years immediately prior to appointment.

(4) The requirement of five years of experience shall apply to members of the Board of Examiners of Psychologists, except that up to two of the five years may have been served in teaching or research.

Sec. 6. That section 71-115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-115. No examiner shall be connected in any manner with any wholesale or jobbing house dealing in supplies or instruments having to do with his or her profession. Two of the six members of the Board of Examiners in Medicine and Surgery shall be officials or members of the instructional staff of a class A an accredited medical school in this state. Two of the seven members of the Board of Examiners in Dentistry shall be officials or members of the instructional staff of an accredited school or college of dentistry in this state.

Sec. 7. That section 71-116, Revised Statutes Supplement, 1985, be amended to read as follows:

71-116. (1) The members of each board of examiners shall be residents of the State of Nebraska and shall be appointed for a term of five years. No and no member shall be appointed for or serve for more than two consecutive full five-year terms.

(2) The members of the Board of Examiners in Dentistry shall be appointed as follows: As of December 1, 1971, one member shall be appointed for a term of five years and one member shall be appointed for a term of three years; as of December 1, 1972, one member shall be appointed for a term of three years; as of December 1, 1973, one member shall be appointed for a term of three years; as of December 1 of each year thereafter, two members shall be appointed for a term of five years; as of December 1, 1979, one member who is a duly licensed dental hygienist and complies with sections 71-114 and 71-115 shall be appointed for a term of five years; and as of December 1, 1984, one lay member shall

be appointed for a term of five years. The dental hygienist member shall have full voting rights, except in matters pertaining to the initial or continuing licensure or competency of a duly licensed practitioner of dentistry. Thereafter successors with like qualifications shall be appointed for five-year terms. No member shall be appointed for or serve for more than two consecutive full five-year terms.

(3) The members of the Board of Examiners in Medicine and Surgery shall be appointed as follows: Within thirty days after May 25, 1943, five members shall be appointed, one of whom shall hold office until December 1, 1944, one until December 1, 1945, one until December 1, 1946, one until December 1, 1947, and one until December 1, 1948; upon the expiration of such terms, successors shall be appointed for terms of five years each. Within thirty days after October 19, 1963, a sixth member, who shall be a person eligible for appointment to the Board of Examiners in Osteopathy who also has a license to practice medicine and surgery in the State of Nebraska, shall be appointed for a term expiring on December 1, 1968. As of December 1, 1984, one lay member shall be appointed for a term of five years. Thereafter successors with like qualifications shall be appointed for five-year terms. Upon the expiration of the five-year term of such sixth member of the board after ~~August 30, 1981~~ the effective date of this act, his or her eligible successor shall be a person who has a ~~license to practice medicine and surgery~~ and a license to practice osteopathy osteopathic medicine in the State of Nebraska.

(4) The members of the Board of Examiners in Audiology and Speech-Language Pathology shall consist of two audiologists, two speech-language pathologists, and one lay member and shall be appointed as follows: Within sixty days after July 22, 1978, four members shall be appointed, two of whom shall hold office until December 1, 1979, and two until December 1, 1980. As of December 1, 1984, one lay member shall be appointed for a term of five years. Upon the expiration of such terms the successors shall be appointed for terms of five years each. No member shall be appointed for or serve for more than two consecutive five-year terms.

(5) As of December 1, 1983, the Board of Examiners in Pharmacy shall be composed of five members, including four actively practicing pharmacists, one of whom practices within the confines of a hospital, and a lay member who is interested in the health of the people of Nebraska and is of the age of majority. The members



of the Board of Examiners in Pharmacy shall be appointed as follows: As of December 1, 1983, the hospital pharmacist member shall be appointed for a term of five years and the lay member shall be appointed for a term of three years. Upon the expiration of such terms and the terms of existing members, all successors shall be appointed for terms of five years each.

(6) The members of the Board of Examiners of Psychologists appointed as successors to the members serving on February 25, 1984, shall be appointed for terms of five years. The terms of members serving on February 25, 1984, are hereby extended to December 1 of the year in which they would otherwise expire.

(7) The term of each examiner provided for in this section herein shall commence on the first day of December, following the expiration of the term of the member whom such person succeeds, and shall be rotated in such a manner that no more than one examiner shall retire during any year in which a term expires unless the number of members on a board makes it impractical to do so.

(8) Except as otherwise specifically provided, the members of boards for professions coming under the scope of ~~sections 71-101 to 71-119~~ 71-1, 196 the Uniform Licensing Law for the first time shall be appointed within thirty days after the effective date of the act providing for licensing of the profession, the terms of the initial board members to be as follows: One member shall hold office until December 1 of the third year, one until December 1 of the fourth year, and two, including the lay member, until December 1 of the fifth year following the year in which the act providing for licensing of the profession became effective.

Sec. 8. That section 71-121, Revised Statutes Supplement, 1985, be amended to read as follows:

71-121. The department Department of Health shall, as far as practicable, provide for the conducting of the business of several boards of examiners by mail and may hold meetings by teleconference subject to Chapter 84, article 14. Any official action or vote of the members of a board of examiners taken by mail shall be preserved in the records of the department and shall be embodied in the proper minute book by the Director of the Bureau of Examining Boards. At least a majority of each board of examiners shall be present at any examination given in that profession, except for examinations in audiology and speech-language pathology. The board members who are audiologists shall be present at any examination in audiology, and the board members

who are speech-language pathologists shall be present at any examination in speech-language pathology.

Sec. 9. That section 71-121.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-121.01. The Bureau of Examining Boards shall be responsible for the general administration of the activities of each of the boards of examiners as defined in Chapter 71, articles 1, 3, 4, 27, 38, and 47, and 61 and the boards of examiners for the professions covered by the scope of the Uniform Licensing Law and named in section 71-102. The cost of operation of the Bureau of Examining Boards shall be paid from fees received by the boards of examiners. The Director of the Bureau of Examining Boards shall determine the proportionate share of this cost to be paid from the fees of the respective boards, except, Provided, that no fees shall be paid for such purpose from any fund without the prior approval of the boards of examiners concerned. The director's determinations shall become final when approved by the respective boards of examiners and the department ~~Department~~ of Health and shall be valid for one fiscal year only.

Sec. 10. That section 71-122, Revised Statutes Supplement, 1985, be amended to read as follows:

71-122. Each member of a board of examiners, except members of the Board of Examiners in Medicine and Surgery, the Board of Examiners of Psychologists, and the Board of Examiners in Dentistry, shall, in addition to necessary traveling and hotel lodging expenses, receive a per diem for each day actually engaged in the discharge of his or her duties, including compensation for the time spent in traveling to and from the place of conducting the examination, and, with the exception of board members who are laypersons, for a reasonable number of days for the preparation of examination questions and the reading of the answer papers, in addition to the time actually spent in conducting the examination. Traveling and hotel lodging expenses shall be on the same basis as provided in sections 84-306.01 to 84-306.05 for state employees. The compensation per day in the several professions shall be as follows: (1) in chiropractic, embalming and funeral directing, and pharmacy, fifteen dollars, (2) in pediatry and physical therapy, ten dollars, (3) in audiology and speech-language pathology, twenty dollars, and (4) in optometry, thirty dollars. There not exceed thirty dollars and shall be determined by each board of



examiners with the approval of the department, except that there shall not be paid for examiners' compensation and expenses a greater sum than is received in fees from the applicants taking the examination in any particular profession.

Sec. 11. That section 71-123, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-123. The Department of Health shall be provided with an examination room in the State Capitol at Lincoln, Nebraska. When it seems desirable to the director of the department that an examination shall be held elsewhere, then arrangements may be made by the department to hold such examinations at such place as the department determines to be advisable. The examinations in medicine and surgery Examinations for licensure in any of the professions may be held in any suitable area approved by the department upon recommendation of the Board of Examiners in Medicine and Surgery board of examiners in that profession.

Sec. 12. That section 71-124, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-124. Each board of examiners may select one or more of its members to attend the annual meeting of the national organization of state examining boards of such profession. Any member so selected shall receive his or her necessary traveling and hotel lodging expenses in attending such meeting on the same basis as provided in sections 84-306.01 to 84-306.05 for state employees if there are funds available belonging to that board.

Sec. 13. That section 71-125, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-125. Any person desiring to take the examination for a license to practice a profession, shall make application to the department Department of Health at least thirty days prior to examination or licensure on a form provided by the department, and sworn to by the applicant. Such application shall be accompanied by the examination fee, and such documents and affidavits as are necessary to show the eligibility of the candidates to take such examination. All applications shall be in accordance with the rules of the department, except that those graduating from accredited professional schools in Nebraska less than thirty days preceding the date set for their examination may file their application, accompanied by a statement

from one authorized to speak, that the applicant has completed and successfully passed any examinations and in due time will receive a diploma. Upon the payment of the applicable fee, the application may thereupon be received, but before taking the examination the applicant ~~must~~ shall file a photostatic copy of his or her diploma.

Sec. 14. That section 71-129, Revised Statutes Supplement, 1984, be amended to read as follows:

71-129. The regular sessions for the purposes of giving examinations shall be held at such times and places as the ~~department~~ Department of Health may fix, not to exceed four in any one year, except as provided ~~for~~ in section 71-133 for dentistry. ~~All sessions shall be held at the State Capitol in Lincoln unless otherwise ordered by the department.~~ Examinations may be held in any professional school or college or at any other location, at the discretion of the department, and any examination may be held concurrently in two or more places to accommodate the applicants therefor. Special examinations may be held at the expense of the applicant as may be provided by the department and board of examiners in that particular profession.

Sec. 15. That section 71-130, Revised Statutes Supplement, 1984, be amended to read as follows:

71-130. Prior to each examination, ~~the Department of Health shall~~ department may prepare a list of applicants who are eligible to take that examination. In determining the eligibility requirements to be met for examination, the department shall consult the ~~secretary of the~~ proper board of examiners or any member thereof.

Sec. 16. That section 71-131, Revised Statutes Supplement, 1985, be amended to read as follows:

71-131. (1) In the absence of any specific requirement or provision relating to any particular profession:

(a) The ~~department~~ Department of Health may adopt and promulgate rules and regulations pertaining to the grading of examination papers;

(b) An examinee must obtain an average grade of seventy-five per cent;

(c) An examinee must obtain a grade of sixty per cent in each subject in which examined; and

(d) An examinee who fails to comply with subdivisions (b) and (c) of this subsection may take the



entire examination over without charge at any time within fourteen months, except that in the case in which a national standardized examination is utilized by any examining board, which requires the payment of a fee to purchase such examination, the department Department of Health shall require the applicant to pay the appropriate examination fee.

(2) In pharmacy all applicants shall be required to attain a grade to be determined by the Board of Examiners in Pharmacy in an examination in pharmacy and a grade of seventy-five per cent in an examination in jurisprudence of pharmacy. When an applicant falls below the designated grade in one of the two examinations, the applicant may take that examination over without charge at any time within fourteen months at any regular session of such board held for the purpose of giving examinations or at the first regular session of the board held for the purpose of giving examinations thereafter if not held within that time. If an applicant falls below the designated grade in both the examination in pharmacy and the examination in jurisprudence of pharmacy, the applicant shall take both examinations over, and may do this without charge at any time within fourteen months at any regular session of the board held for the purpose of giving examinations or at the first regular session of the board held for the purpose of giving examinations thereafter if not held within that time. Notwithstanding any provision of this section, whenever the Board of Examiners in Pharmacy utilizes a national standardized examination, which requires the payment of a fee to purchase such examination, the department Department of Health shall require the applicant to pay the appropriate examination fee.

(3) In medicine and surgery the passing grade shall be determined by the department upon recommendation of the Board of Examiners in Medicine and Surgery. Fees for reexamination shall be determined by the department upon recommendation of the Board of Examiners in Medicine and Surgery. Applicants taking the examination for the first time for licensure in this state in medicine and surgery, osteopathic medicine, or osteopathic medicine and surgery shall take the entire examination in one administration period. When an applicant falls below the designated grade or grades for the entire examination, the applicant may take the entire examination over at any regular session of the board held for the purpose of giving examinations. Applicants who fall below the designated grade in a

separate component of the examination may retake only that component at any regular session of the board held for the purpose of giving component examinations. No applicant may retake any separate component of or the entire examination for licensure more than three times without first providing documentation of successful completion of one additional year of postgraduate medical education at an accredited school or college of medicine or osteopathy. No more than seven years shall lapse between initial examination of an applicant and successful completion by an applicant of all components of the examination for licensure in medicine and surgery, osteopathic medicine, or osteopathic medicine and surgery. A passing grade or score for a component shall become invalid at the end of a period of seven years. Fees for examination shall be determined by the department upon the recommendation of the Board of Examiners in Medicine and Surgery in amounts necessary to cover the actual cost of the examination and expenses of administration. Separate fees shall be established in the same manner for reexamination for the entire examination and for reexamination for any separate component of the examination.

(4) In psychology the passing grade shall be determined by the department upon recommendation of the Board of Examiners of Psychologists. Fees for reexamination shall be the same as the fee for the initial examination.

(5) In chiropractic the passing grade shall be determined by the department upon recommendation of the Board of Examiners in Chiropractic. Fees for reexamination shall be the same as the fee for the initial examination.

(6) In dentistry the passing grade shall be determined by the department upon the recommendation of the Board of Examiners in Dentistry.

Sec. 17. That section 71-134, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-134. The ~~department~~ Department of Health shall be represented at all examinations. Such representative shall look after the details connected ~~therewith~~ with the examination. If the duties of such person are performed away from the ~~State Capitol Office Building~~, he or she shall receive ~~his~~ his necessary traveling and ~~hotel~~ lodging expenses.

Sec. 18. That section 71-134.01, Revised Statutes Supplement, 1984, be amended to read as follows:



71-134.01. The members of the Board of Examiners in Optometry need not be present at an examination given to applicants for the licensure in optometry when a national standardized examination is utilized. Such board may delegate the administration of such examination to the department Department of Health or another person. A majority of the professional members of the board shall be present at any other written examination given to applicants for licensure in optometry.

A majority of the professional members of the board shall be present at any oral examination. The oral examination questions shall be limited to the technical knowledge of the practice of optometry.

Sec. 19. That section 71-134.02, Revised Statutes Supplement, 1984, be amended to read as follows:

71-134.02. The members of the Board of Examiners in Podiatry need not be present at an examination given to applicants for licensure in podiatry when a national standardized examination is utilized. Such board may delegate the administration of such examination to the Department of Health or another person. A majority of the professional members of the board shall be present at any other written examination given to applicants for licensure in podiatry.

A majority of the professional members of the board shall be present at any oral examination given. The oral examination questions shall be limited to the technical knowledge of the practice of podiatry.

Sec. 20. That section 71-134.03, Revised Statutes Supplement, 1985, be amended to read as follows:

71-134.03. The members of the Board of Examiners in Pharmacy need not be present at the examination given to applicants for licensure when a national standardized examination is utilized. Such board may delegate the administration of the examination to the department Department of Health or to another person. A majority of the professional members of the board shall be present at any other written examination given to applicants for licensure. A majority of the professional members of the board shall be present at any oral examination given. The oral examination questions shall be limited to the technical knowledge of the practice of pharmacy.

Sec. 21. That section 71-135, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-135. (1) Every examination shall be passed upon in accordance with the established rules of the ~~Department of Health department~~, and, in cases of dispute, a majority of members of the interested board shall decide. After each examination, the board of examiners, or the individual members, shall certify the grades of the applicants to the department in the manner prescribed by ~~it~~ the department. The department shall then issue the proper license, and make the required entry in the registry record.

(2) The department, upon the recommendation of the Board of Examiners in Medicine and Surgery, may adopt and promulgate rules and regulations governing the administration of the entire examination and any separate components of the examination for licensure in medicine and surgery.

Sec. 22. That section 71-138, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-138. (1) All question and answer papers or sheets, or photostatic or other copies of such question and answer papers or sheets, connected with any examination for a license shall be filed with the ~~department~~ Department of Health and preserved for two years as a part of its records or, whenever national standardized examinations, governed by security considerations, are utilized, they shall be available from the developing testing service for a period of two years, during which time such answer papers or sheets shall be open to inspection by an applicant, ~~or~~ by the dean of his or her college or training school, or by any other proper representative of ~~either of~~ such college or training school as determined by rules and regulations which the department is hereby authorized to adopt and promulgate. Any national standardized machine graded or computer scored examination questions or answers which are protected by security agreements, copyright provisions, or departmental or state contractual agreements for use shall not be required to be on file with the department, but shall must be available for a period of two years, upon demand, from any testing service utilized, at the discretion of the department or upon order of a court of competent jurisdiction.

(2) The department may adopt and promulgate rules and regulations to provide for the review of procedures, development, and administration of examinations and to protect the security of the content of examination questions and answers in the examination review. The department shall not enter into an



agreement to adopt an examination from a national testing service without first obtaining from that service detailed documentation of the process of examination development and maintenance. When any board of examiners has designated the use of a national standardized examination, the papers connected with the examination shall be filed and maintained in the manner outlined in subsection (1) of this section.

Sec. 23. That section 71-139, Revised Statutes Supplement, 1985, be amended to read as follows:

71-139. The Department of Health department may, without examination, except when a practical examination is required, may issue a license to practice any profession, except pharmacy, podiatry, dentistry, medicine and surgery, optometry, osteopathic medicine and surgery, osteopathic medicine, osteopathy, and audiology and speech-language pathology, to a person who has been in the active practice of that profession in some other state, territory, or the District of Columbia, upon the certificate of the proper licensing authority of the state, territory, or the District of Columbia, certifying that the applicant is duly licensed, that his or her license has never been suspended or revoked, and that, so far as the records of such authority are concerned, the applicant is entitled to its endorsement. The applicant shall also present proof of the following things: (1) That the state, territory, or the District of Columbia from which the applicant comes shall have and maintain standards regulating his or her profession equal to those maintained in that profession by Nebraska; (2) that his or her license there was based upon a written examination and the grades given at such examination; (3) the date of his or her license; (4) that such licensee has been actively engaged in the practice under such license or in an accepted residency or graduate training program for at least one of the three years immediately preceding the application for license by reciprocity; (5) the affidavit of at least two practitioners in that state, territory, or the District of Columbia testifying to the applicant being of good moral character and standing in his or her profession; and (6) that the applicant has been in the active and continuous practice under license by examination in the state, territory, or the District of Columbia from whence which he or she comes for at least one year. An applicant for reciprocal registration coming from any state may be licensed by reciprocity if his or her

individual qualifications meet the Nebraska legal requirements.

Persons who graduate from colleges of osteopathy accredited by the department ~~Department~~ of Health on recommendation of the Board of Examiners in Osteopathy since January 1, 1963, and prior to May 23, 1981, and after May 23, 1981, persons who graduate from colleges of osteopathy accredited by the department ~~Department~~ of Health on recommendation of the Board of Examiners in Medicine and Surgery who meet the requirements of this section and who have passed a written examination which is equivalent to that required in section 71-1,104 as determined by the Board of Examiners in Medicine and Surgery and who meet the requirements of section 71-1,137 for the practice of osteopathic medicine and surgery as evidenced by a certificate of the Board of Examiners in Medicine and Surgery may be granted a license to practice osteopathic medicine and surgery as defined in section 71-1,137 if such person has been actively engaged in the practice under such license or in an accepted residency or graduate training program for at least one of the three years immediately preceding the application for license by reciprocity. Graduates of an accredited school of osteopathy since January 1, 1963, who meet the requirements of this section and who meet the applicable requirements of section 71-1,139.01 as certified by the Board of Examiners in Medicine and Surgery may be granted a special license as doctor of osteopathic medicine and surgery.

The department may approve without examination any person who has been duly licensed to practice optometry in some other state or territory of the United States of America or in the District of Columbia under conditions and circumstances which the Board of Examiners in Optometry shall find to be comparable to the requirements of the State of Nebraska for obtaining a license to practice optometry if such person has been actively engaged in the practice under such license for at least one of the three years immediately preceding the application for license by reciprocity. The applicant shall produce evidence satisfactory to the board that he or she has had the required secondary and professional education and training. The applicant shall submit a certificate of the proper licensing authority of the state, territory, or the District of Columbia where he or she is licensed to practice such profession; certifying that he or she is duly licensed, that his or her license has not been suspended or



revoked, and that so far as the records of such authority are concerned he or she is entitled to its endorsement. If the applicant is found to meet the requirements provided in this section and is qualified to be licensed to practice the profession of optometry in the State of Nebraska, the board shall issue a license to practice optometry in the State of Nebraska to such applicant.

The Board of Examiners in Dentistry may approve ~~without examination~~ any person who has been duly licensed to practice dentistry or dental hygiene in some other state or territory of the United States of America or in the District of Columbia under conditions and circumstances which the board shall find to be comparable to the requirements of the State of Nebraska for obtaining a license to practice dentistry or dental hygiene if such person has been actively engaged in the practice under such license or in an accepted residency or graduate training program for at least ~~one of the~~ three years, one of which must be within the three years immediately preceding the application for license by reciprocity. The applicant shall produce evidence satisfactory to the board that he or she has had the required secondary and professional education and training and is possessed of good character and morals as required by the laws of the State of Nebraska. The applicant shall submit a certificate of the proper licensing authority of the state, territory, or the District of Columbia where he or she is licensed to practice such profession; certifying that he or she is duly licensed, that his or her license has not been suspended or revoked, and that so far as the records of such authority are concerned he or she is entitled to its endorsement. The applicant shall submit evidence of completion during the twelve-month period preceding the application of continuing education requirements comparable to the requirements of this state. The board of examiners may administer an oral examination to all applicants for licensure by reciprocity to assess their knowledge of basic clinical aspects of dentistry or dental hygiene. If the applicant is found by the board to meet the requirements provided in this section, ~~and is qualified to be licensed to practice the profession of dentistry in the State of Nebraska,~~ the board shall certify such fact to the Department of Health department, and the department upon receipt of such certification shall issue a license to practice dentistry or dental hygiene in the State of Nebraska to such applicant. If the board finds that the applicant

does not satisfy the requirements of this section, the board shall certify its findings to the department. The Director of Health shall review the findings and shall, if in agreement with the findings, deny the application.

Sec. 24. That section 71-147, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-147. A license to practice a profession may be denied, refused renewal, limited, revoked, suspended, or have other disciplinary measures taken against it in accordance with section 71-155 when the applicant or licensee is guilty of any of the following acts or offenses: (1) Fraud, forgery, or misrepresentation of material facts, in procuring or attempting to procure a license; (2) grossly immoral or dishonorable conduct evidencing unfitness or lack of proficiency sufficient to meet the standards required for practice of the profession in this state; (3) habitual intoxication or dependency on, or addiction to the use of alcohol or habituation, dependency on, or addiction to the use of any kind of controlled substance or narcotic drug; (4) conviction of a felony under state law, federal law, or the law of another jurisdiction and which, if committed within this state, would have constituted a felony under state law, and which has a rational connection with the applicant's or licensee's fitness or capacity to practice the profession; (5) practice of the profession (a) fraudulently, (b) beyond its authorized scope, (c) with manifest incapacity, or (d) with gross incompetence; (6) practice of the profession while the ability to practice is impaired by alcohol, controlled substances, or narcotic drugs, physical disability, mental disability, or emotional disability; (7) physical or mental incapacity to practice the profession as evidenced by a legal adjudication or a determination thereof by other lawful means; (8) permitting, aiding, or abetting the practice of a profession or the performance of activities requiring a license by a person not licensed to do so; (9) the denial, refusal of renewal, limitation, suspension, or revocation of a license or the taking of other disciplinary measures in accordance with section 71-155 against such individual by another state or jurisdiction to practice the particular profession involved, based upon acts by the applicant or licensee similar to acts described in this section, a certified copy of the record of denial, refusal of renewal, limitation, suspension, or revocation of a license or the taking of other disciplinary measures



against it of the state or jurisdiction taking such action being conclusive evidence thereof; (10) unprofessional conduct, which term includes all acts specified in section 71-148 and such other acts as may be defined in regulations adopted and promulgated by the board of examiners in the profession of the applicant or licensee with the approval of the department; (11) use of untruthful or improbable statements, or flamboyant, exaggerated, or extravagant claims, concerning such licensee's professional excellence or abilities, in advertisements; (12) conviction of fraudulent or misleading advertising or conviction of a violation of the Uniform Deceptive Trade Practices Act, ~~Chapter 87, article 3,~~ (13) distribution of intoxicating liquors, or controlled substances, or drugs for any other than lawful purposes; (14) willful or repeated violations of this act the Uniform Licensing Law or the rules and regulations of the department Department of Health relating to the licensee's profession, sanitation, quarantine, or school inspection; (15) unlawful invasion of the field of practice of any profession mentioned in this act the Uniform Licensing Law which the licensee is not licensed to practice; or (16) failure to comply with sections 71-604 and 71-605 relating to the signing of birth and death certificates. pay annual renewal fees as outlined in section 71-110. A license to practice a profession may also be refused renewal or revoked when the licensee is guilty of practicing such profession while his or her license to do so is suspended or is guilty of practicing such profession in contravention of any limitation placed upon his or her license.

This section shall not apply to revocation for nonpayment of renewal fees as set out in section 71-110.

Sec. 25. That section 71-148, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-148. For the purpose of section 71-147, unprofessional conduct shall include any of the following acts: (1) Solicitation of professional patronage by agents or persons, popularly known as cappers or steerers, or profiting by the acts of those representing themselves to be agents of the licensee; (2) receipt of fees on the assurance that a manifestly incurable disease can be permanently cured; (3) division of fees, or agreeing to split or divide the fees, received for professional services with any person for bringing or referring a patient; (4) obtaining any fee for professional services by fraud, deceit, or misrepresentation including, but not limited to,



falsification of third party claim documents; (5) cheating on or attempting to subvert the licensing examination; (6) assisting in the care or treatment of a patient without the consent of such patient or his or her legal representative; (5) (7) the use of any letters, words, term or terms, either as a prefix, affix, or suffix, on stationery, in advertisements, or otherwise, indicating that such person is entitled to practice a system or mode of healing for which he or she is not licensed; (6) (8) performing, procuring, or aiding and abetting in the performance or procurement of a criminal abortion; (7) (9) willful betrayal of a professional secret; (8) (10) making use of any advertising statements of a character tending to deceive or mislead the public; (9) (11) advertising professional superiority or the performance of professional services in a superior manner; (10) (12) advertising to guarantee any professional service, or to perform any operations, painlessly; (11) (13) the performance by a physician of an abortion, as defined in subdivision (1) of section 28-326, under circumstances when he or she will not be available for a period of at least forty-eight hours for ~~post-operative~~ postoperative care unless such ~~post-operative~~ postoperative care is delegated to and accepted by another physician; and (12) (14) performing an abortion upon a minor without having satisfied the notice requirements of section 28-347.

Sec. 26. The department may temporarily suspend or temporarily limit the license of any licensee without notice or hearing if the director determines that there is reasonable cause to believe that grounds exist under section 71-147 for the revocation, suspension, or limitation of the license of a licensee and that the licensee's continuation in practice would constitute an imminent danger to the public health and safety. Simultaneously with any such action, the department shall institute proceedings for a hearing on the grounds for revocation, suspension, or limitation of the license. Such hearing shall be held no later than fifteen days from the date of such temporary suspension or temporary limitation of the license.

A continuance of the hearing shall be granted by the department upon the written request of the licensee, and such a continuance shall not exceed thirty days. A temporary suspension or temporary limitation order by the director shall take effect when served in person upon the licensee.

In no case shall a temporary suspension or temporary limitation of a license under this section be



in effect for a period of time in excess of ninety days. At the end of such period of time, the licensee shall be reinstated to full licensure unless the department has revoked, suspended, or limited the license of the licensee after notice and hearing as otherwise provided in Chapter 71, article 1.

Sec. 27. That section 71-153, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-153. Upon the presentation of the petition to the Director of Health, he or she shall make an order fixing the time and place for the hearing, which shall not be less than fifteen thirty nor more than thirty sixty days thereafter.

Sec. 28. That section 71-155, Revised Statutes Supplement, 1984, be amended to read as follows:

71-155. The proceeding shall be summary in its nature, and triable as an equity action. Affidavits may be received in evidence in the discretion of the Director of Health. The department ~~Department~~ of Health shall have the power to administer oaths, to subpoena witnesses and compel their attendance, and to issue subpoenas duces tecum and require the production of books, accounts, and documents in the same manner and to the same extent as the district courts of the state. Depositions may be used by either party. Upon the completion of any hearing held hereunder, the director shall have the authority through entry of an order to exercise in his or her discretion any or all of the following powers, irrespective of the petition:

(1) Issue a censure or reprimand against the licensee;

(2) Suspend judgment;

(3) Place the licensee on probation;

(4) Place a limitation or limitations on the license and upon the right of the licensee to practice the profession to such extent, scope, or type of practice, for such time, and under such conditions as is found necessary and proper. The director shall consult with the appropriate board of examiners in all instances prior to issuing an order of limitation;

(5) Impose a civil penalty not to exceed ten thousand dollars plus costs;

~~(5)~~ (6) Enter an order of suspension of the license of the licensee;

~~(6)~~ (7) Enter an order of revocation of the license of the licensee; and

~~(7)~~ (8) Dismiss the action.

The licensee shall not engage in the practice of any profession after a license to practice the same is revoked, or during the time for which it is suspended. If a license is suspended, the suspension shall be for a definite period of time to be fixed by the director, and such license shall be automatically reinstated upon the expiration of such period if all renewal fees have been paid. If such license is revoked, such revocation shall be for all times, except ~~PROVIDED~~, that, at any time after the expiration of two years, application may be made for reinstatement of any licensee whose license shall have been revoked. Such application shall be addressed to the director, but may not be received or filed by him or her unless accompanied by a written recommendation of reinstatement by the board of examiners in the profession of the petitioner. The amount of the civil penalty, if any, shall be based on the severity of the violation, and if any violation is a repeated or continuing violation, each violation or each day a violation continues shall constitute a separate violation for the purpose of computing the applicable civil penalty, if any. The department may adopt and promulgate such rules and regulations, concerning notice and hearing of such application, as are deemed necessary.

Sec. 29. Any civil penalty assessed and unpaid under section 71-155 shall constitute a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the district court of the county in which the violator resides or owns property. The department shall, within thirty days from receipt, transmit any collected civil penalty to the State Treasurer for deposit in the Permanent School Fund.

Sec. 30. That section 71-155.01, Revised Statutes Supplement, 1984, be amended to read as follows:

71-155.01. The Director of Health shall not reduce any penalty imposed or reinstate any license revoked or suspended pursuant to Chapter 71, article 1, unless such license was revoked for nonpayment of renewal fees or for failure to complete continuing education requirements, or such reinstatement is automatic as part of a previous order or agreement of limitation, surrender, or suspension, without first issuing a written public explanation for such action to the appropriate examining board which shall be open to public inspection upon request.



Sec. 31. Licenses revoked for nonpayment of renewal fees shall be automatically reinstated by the department on payment of renewal fees and all other fees required in Chapter 71, article 1, if all other requirements for licensure are met and if the application is submitted within one year of the date of revocation. Licenses revoked due to nonpayment of renewal fees more than one year previous to application for reinstatement shall be reinstated under the procedures set out in sections 71-161.04 to 71-161.08.

Sec. 32. That section 71-161.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-161.04. A person, licensed by the Department of Health department, whose license has been suspended or has had limitations placed thereon, pursuant to the provisions of Chapter 71, article 1, may petition the board of examiners in the profession of the petitioner to recommend the reinstatement of the license at any time. A person, licensed by the Department of Health, department whose license has been revoked, pursuant to the provisions of Chapter 71, article 1, may petition the board of examiners to recommend reinstatement after a period of not less than two years has elapsed from the date of revocation. A person whose license has been revoked pursuant to section 71-110 and who has not requested reinstatement within one year may petition the board of examiners to recommend reinstatement at any time.

Sec. 33. That section 71-161.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-161.05. The petition shall state such pertinent facts as may be required by the board by regulation, with the approval of the department. The petition, except in cases in which the measure was imposed for nonpayment of license renewal fees, shall be accompanied by at least two verified recommendations from practitioners of the profession of the petitioner licensed in the State of Nebraska and by at least two recommendations from citizens each having personal knowledge of the activities of the petitioner since the disciplinary measure was imposed.

Sec. 34. That section 71-161.10, Revised Statutes Supplement, 1985, be amended to read as follows:

71-161.10. (1) Upon the establishment of such standards for relicensure by any board of examiners, by rule and regulation, and with the approval of the

Department of Health department, each licensed practitioner of such profession or occupation in active practice within the state shall, on or before the date of expiration of his or her license in the year the requirement applies, certify on an affidavit form provided by the board of examiners of the profession or occupation concerned that he or she has complied with section 71-161.09 during the preceding two-year period. Such board shall, on or before the date of expiration of the license in the year the requirement applies, report all licensees who have complied with the educational requirements to the Director of the Bureau of Examining Boards of the Department of Health. Licensees who have not complied with such requirement shall not be issued a renewal license, unless exempt or such requirements are waived or unless such licensees are unable to comply due to circumstances beyond their control. Procedures for denial of renewal of the license of such licensees shall be identical to those for nonpayment of renewal fees as provided in the statutes governing licensure of such profession or occupation, as well as procedures for reinstatement of the same. The department, on the recommendation of the board of examiners of the licensee's profession, may waive continuing education requirements, in part or in total, for any two-year licensing period when a licensee submits documentation that circumstances beyond his or her control prevented completion of such requirements. Such circumstances shall include situations in which:

{1} (a) The licensee holds a Nebraska license but is not practicing his or her profession or occupation in Nebraska;

{2} (b) The licensee has served in the regular armed forces of the United States during part of the twenty-four months immediately preceding the license renewal date;

{3} (c) The licensee has submitted proof that he or she was suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours during the twenty-four months immediately preceding the license renewal date; and

{4} (d) The licensee was first licensed within the twenty-four months immediately preceding the license renewal date.

The department, with the consent of the interested board of examiners, may adopt and promulgate rules and regulations not inconsistent with this section pertaining to waiver of continuing education



requirements.

(2) Each licensee shall provide a sworn affidavit listing continuing education activities in which he or she participated or attended, the amount of credit received for each activity, and the date, location, and name of the approved provider which sponsored the activity on a separate form or portion of the license renewal application as may be designed by the department. Each licensee shall be responsible for maintaining in his or her personal files such certificates or records of credit from continuing education activities received from approved providers.

The appropriate examining board may biennially select, in a random manner, a sample of the license renewal applications for audit of continuing education credits. Each licensee selected for audit shall be required to produce documentation of his or her attendance at the continuing education seminars listed on his or her renewal application.

Sec. 35. That section 71-161.11, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-161.11. Any license, permit, certificate, or registration issued by the Department of Health department pursuant to the provisions of Chapter 28, article 4, or of Chapter 71 may be voluntarily surrendered to the Department of Health department by the holder thereof permanently, or for an indefinite period of time to be restored at the discretion of the department, or for a specific and definite period of time as agreed to between the holder thereof and the department with such license, permit, certificate, or registration to be automatically restored upon the expiration of such period of time. Such former holder shall not engage in any of the practices or activities for which such license, permit, certificate, or registration is required during the period of time for which it has been surrendered, shall be considered as unlicensed during such period of time, and shall not be required to pay any fees during such period of time. Any holder of a license, permit, certificate, or registration issued by the department pursuant to Chapter 28, article 4, or Chapter 71 may agree to a voluntary limitation of such license, permit, certificate, or registration. Such limitation may be placed upon the right of the licensee to practice the profession to such extent, for such time, and under such conditions as agreed to by the director and the licensee. All requirements and procedures relative to

the validity of a voluntary limitation of practice statement shall be identical to those outlined in this section for a voluntary surrender statement. Violation of any of the conditions of the voluntary limitation of practice statement by the holder thereof shall be due cause for the refusal of renewal of or the suspension or revocation of the license, permit, certificate, or registration by the Department of Health department.

Sec. 36. That section 71-162, Revised Statutes Supplement, 1985, be amended to read as follows:

71-162. (1) The following fees shall be collected by the department Department of Health and turned in to the state treasury as is now provided by law:

(a) Not less than fifty dollars nor more than three hundred dollars for a license issued on the basis of an examination given by the appropriate state or national board of examiners or on the basis of a license granted by another state or territory to practice dental hygiene, embalming, physical therapy, dentistry, podiatry, optometry, pharmacy, chiropractic, audiology, speech-language pathology, or funeral directing and for a license to practice psychology issued on the basis of such an examination or foreign license, one hundred dollars plus actual costs incurred in issuing the license, as determined by the department, except that the total fee shall not exceed four hundred dollars;

(b) Not less than twenty dollars nor more than ~~one~~ four hundred dollars for the biennial renewal of a license to practice medicine and surgery, osteopathy, or any of the professions enumerated in subdivision (a) of this subsection; ~~except psychology; for which the renewal fee shall equal the actual costs incurred for such renewal by the department or one hundred dollars; whichever is less;~~

(c) For a license to practice medicine and surgery and osteopathy issued upon the basis of an examination given by the board of examiners, three hundred dollars, and this may be adjusted by the department Department of Health upon recommendation of the Board of Examiners in Medicine and Surgery to cover necessary expenses;

(d) For a license to practice medicine and surgery and osteopathy issued without examination based on a license granted in another state, territory, or the District of Columbia, two hundred dollars, and this may be adjusted by the department Department of Health upon recommendation of the Board of Examiners in Medicine and



Surgery to cover necessary expenses;

(e) For a certified statement that a licensee is licensed in this state, five dollars; and

(f) For a duplicate original license, five dollars, except that for a duplicate license to practice psychology the fee shall be ten dollars.

All money paid as license and renewal fees shall be kept in a separate fund to be used for the benefit of the profession so paying such fees.

(2) The Department of Health department, upon the recommendation of the appropriate examining board, shall determine the exact fee to be charged for a license or license renewal in each profession enumerated in subdivisions (1)(a) and (b) of this section based on the administrative costs incurred by the board. Such board may provide differing rates for licenses issued on the basis of an examination and licenses issued on the basis of a license from another state or territory.

Sec. 37. That section 71-163, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-163. Any applicant whose application is rejected shall be allowed the return of his or her fee, except five dollars thereof, which shall be for an administrative charge set by the department of at least ten dollars to be retained by the Department of Health department.

Sec. 38. That section 71-166, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-166. Any person who presents shall present to the Department of Health department a diploma or certificate, of which he or she is not the rightful owner, for the purpose of procuring a license or certificate, or who shall falsely impersonates anyone impersonate any one to whom a license or certificate has been issued by the department, shall be deemed guilty of a fraud in attempting to procure a license, and who falsely holds himself or herself out to be a person licensed or certified by the department, or who aids and abets another who is not licensed or certified to practice that profession in practicing a licensed profession shall be guilty of a Class IV felony.

Sec. 39. That section 71-174.01, Revised Statutes Supplement, 1985, be amended to read as follows:

71-174.01. Each Nebraska-licensed podiatrist in active practice within the State of Nebraska shall be required on or before April 1 of each even-numbered

year, commencing in 1986, to attend twenty-four hours biennially of such approved scientific schools, clinics, forums, lectures, or podiatric educational seminars, as may be announced and approved by the Board of Examiners in Podiatry, as a prerequisite for the licensee's next subsequent license renewal if at least twenty-four hours of such educational program are conducted biennially in the State of Nebraska.

Each licensed podiatrist in active practice within the State of Nebraska shall, on or before April 1 of each even-numbered year, certify on an affidavit form provided by the Board of Examiners in Podiatry that he or she has complied with this section during the preceding two-year period. Such board of examiners shall, on or before April 1 of each even-numbered year, report all licensees who have complied with the educational requirements to the Director of the Bureau of Examining Boards, of the Department of Health. Licensees who have not complied with such requirements shall not be issued a renewal license unless exempt or unable to comply due to circumstances beyond their control. Procedures for denial of renewal of the license of such licensees shall be identical to those for nonpayment of renewal fees and as provided in sections 71-110 and 71-149. The department, on the recommendation of the Board of Examiners in Podiatry, may waive continuing education requirements, in part or in total, for any two-year licensing period when a licensee submits documentation that circumstances beyond his or her control prevented completion of such requirements. Such circumstances shall include situations in which:

(1) The licensee holds a Nebraska license but is not practicing podiatry in Nebraska;

(2) The licensee has served in the regular armed forces of the United States during any part of the twenty-four months immediately preceding the license renewal date;

(3) The licensee has submitted proof that he or she was suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours during the twenty-four months immediately preceding any license renewal date; and

(4) The licensee was first licensed within the twenty-four months immediately preceding the renewal date provided in section 71-110.

The department, with the consent of the Board of Examiners in Podiatry, may adopt and promulgate rules



and regulations not inconsistent with this section pertaining to waiver of continuing education requirements.

Each licensee shall provide a sworn affidavit listing continuing education activities in which he or she participated or attended, the amount of credit received for each activity, and the date, location, and name of the approved provider which sponsored the activity on a separate form or portion of the license renewal application as may be designed by the department. Each licensee shall be responsible for maintaining in his or her personal files such certificates or records of credit from continuing education activities received from approved providers.

The board may biennially select, in a random manner, a sample of the license renewal applications for audit of continuing education credits. Each licensee selected for audit shall be required to produce documentation of his or her attendance at the continuing education seminars listed on his or her renewal application.

Sec. 40. That section 71-179.01, Revised Statutes Supplement, 1985, be amended to read as follows:

71-179.01. Each Nebraska-licensed chiropractor in active practice within the State of Nebraska shall be required, on or before August 1, 1986, and on or before August 1 of every even-numbered year thereafter, to attend not less than four days totaling at least thirty hours biennially of such approved scientific schools, clinics, forums, lectures, or chiropractic educational seminars, as may be approved by the Board of Examiners in Chiropractic, as a prerequisite for his or her next subsequent license renewal if at least two such approved educational programs consisting of at least two days each totaling at least thirty hours of class instruction is conducted biennially in the State of Nebraska.

Sec. 41. That section 71-180.03, Revised Statutes Supplement, 1985, be amended to read as follows:

71-180.03. Each chiropractor shall provide a sworn affidavit listing continuing education activities in which he or she participated or attended, the amount of credit received for each activity, and the date, location, and name of the approved provider which sponsored the activity on a separate form or portion of the license renewal application as may be designed by the department. Each chiropractor shall be responsible

for maintaining in his or her personal files such certificates or records of credit from continuing education activities received from approved providers.

The board may biennially select, in a random manner, a sample of the license renewal applications for audit of continuing education credits. Each licensee selected for audit shall be required to produce documentation of his or her attendance at the continuing education seminars listed on his or her renewal application. Within ten days following an approved educational program conducted in the State of Nebraska by the Nebraska Chiropractic Physicians' Association, a list of those attending shall be certified by the secretary of such association and forwarded to the secretary of the Board of Examiners in Chiropractic, who shall then, within thirty days, send a written notice that evidence of compliance with the provisions of section 71-179-01 has not been received to every person holding a license to practice chiropractic within this state and who did not attend the program conducted by the Nebraska Chiropractic Physicians' Association, such notice to be sent to the last-known address of such licensee together with such proper blank forms for application for such license renewal. The licensee shall return the forms certified by the secretary or business manager of the approved school, clinic, forum, seminar, or convention attended by such licensee and the secretary of the board shall thereupon certify all licensees who have complied with section 71-179-01 to the Director of the Bureau of Examining Boards of the Department of Health by August 1 of the following even-numbered year.

Sec. 42. That section 71-193.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-193.04. Any person (1) of good moral character, (2) who is a graduate of an accredited high school or its equivalent, and (3) who is also a graduate of a training school for dental hygienists that is approved by the Board of Examiners in Dentistry and that requires a course of not less than two academic years may, upon payment of the fee prescribed in section 71-162, be examined by such board on the subjects considered essential by it for a dental hygienist. Such examination may, in the discretion of the board, be conducted by a part of the members of such board. If the applicant, in the opinion of the board, successfully passes such examination, he or she shall be entitled to be licensed as a dental hygienist if he or she has



attained the age of eighteen years, ~~notwithstanding any provision of section 71-103-~~

Sec. 43. That section 71-195, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-195. (1) An applicant for a license as an embalmer shall file with the ~~department~~ Department of Health an application, upon a form prepared by the department, presenting satisfactory proof that the applicant ~~is over twenty-one years of age;~~ is of good moral character, and has earned the equivalent of sixty semester hours of college credit, which shall include ~~two semesters~~ the equivalent of (a) six semester hours of English, two semesters (b) six semester hours of accounting, three semesters (c) eight semester hours of chemistry, and three semesters (d) twelve semester hours of a biological science, and (e) six semester hours of psychology or counseling.

(2) The applicant for a license as an embalmer shall also present proof to the department that he or she has ~~taken~~ completed the following training in embalming: (a) ~~That he has completed a~~ full course of instruction in an embalming college of the type referred to in section 71-196, and which college is approved by the board; (b) ~~that he has completed one year~~ Twelve months of service as a student embalmer under the instruction and supervision of a regularly licensed embalmer of, and practicing in, the State of Nebraska; and (c) ~~that he has~~ Has embalmed arterially twenty-five bodies under the direction of such licensed embalmer. Supervision shall require direct oversight or the easy availability of the supervising embalmer.

(3) When the applicant has satisfied the department that he or she either has the qualifications mentioned in subdivision (2)(a) ~~of subsection (2)~~ of this section or has completed all but the final semester of a full course of instruction in an embalming college of the type referred to in section 71-196 which is approved by the board, he the applicant shall be eligible to take a the written examination approved by the board consisting of questions on the subjects of embalming, anatomy, chemistry, pathology, bacteriology, hygiene, and such other subjects as may be recommended by the board and approved by the department. The applicant shall pass such examination before beginning his or her twelve-month or final six-month service as a student embalmer under the instruction and supervision of an embalmer licensed and practicing in Nebraska. When the applicant has satisfied the department that he

or she has the qualifications, mentioned in subdivisions (b) and (c) of subsection (2) of this section, and also the qualifications set out in the Uniform Licensing Law this act relating to applicants for examination in general, the applicant may present himself or herself before the board of examiners for an oral and practical a written jurisprudence and vital statistics examination, and for examination upon such other subjects as may be recommended by the board and approved by the department.

Sec. 44. That section 71-198, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-198. The Department of Health shall, on recommendation of the board of examiners, by rule provide for student embalmers in embalming, and regulate the registration and training of such students. Before beginning his or her twelve-month service as a student embalmer, an applicant shall register with the department on a form provided by the department for that purpose. The applicant shall have completed thirty-nine of the required sixty hours required in subsection (1) of section 71-195. The applicant may complete the twelve-month service as a student embalmer in the following manner:

(1) By registering with the department and serving six months of his or her service as a student embalmer, then attending embalming college as required in section 71-195, and after successfully completing the written examination of embalming required by such section, by completing the final six months of the required service as a student embalmer. Both six-month service periods as a student embalmer shall be under the instruction and supervision of an embalmer licensed and practicing in the State of Nebraska; or

(2) By completing embalming college, and successfully passing the written examination on the subject of embalming as required in section 71-195, then registering with the department as a student embalmer and serving twelve months of service as a student embalmer under the instruction and supervision of an embalmer licensed and practicing in the State of Nebraska.

The applicant shall present himself or herself to the board of examiners for a written examination in the subjects of jurisprudence, vital statistics forms completion, and such other subjects as may be recommended by the board and approved by the department, within thirty-six months of the date of registration as



a student embalmer if the applicant elects to complete his or her twelve-month service as prescribed in subdivision (1) of this section and twenty-four months if the applicant elects to complete his or her twelve-month service as prescribed in subdivision (2) of this section.

The department may, on the recommendation of the board, adopt and promulgate rules and regulations to provide additional guidelines for student embalmers in embalming and to further regulate the registration and training of such students.

Sec. 45. That section 71-1,132.49, Revised Statutes Supplement, 1984, be amended to read as follows:

71-1,132.49. The department shall set the fees to be paid:

(1) By an applicant for a license to practice as a registered professional nurse, but the fee shall not be in excess of ~~sixty~~ seventy-five dollars;

(2) By an applicant for a license to practice as a practical nurse, but the fee shall not be in excess of ~~forty-five~~ sixty dollars;

(3) By an applicant for renewal of a license, but the fee shall not be in excess of ~~twenty~~ forty dollars;

(4) By an applicant for reinstatement of a license, but the fee shall not be in excess of ~~five~~ ten dollars;

(5) For providing identification of inactive status to those individuals requesting such identification, but the fee shall not be in excess of ~~five~~ twenty-five dollars; and

(6) For certification to another state or country, but the fee shall not be in excess of ~~five~~ twenty-five dollars.

The applicable fee set by the department pursuant to this section shall accompany the application.

Sec. 46. That section 71-1,136.01, Revised Statutes Supplement, 1985, be amended to read as follows:

71-1,136.01. Each Nebraska-licensed optometrist in active practice within the State of Nebraska shall be required on or before August 1 of each even-numbered year, commencing in 1986, to attend thirty-two hours biennially of such approved scientific schools, clinics, forums, lectures, or optometric educational seminars, as may be announced and approved by the Board of Examiners in Optometry, as a

prerequisite for the licensee's next subsequent license renewal if at least thirty-two hours of such educational program are conducted biennially in the State of Nebraska.

Each licensed optometrist in active practice within the State of Nebraska shall, on or before August 1 of each even-numbered year, certify on forms provided by the Board of Examiners in Optometry that he or she has complied with sections 71-1,133 to 71-1,136 and this section during the preceding two-year period. Such board of examiners shall, on or before August 1 of each even-numbered year, report all licensees who have complied with the educational requirements to the Director of the Bureau of Examining Boards, ~~of the Department of Health.~~ Licensees who have not complied with such requirements shall not be issued a renewal license unless exempt or excused for good cause shown. The department, on the recommendation of the Board of Examiners in Optometry, may waive continuing education requirements, in part or in total, for any two-year licensing period when a licensee submits documentation that circumstances beyond his or her control prevented completion of such requirements. Such circumstances shall include situations in which:

(1) The licensee holds a Nebraska license but is not practicing optometry in Nebraska;

(2) The licensee has served in the regular armed forces of the United States during part of the twenty-four months immediately preceding the license renewal date;

(3) The licensee has submitted proof that he or she was suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours during the twenty-four months immediately preceding any license renewal date; and

(4) The licensee was first licensed within the twenty-four months immediately preceding the renewal date provided in section 71-110.

The department, with the consent of the Board of Examiners in Optometry, may adopt and promulgate rules and regulations not inconsistent with this section pertaining to waiver of continuing education requirements.

Each licensee shall provide a sworn affidavit listing continuing education activities in which he or she participated or attended, the amount of credit received for each activity, and the date, location, and name of the approved provider which sponsored the



activity on a separate form or portion of the license renewal application as may be designed by the department. Each licensee shall be responsible for maintaining in his or her personal files such certificates or records of credit from continuing education activities received from approved providers.

The board may biennially select, in a random manner, a sample of the license renewal applications for audit of continuing education credits. Each licensee selected for audit shall be required to produce documentation of his or her attendance at the continuing education seminars listed on his or her renewal application.

Sec. 47. That section 71-1,155, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,155. No person may practice veterinary medicine in the state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board. ~~This act~~ The Nebraska Veterinary Practice Act shall not be construed to prohibit:

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

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

(3) Any merchant or manufacturer from selling feed or feeds whether medicated or nonmedicated;

(4) A veterinarian regularly licensed in another state from consulting with a licensed veterinarian in this state;

(5) Any merchant or manufacturer from selling from his or her established place of business medicines, appliances, or other products used in the prevention or treatment of animal diseases, or any merchant or manufacturer's representative from conducting educational meetings to explain the use of his or her products; or from investigating and advising on problems developing from the use of his or her products;

(6) An owner of livestock or a bona fide farm or ranch employee from performing any act of vaccination, surgery, pregnancy testing, or the administration of drugs in the treatment of domestic animals under his or her custody or ownership nor the exchange of services between persons or bona fide employees who are principally farm or ranch operators or

employees in the performance of these acts;

(7) A member of the faculty of a veterinary school or veterinary science department from performing his or her regular functions, or a person lecturing, or giving instructions or demonstrations at a veterinary school, or veterinary science department, or in connection with a continuing education course or seminar;

(8) Any person from selling or applying any pesticide, insecticide, or herbicide;

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

(10) Any person from treating or in any manner caring for domestic chickens, turkeys, or waterfowl, which are specifically exempted from the provisions of this act Nebraska Veterinary Practice Act; or

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

For purposes of the Nebraska Veterinary Practice Act, castration shall be limited to the removal or destruction of male testes.

Sec. 48. That section 71-1,162, Revised Statutes Supplement, 1985, be amended to read as follows:

71-1,162. (1) All licenses shall expire on April 1 of each even-numbered year, but may be renewed by registration with the department Department of Health and payment of the renewal fee which shall be in an amount between ten and fifty dollars. The board of examiners shall establish such fee which shall be based on the administrative costs of renewal. The board shall receive at least five dollars and the department at least five dollars, less the state's share of fifteen per cent contributed to the General Fund.

(2) At least thirty days before the expiration of his or her license, as set forth in subsection (1) of this section, the department shall notify each licensee by a letter addressed to him or her at his or her last place of residence as noted upon its records, that his or her license will expire on April 1 and provide him or her with a form for reregistration. The department shall issue a new certificate of registration to all persons registering under this act the Uniform Licensing Law. Any licensee, who fails to pay the renewal fee, on or before the date of expiration of his or her license, shall be given a second notice in the same manner advising him or her (a) of his or her failure to pay, (b) that his or her license on that account has expired,



(c) that the department will suspend action for thirty days following the date of expiration, (d) that upon the receipt of the renewal fee, together with an additional fee of five ten dollars, within that time, no order of revocation will be entered, and (e) that upon failure to receive the amount then due and five ten dollars in addition to the regular renewal fee, as provided by subsection (1) of this section, an order of revocation will be entered.

(3) Any licensee who allows his or her license to lapse by failing to renew the same, as provided in subsections (1) and (2) of this section, may be reinstated upon the recommendation of the board and the payment of the regular and additional renewal fees then due.

(4) The department may waive the payment of the registration renewal fee of a licensed veterinarian during the period when he or she is on active duty with any branch of the armed services of the United States, not to exceed the longer of three years or the duration of a national emergency.

(5) Each Nebraska-licensed veterinarian in active practice within the State of Nebraska shall be required on or before April 1 of each even-numbered year, commencing in 1986, to attend thirty-two hours of such approved scientific schools, clinics, forums, lectures, or veterinary educational seminars, as may be announced and approved by the Board of Examiners in Veterinary Medicine and Surgery, as a prerequisite for the licensee's next subsequent license renewal if at least thirty-two hours of such educational program are conducted biennially in the State of Nebraska.

Each licensed veterinarian in active practice within the State of Nebraska shall, on or before April 1 of each even-numbered year, certify on forms provided by the Board of Examiners in Veterinary Medicine and Surgery that he or she has complied with sections 71-1,153 to 71-1,167 and this subsection during the preceding two-year period. Such board shall, on or before April 1 of each even-numbered year, report all licensees who have complied with the educational requirements to the Director of the Bureau of Examining Boards, ~~of the Department of Health.~~ Licensees who have not complied with such requirements shall not be issued a renewal license unless exempt or excused for good cause shown. The department, on the recommendation of the Board of Examiners in Veterinary Medicine and Surgery, may waive continuing education requirements, in part or in total, for any two-year licensing period when

a licensee submits documentation that circumstances beyond his or her control prevented completion of such requirements. Such circumstances shall include situations in which:

(a) The licensee holds a Nebraska license but is not practicing veterinary medicine in Nebraska;

(b) The licensee has served in the regular armed forces of the United States during part of the twenty-four months immediately preceding the license renewal date;

(c) The licensee has submitted proof that he or she was suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours during the twenty-four months immediately preceding any license renewal date; and

(d) The licensee was first licensed within the twenty-four months immediately preceding the renewal date provided in this section.

The department, with the consent of the Board of Examiners in Veterinary Medicine and Surgery, may adopt and promulgate rules and regulations not inconsistent with this section pertaining to waiver of continuing education requirements.

Each licensee shall provide a sworn affidavit listing continuing education activities in which he or she participated or attended, the amount of credit received for each activity, and the date, location, and name of the approved provider which sponsored the activity on a separate form or portion of the license renewal application as may be designed by the department. Each licensee shall be responsible for maintaining in his or her personal files such certificates or records of credit from continuing education activities received from approved providers.

The board may biennially select, in a random manner, a sample of the license renewal applications for audit of continuing education credits. Each licensee selected for audit shall be required to produce documentation of his or her attendance at the continuing education seminars listed on his or her renewal application.

Sec. 49. That section 71-1327, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1327. (1) An application for a funeral director's license shall be in writing and verified on a form provided by the department. The applicant must be of the age of majority and not less than twenty-one



years of age and of good moral character. The applicant for either a funeral establishment or funeral director's license shall not operate an establishment or direct a funeral unless first licensed to do so by the department. The license shall be issued following successful completion of an examination prepared by the Board of Examiners in Embalming and Funeral Directing.

(2) The application for a funeral establishment license shall be accompanied by a fee of thirty dollars. An application for such license shall be in writing and verified on a form provided by the Department of Health department. The applicant shall be a licensed funeral director. He ; he or she shall be named on the license as manager of the funeral establishment; and shall be responsible for all transactions conducted therein.

(3) A license to operate a funeral establishment may be granted by the department Department of Health upon the recommendation of the board. Should the applicant for a funeral establishment license propose to operate more than one establishment, a separate application and fee shall be presented for each separate location.

(4) A funeral establishment desiring to transfer location of operation shall make application therefor on a form provided by the department at least thirty days prior to the designated date of such change in location. The application for transfer shall be accompanied by a fee of fifteen dollars.

Sec. 50. That section 71-1331, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1331. (1) Every licensed funeral establishment shall pay ~~annually~~ biennially a fee for the renewal of its license. The renewal fee payable by a licensed funeral establishment shall be five ten dollars. All renewal fees shall become due and payable on February 1 of each even-numbered year. The Department of Health shall submit notices of expiration of all licenses for which renewal fees have not been paid by February 1. If the renewal fee is not paid by March 1, following the date it has become due, a penalty of ten dollars shall be added to such renewal fee; and in no case shall such penalty or additional fee be waived. Upon receipt of such fee, the department shall cause the renewal certificate to be issued. Renewals shall be processed in accordance with subsections (2) and (3) of section 71-110.

(2) Any person, partnership, firm,

corporation, association, or other organization who (a) engages shall engage directly or indirectly in the business of funeral directing, (b) holds or held himself, herself, or itself out to the public as a funeral director, (c) performs or attempts or who shall perform or attempt to perform any of the services of a funeral establishment or of a funeral director relating to the disposition of dead human bodies, without having complied with the provisions of sections 71-1325 to 71-1338, and without having first obtained a license, or (d) continues who shall continue to perform such services after his or its the license has expired or has been revoked or suspended, shall be guilty of a Class III misdemeanor and shall be dealt with in the same manner as outlined in section 71-167. Each day that he or it is so engaged in such business shall constitute and be deemed a separate offense.

Sec. 51. That section 71-1347, Revised Statutes Supplement, 1984, be amended to read as follows:

71-1347. The purpose of sections 71-1347 to ~~71-1354~~ ~~71-1355~~ is to establish requirements for continuing education of embalmers and funeral directors who are licensed in order to maintain and improve the quality of their services to the public.

Sec. 52. That section 71-1348, Revised Statutes Supplement, 1984, be amended to read as follows:

71-1348. As used in sections 71-1347 to ~~71-1354~~ ~~71-1355~~, unless the context otherwise requires:

(1) Licensee shall mean a person who is licensed by the department as an embalmer or a funeral director;

(2) Board shall mean the Board of Examiners in Embalming and Funeral Directing;

(3) Department shall mean the Department of Health; and

(4) Two-year period shall mean twenty-four months commencing on February 1, 1986, and each succeeding twenty-four month period.

Sec. 53. That section 71-1351, Revised Statutes Supplement, 1984, be amended to read as follows:

71-1351. (1) The board shall certify as approved continuing education activities, those courses, lectures, seminars, correspondence or homestead programs, or other instructional programs which meet the guidelines in section 71-1350 and which the board determines would be beneficial in improving the



knowledge or service capability of licensees. The department or board may require examples of teaching materials and descriptive information about any continuing education activity and refuse approval of any continuing education activity that does not advance the purposes of sections 71-1347 to 71-1353. An application for approval of continuing education activity must be submitted to the board no less than ninety days before the activity is scheduled to commence. The board shall notify the applicant of approval or disapproval no less than forty-five days before the activity is scheduled to begin.

(2) The board may monitor any approved activity and, upon a subsequent significant variation in the program, may disapprove any part of the credit hours. The board and department shall determine the manner in which attendance at all approved courses shall be monitored, recorded, and submitted to the department.

(3) The board shall certify the number of hours to be awarded for participation in each approved continuing education activity. However, no licensee may receive credit for more than four credit hours earned in correspondence or homestudy programs during any two-year period.

(4) The board may approve or disapprove participation in a nonapproved continuing education activity. If participation in such activity is approved, the board may consider and determine the number of hours of credit which shall be given for such participation. The board may determine that such nonapproved activities satisfy any, all, or none of the requirements of sections 71-1347 to 71-1353. A petition for credit under this subsection must be filed with the department within thirty days after completion of the activity. Such petition shall include documentation as the board or department may require. Failure to comply with these provisions shall be sufficient grounds to refuse credit.

Sec. 54. That section 71-1352, Revised Statutes Supplement, 1984, be amended to read as follows:

71-1352. (1) Any licensee may obtain a waiver of compliance from the continuing education requirements by submitting to the department a notarized statement affirming that he or she has not practiced in Nebraska at any time within the preceding two-year period.

(2) Any licensee submitting proof that he or she was suffering from a serious or disabling illness or physical disability which prevented him or her from

completing the continuing education requirements, and any licensee submitting proof of service in the regular armed forces of the United States during any part of the immediately preceding two-year period, shall be exempt from the requirements for continuing education for such two-year period-

(1) The department, on the recommendation of the board, may waive continuing education requirements, in part or in total, for any two-year licensing period when a licensee submits documentation that circumstances beyond his or her control prevented completion of such requirements. Such circumstances shall include situations in which:

(a) The licensee holds a Nebraska license but is not practicing his or her profession or occupation in Nebraska;

(b) The licensee has served in the regular armed forces of the United States during part of the twenty-four months immediately preceding the license renewal date;

(c) The licensee has submitted proof that he or she was suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours during the twenty-four months immediately preceding the license renewal date; or

(d) The licensee was first licensed within the twenty-four months immediately preceding the license renewal date.

~~{3}~~ (2) Persons renewing their license on or before February 1, 1986, shall be given credit for any approved activity they attend between August 26, 1983, and February 1, 1986.

~~{4}~~ (3) Any person seeking to reinstate a license which has lapsed for less than one year must shall comply with the continuing education requirements for regular renewal of the license. Any person seeking to reinstate a license which has lapsed for one year or longer must shall present satisfactory evidence of having completed at least eight hours of approved continuing education courses within one year prior to his or her reinstatement.

(4) Each licensee shall provide a sworn affidavit listing continuing education activities participated in or attended, the amount of credit received for each activity, and the date, location, and name of the approved provider which sponsored the activity on a separate form or portion of the license renewal application as may be designed by the



department. Each licensee shall be responsible for maintaining in his or her personal files such certificates or records of credit from continuing education activities received from approved providers.

The appropriate examining board may biennially select, in a random manner, a sample of the license renewal applications for audit of continuing education credits. Each licensee selected for audit shall be required to produce documentation of his or her attendance at the continuing education seminars listed on his or her renewal application.

(5) Any person receiving an initial license in Nebraska after the first day of February of the second year of the biennium shall be exempt from the continuing education requirements for that biennium only.

Sec. 55. That section 71-1722, Revised Statutes Supplement, 1984, be amended to read as follows:

71-1722. Application requirements for certification as a nurse practitioner are the following:

(1) A currently valid license in good standing as a registered professional nurse in the State of Nebraska;

(2) A completed application in the applicant's own handwriting verified by oath;

(3) A certification fee in the amount of twenty-five not in excess of fifty dollars;

(4) Evidence of having successfully completed an approved nurse practitioner program. The evidence of successful completion of such a program shall consist of an official transcript showing all courses, grades, quality points, degree or diploma granted, official seal, and the appropriate registrar's signature received by the board directly from the educational institution;

(5) Submission of proof of having passed an examination pertaining to the specific nurse practitioner role in nursing adopted or approved by the boards with the approval of the department. Such examination may include any recognized national qualifying examination for nurse practitioners conducted by an approved certifying body which administers an approved certification program;

(6) Completion of a personal interview at the discretion of the boards;

(7) If more than two but less than five years have elapsed since the completion of the nurse practitioner program and the applicant has not practiced in the specific nurse practitioner role during that time, the applicant shall meet the requirements in

subdivisions (1) to (6) of this section and provide additional evidence of continuing clinical competence, as may be determined by the boards, either by means of references, supervised practice, or examination; and

(8) If more than five years have elapsed since completion of the nurse practitioner program in the specific nurse practitioner role and the applicant has not practiced as a nurse practitioner in the specific nurse practitioner role during that time, the applicant shall be required to complete a reentry program in the appropriate specific nurse practitioner role at an educational institution prior to recertification.

Sec. 56. That section 71-1724, Revised Statutes Supplement, 1984, be amended to read as follows:

71-1724. Renewal of certification as a nurse practitioner shall be at the same time and in the same manner as renewal of a license as a registered professional nurse and shall require that:

(1) The current license as a registered professional nurse in the State of Nebraska is valid and in good standing and continuing education requirements, if any, have been met;

(2) Documentation of continued clinical competencies be made, if deemed necessary by the boards, either by reference, peer review, or examination;

(3) Payment be made of a biennial certification fee of twenty not in excess of thirty dollars; and

(4) Any nurse practitioner who fails to make application for renewal on or before January 1 of the renewal year shall be considered delinquent and shall be required to apply for reinstatement of the lapsed certification and to submit payment of the renewal fees then due, together with an additional reinstatement fee of five not in excess of ten dollars.

Sec. 57. That section 71-1757, Revised Statutes Supplement, 1984, be amended to read as follows:

71-1757. (1) The certificate of each person certified under the Nebraska Certified Nurse Midwifery Practice Act shall be renewed at the same time and in the same manner as renewal of a license for a registered nurse. The department shall collect fees as follows:

(a) Application for certification, twenty-five not in excess of fifty dollars; and

(b) Certificate renewal, ten not in excess of twenty dollars annually or twenty forty dollars biennially.



(2) The department may also establish and collect fees for:

- (a) Reexamination;
- (b) Applications for temporary permits; and
- (c) Applications for reinstatement after revocation, suspension, or expiration of certification.

Sec. 58. That section 71-2045.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2045.03. Each licensed administrator of a home for the aged or infirm holding an active Nebraska license and in active practice within the State of Nebraska shall be required on or before December 31 of each even-numbered year, commencing in 1972 1986, to attend at least twenty-five fifty hours annually biennially of approved schools, clinics, forums, lectures, or educational seminars as may be announced and approved by the board within the State of Nebraska or by the governing board, agency, or department in some other state, territory, or the District of Columbia as prerequisite for the Nebraska licensee's next subsequent annual biennial license renewal. Licensees who have not complied with such requirement shall not be issued a renewal license unless exempt for good cause shown as determined by the board any of the following reasons:

(1) The licensee served in the regular armed forces of the United States during any part of the twenty-four months immediately preceding the Nebraska license renewal date;

(2) The licensee submits proof that he or she was suffering from a serious or disabling illness or physical disability which prevented his or her attendance at any approved school, clinic, forum, lecture, or educational seminar within the State of Nebraska or any other state, territory, or the District of Columbia during the twenty-four months immediately preceding the Nebraska license renewal date; or

(3) The licensee was first licensed within the twenty-four months immediately preceding the Nebraska license renewal date.

Sec. 59. That section 71-2045.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2045.05. (1) After February 19, 1972; every Every administrator of a home for the aged or infirm shall be licensed by the board, except as otherwise provided in this act sections 71-2041.01 to 71-2045.10. Such license shall be renewed annually by the board upon the payment of the renewal fee and

compliance with all requirements of this act sections 71-2041.01 to 71-2045.10 and standards, rules, and regulations adopted ~~thereunder~~ under such sections. All licenses, except provisional licenses, shall expire on December 31 of each ~~calendar~~ even-numbered year. All fees collected under this act sections 71-2041.01 to 71-2045.10 shall be payable to the Department of Health and shall then be paid monthly by the department to the State Treasurer who shall keep the same in a special fund to be known as the Board of Examiners in Nursing Home Administration Fund, which fund shall be used and expended by the Department of Health to pay the compensation and travel expenses of members and employees of the board, and other expenses necessary for the board to administer and carry out the provisions of this act sections 71-2041.01 to 71-2045.10.

(2) The fees to be paid by the applicants and licensees shall be as follows:

- (a) Application fee for initial license and examination fee \$75.00
- ~~(b) Fee for renewal of license \$25.00~~
- ~~(b) Fee for initial license, reciprocity license, and biennial renewal of license \$100.00~~
- (c) Application fee for license by reciprocity (nonrefundable) \$50.00
- (d) Application fee for provisional license valid for a period of only one hundred eighty calendar days (nonrefundable) \$50.00
- ~~(e) Inactive status license renewal fee \$50.00~~
- ~~(e) Preceptor certification fee no fee~~
- ~~(f) Preceptor certification fee no fee~~
- ~~(f) (g) Administrator-in-training certification fee \$30.00~~
- ~~(h) Late renewal fee \$5.00~~
- ~~(i) License restoration fee \$30.00~~
- ~~(j) License reinstatement fee \$10.00.~~

Sec. 60. That section 71-2713, Reissue Statutes of Nebraska, 1943, be amended to read as follows:

71-2713. The annual license shall expire on November 1 of each year. Initial licensure and renewal fees shall be established by the board of examiners within the ranges outlined in this section. The request for a renewal of a license shall not be in any particular form and it shall be accompanied by a fee of ~~ten~~ five ~~fifty to one hundred~~ fifty to one hundred dollars, if for an establishment; or ~~five~~ five ~~fifty to one hundred~~ fifty to one hundred dollars for practice massage. For taking the examination for a license to practice massage, issued upon the basis of



such examination given by the board of examiners, the fee shall be ~~thirty-five~~ fifty to one hundred dollars, which shall include the first-year license; for a license to practice massage, issued without examination on a license granted by another state, territory, or the District of Columbia, fifty to one hundred dollars; for registration as an apprentice in massage, ~~three~~ twenty-five to fifty dollars, and renewal, ~~two~~ twenty-five to fifty dollars; for a license to operate a massage school, one hundred to two hundred dollars, and for renewal, fifty to one hundred dollars; and for a license to operate a massage establishment, ~~ten~~ fifty to one hundred dollars, and renewal, ~~ten~~ fifty to one hundred dollars.

Sec. 61. That section 71-3710, Revised Statutes Supplement, 1984, be amended to read as follows:

71-3710. (1) The board shall prescribe and provide an application form for the use of all applicants. Applicants for registration as sanitarians shall submit a fee of ten dollars, and applicants for registration as sanitarians-in-training shall submit a fee of five dollars at the time of making application for registration. Such fee shall not be refundable. The board may also assess an additional fee for the cost of the examination when necessary.

A sanitarian registered under provisions of sections 71-3701 to 71-3715 may renew his or her certificate by paying the board a biennial renewal fee of not less than ~~five~~ thirty dollars, nor more than ~~twenty-five~~ two hundred fifty dollars, as the board shall direct. Such fee shall be due and payable on or before January 1, 1987, and on January 1 of each ~~calendar~~ odd-numbered year, for which a renewal certificate shall be issued. All certificates shall expire on December 31 of each ~~calendar~~ even-numbered year. Registrations which have expired for failure to pay renewal fees may be reinstated under the rules and regulations adopted by the board.

In no case shall registration for a sanitarian-in-training exceed a two-year period.

(2) ~~Commencing~~ January 1, 1984, each Each registered sanitarian or sanitarian-in-training in active practice in the state shall be required on or before December 31 of each even-numbered year, to attend ~~twelve~~ twenty-four hours annually biennially of such approved scientific schools, clinics, forums, lectures, or sanitarian educational seminars, as may be announced and approved by the Director of the Bureau of Examining

Boards under direction from the board, as a prerequisite for the registrant's next subsequent ~~annual~~ biennial certificate of registration renewal. At least twelve hours of such educational program shall be conducted annually within the State of Nebraska.

Each registered sanitarian and sanitarian-in-training in active practice within the State of Nebraska shall, on or before December 31 of each even-numbered year, certify to the Director of the Bureau of Examining Boards that he or she has complied with this subsection during the preceding ~~year~~ two-year period. The Director of the Bureau of Examining Boards shall, on or before December 31 of each even-numbered year, report all registrants who have complied with the educational requirements to the board. Any registrant who has not complied with such requirements shall not be issued a renewal certificate of registration, except if he or she is exempt as provided in subsection (3) of this section. Procedures for denial of renewal of the certificate of registration of such registrants shall be identical to those for nonpayment of renewal fees as provided in sections 71-110 and 71-149.

(3) A registrant shall be exempt from the requirements of subsection (2) of this section if he or she:

(a) Holds a Nebraska certificate of registration but is not practicing as a registered sanitarian or registered sanitarian-in-training in Nebraska;

(b) Serves in the regular armed forces of the United States during any part of the ~~twelve~~ twenty-four months immediately preceding the ~~annual~~ biennial certificate of registration renewal date;

(c) Attends a college, university, or other institution of higher education for a residence period of time in excess of ~~four~~ eight months during any part of the ~~twelve~~ twenty-four months immediately preceding the ~~annual~~ biennial certificate of registration renewal date;

(d) Submits proof that he or she was suffering from a serious or disabling illness or physical disability which prevented his or her attendance at any qualified educational seminar within the State of Nebraska during the ~~twelve~~ twenty-four months immediately preceding the ~~annual~~ biennial certificate of registration renewal date;

(e) Had first registered within the ~~twelve~~ twenty-four months immediately preceding the ~~annual~~ biennial certificate of registration renewal date; or



(f) Is a registered sanitarian in good standing with the board and who has completely retired from the active practice of environmental sanitation.

Sec. 62. That section 71-6109, Revised Statutes Supplement, 1985, be amended to read as follows:

71-6109. (1) The department shall grant a license as an occupational therapist or occupational therapy assistant to any applicant who has actively practiced in the respective field for at least one of the five years immediately prior to July 10, 1984, and who is certified as a registered occupational therapist or who is a certified occupational therapy assistant in accordance with guidelines established by a national association, ~~upon payment of not less than thirty nor more than fifty dollars as the department shall determine.~~

(2) The department may waive the examination requirements in the Occupational Therapy Practice Act and grant a license to any applicant who presents proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or territory of the United States which requires standards for licensure considered by the department to be substantially equivalent to the requirements for licensure of the Occupational Therapy Practice Act.

Sec. 63. That section 71-6114, Revised Statutes Supplement, 1984, be amended to read as follows:

71-6114. The department shall establish and collect the following fees:

(1) For initial licensure by examination, an amount not less than fifty one hundred nor more than one two hundred dollars;

(2) For licensure by reciprocity, an amount not less than twenty nor more than eighty dollars;

(3) (2) For renewal of license, an amount not less than twenty one hundred nor more than eighty two hundred dollars;

(4) (3) For reinstatement of license, five ten dollars;

(5) (4) For a temporary permit, twenty-five dollars;

(6) (5) For endorsement or certification, five dollars; and

(7) (6) For a duplicate license, five dollars.

Sec. 64. The Revisor of Statutes shall substitute the phrase The Uniform Licensing Law for the

phrase this act wherever the phrase this act occurs in sections 71-102, 71-106, 71-107, 71-109, 71-111, 71-113, 71-126 to 71-128, 71-133, 71-136, 71-137, 71-149, 71-164, 71-167 to 71-169, 71-171, 71-172, 71-173, 71-175, 71-177, 71-180, 71-186, 71-192, 71-1,102, 71-1,105, 71-1,133, 71-1,137, and 71-1,142.

Sec. 65. That original sections 71-103, 71-108, 71-115, 71-121.01, 71-123, 71-124, 71-125, 71-134, 71-135, 71-138, 71-147, 71-148, 71-153, 71-161.04, 71-161.05, 71-161.11, 71-163, 71-166, 71-193.04, 71-195, 71-198, 71-1,155, 71-1327, 71-1331, 71-2045.03, 71-2045.05, and 71-2713, Reissue Revised Statutes of Nebraska, 1943, sections 71-101, 71-129, 71-130, 71-134.01, 71-134.02, 71-155, 71-155.01, 71-1,132.49, 71-1347, 71-1348, 71-1351, 71-1352, 71-1722, 71-1724, 71-1757, 71-3710, and 71-6114, Revised Statutes Supplement, 1984, and sections 71-110, 71-114, 71-116, 71-121, 71-122, 71-131, 71-134.03, 71-139, 71-161.10, 71-162, 71-174.01, 71-179.01, 71-180.03, 71-1,136.01, 71-1,162, and 71-6109, Revised Statutes Supplement, 1985, and also sections 71-127 and 71-187, Reissue Revised Statutes of Nebraska, 1943, sections 71-122.01 and 71-1355, Revised Statutes Supplement, 1984, and section 71-109, Revised Statutes Supplement, 1985, are repealed.

Sec. 66. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.