

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1215

FINAL READING

Introduced by Hansen, 16.

Read first time January 16, 2024

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to public health and welfare; to amend
2 sections 38-142, 38-2854, 38-2890, 38-28,104, 42-371.01, 71-211,
3 71-212, 71-217, 71-220, 71-222.01, 71-223, 71-434, 71-601.01,
4 71-3608, 71-3610, 71-3613, and 71-3614, Reissue Revised Statutes of
5 Nebraska, sections 28-410, 28-414, 38-1,146, 38-2001, 38-2847,
6 71-605, 71-2454, 71-2478, and 71-8505, Revised Statutes Cumulative
7 Supplement, 2022, and sections 38-131, 38-1801, 38-1812, 38-2801,
8 68-911, 71-612, and 71-2479, Revised Statutes Supplement, 2023; to
9 adopt the Dietitian Licensure Compact and the Physician Assistant
10 (PA) Licensure Compact; to change requirements relating to pharmacy
11 inventories and prescriptions for controlled substances; to provide
12 and change requirements relating to issuance and renewal of certain
13 credentials under the Uniform Credentialing Act; to provide
14 requirements for self-inspection of pharmacies; to provide
15 verification requirements for pharmacists and pharmacy technicians;
16 to change an age requirement for pharmacy interns; to change
17 registration requirements for pharmacy technicians; to change
18 prescription requirements for certain legend drugs; to provide for
19 coverage under the medical assistance program for certain breast
20 pumps and lactation visits; to change an examination requirement for
21 barbers; to eliminate a fee under the Health Care Facility Licensure
22 Act; to define a term; to change the standard form for death

1 certificates; to provide for the use of abstracts of death as
2 prescribed; to change a requirement for prescription drug
3 monitoring; to change a requirement for persons with communicable
4 tuberculosis; to change powers and duties of the Department of
5 Health and Human Services relating to the care, maintenance, and
6 treatment of persons with communicable tuberculosis; to change a
7 requirement relating to telehealth consultations; to harmonize
8 provisions; to provide operative dates; to repeal the original
9 sections; and to declare an emergency.

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

1 Section 1. This section shall be known and may be cited as the
2 Physician Assistant (PA) Licensure Compact. The State of Nebraska adopts
3 the Physician Assistant (PA) Licensure Compact in the form substantially
4 as follows:

5 SECTION 1. PURPOSE

6 In order to strengthen access to Medical Services, and in
7 recognition of the advances in the delivery of Medical Services, the
8 Participating States of the PA Licensure Compact have allied in common
9 purpose to develop a comprehensive process that complements the existing
10 authority of State Licensing Boards to license and discipline PAs and
11 seeks to enhance the portability of a License to practice as a PA while
12 safeguarding the safety of patients. This Compact allows Medical Services
13 to be provided by PAs, via the mutual recognition of the Licensee's
14 Qualifying License by other Compact Participating States. This Compact
15 also adopts the prevailing standard for PA licensure and affirms that the
16 practice and delivery of Medical Services by the PA occurs where the
17 patient is located at the time of the patient encounter, and therefore
18 requires the PA to be under the jurisdiction of the State Licensing Board
19 where the patient is located. State Licensing Boards that participate in
20 this Compact retain the jurisdiction to impose Adverse Action against a
21 Compact Privilege in that State issued to a PA through the procedures of
22 this Compact. The PA Licensure Compact will alleviate burdens for
23 military families by allowing active duty military personnel and their
24 spouses to obtain a Compact Privilege based on having an unrestricted
25 License in good standing from a Participating State.

26 SECTION 2. DEFINITIONS

27 In this Compact:

28 A. "Adverse Action" means any administrative, civil, equitable, or
29 criminal action permitted by a State's laws which is imposed by a
30 Licensing Board or other authority against a PA License or License
31 application or Compact Privilege such as License denial, censure,

1 revocation, suspension, probation, monitoring of the Licensee, or
2 restriction on the Licensee's practice.

3 B. "Compact Privilege" means the authorization granted by a Remote
4 State to allow a Licensee from another Participating State to practice as
5 a PA to provide Medical Services and other licensed activity to a patient
6 located in the Remote State under the Remote State's laws and
7 regulations.

8 C. "Conviction" means a finding by a court that an individual is
9 guilty of a felony or misdemeanor offense through adjudication or entry
10 of a plea of guilty or no contest to the charge by the offender.

11 D. "Criminal Background Check" means the submission of fingerprints
12 or other biometric-based information for a License applicant for the
13 purpose of obtaining that applicant's criminal history record
14 information, as defined in 28 C.F.R. 20.3(d), from the State's criminal
15 history record repository as defined in 28 C.F.R. 20.3(f).

16 E. "Data System" means the repository of information about
17 Licensees, including, but not limited to, License status and Adverse
18 Actions, which is created and administered under the terms of this
19 Compact.

20 F. "Executive Committee" means a group of directors and ex officio
21 individuals elected or appointed pursuant to Section 7.F.2.

22 G. "Impaired Practitioner" means a PA whose practice is adversely
23 affected by a health-related condition that impacts the practitioner's
24 ability to practice.

25 H. "Investigative Information" means information, records, or
26 documents received or generated by a Licensing Board pursuant to an
27 investigation.

28 I. "Jurisprudence Requirement" means the assessment of an
29 individual's knowledge of the laws and Rules governing the practice of a
30 PA in a State.

31 J. "License" means current authorization by a State, other than

1 authorization pursuant to a Compact Privilege, for a PA to provide
2 Medical Services, which would be unlawful without current authorization.

3 K. "Licensee" means an individual who holds a License from a State
4 to provide Medical Services as a PA.

5 L. "Licensing Board" means any State entity authorized to license
6 and otherwise regulate PAs.

7 M. "Medical Services" means health care services provided for the
8 diagnosis, prevention, treatment, cure, or relief of a health condition,
9 injury, or disease, as defined by a State's laws and regulations.

10 N. "Model Compact" means the model for the PA Licensure Compact on
11 file with The Council of State Governments or other entity as designated
12 by the Commission.

13 O. "Participating State" means a State that has enacted this
14 Compact.

15 P. "PA" means an individual who is licensed as a physician assistant
16 in a State. For purposes of this Compact, any other title or status
17 adopted by a State to replace the term "physician assistant" shall be
18 deemed synonymous with "physician assistant" and shall confer the same
19 rights and responsibilities to the Licensee under the provisions of this
20 Compact at the time of its enactment.

21 Q. "PA Licensure Compact Commission," "Compact Commission," or
22 "Commission" mean the national administrative body created pursuant to
23 Section 7.A of this Compact.

24 R. "Qualifying License" means an unrestricted License issued by a
25 Participating State to provide Medical Services as a PA.

26 S. "Remote State" means a Participating State where a Licensee who
27 is not licensed as a PA is exercising or seeking to exercise the Compact
28 Privilege.

29 T. "Rule" means a regulation promulgated by an entity that has the
30 force and effect of law.

31 U. "Significant Investigative Information" means Investigative

1 Information that a Licensing Board, after an inquiry or investigation
2 that includes notification and an opportunity for the PA to respond if
3 required by State law, has reason to believe is not groundless and, if
4 proven true, would indicate more than a minor infraction.

5 V. "State" means any state, commonwealth, district, or territory of
6 the United States.

7 SECTION 3. STATE PARTICIPATION IN THIS COMPACT

8 A. To participate in this Compact, a Participating State shall:

9 1. License PAs.

10 2. Participate in the Compact Commission's Data System.

11 3. Have a mechanism in place for receiving and investigating
12 complaints against Licensees and License applicants.

13 4. Notify the Commission, in compliance with the terms of this
14 Compact and Commission Rules, of any Adverse Action against a Licensee or
15 License applicant and the existence of Significant Investigative
16 Information regarding a Licensee or License applicant.

17 5. Fully implement a Criminal Background Check requirement, within a
18 timeframe established by Commission Rule, by its Licensing Board
19 receiving the results of a Criminal Background Check and reporting to the
20 Commission whether the License applicant has been granted a License.

21 6. Comply with the Rules of the Compact Commission.

22 7. Utilize passage of a recognized national exam such as the
23 Physician Assistant National Certifying Examination (PANCE) of the
24 National Commission on Certification of Physician Assistants (NCCPA) as a
25 requirement for PA licensure.

26 8. Grant the Compact Privilege to a holder of a Qualifying License
27 in a Participating State.

28 B. Nothing in this Compact prohibits a Participating State from
29 charging a fee for granting the Compact Privilege.

30 SECTION 4. COMPACT PRIVILEGE

31 A. To exercise the Compact Privilege, a Licensee must:

1 1. Have graduated from a PA program accredited by the Accreditation
2 Review Commission on Education for the Physician Assistant, Inc., or
3 other programs authorized by Commission Rule.

4 2. Hold current National Commission on Certification of Physician
5 Assistants (NCCPA) certification.

6 3. Have no felony or misdemeanor Conviction.

7 4. Have never had a controlled substance license, permit, or
8 registration suspended or revoked by a State or by the United States Drug
9 Enforcement Administration.

10 5. Have a unique identifier as determined by Commission Rule.

11 6. Hold a Qualifying License.

12 7. Have had no revocation of a License or limitation or restriction
13 on any License currently held due to an Adverse Action.

14 8. If a Licensee has had a limitation or restriction on a License or
15 Compact Privilege due to an Adverse Action, two years must have elapsed
16 from the date on which the License or Compact Privilege is no longer
17 limited or restricted due to the Adverse Action.

18 9. If a Compact Privilege has been revoked or is limited or
19 restricted in a Participating State for conduct that would not be a basis
20 for disciplinary action in a Participating State in which the Licensee is
21 practicing or applying to practice under a Compact Privilege, that
22 Participating State shall have the discretion not to consider such action
23 as an Adverse Action requiring the denial or removal of a Compact
24 Privilege in that State.

25 10. Notify the Compact Commission that the Licensee is seeking the
26 Compact Privilege in a Remote State.

27 11. Meet any Jurisprudence Requirement of a Remote State in which
28 the Licensee is seeking to practice under the Compact Privilege and pay
29 any fees applicable to satisfying the Jurisprudence Requirement.

30 12. Report to the Commission any Adverse Action taken by a non-
31 Participating State within thirty days after the action is taken.

1 B. The Compact Privilege is valid until the expiration or revocation
2 of the Qualifying License unless terminated pursuant to an Adverse
3 Action. The Licensee must also comply with all of the requirements of
4 subsection A above to maintain the Compact Privilege in a Remote State.
5 If the Participating State takes Adverse Action against a Qualifying
6 License, the Licensee shall lose the Compact Privilege in any Remote
7 State in which the Licensee has a Compact Privilege until all of the
8 following occur:

9 1. The License is no longer limited or restricted; and

10 2. Two years have elapsed from the date on which the License is no
11 longer limited or restricted due to the Adverse Action.

12 C. Once a restricted or limited License satisfies the requirements
13 of subsections B.1 and 2, the Licensee must meet the requirements of
14 subsection A to obtain a Compact Privilege in any Remote State.

15 D. For each Remote State in which a PA seeks authority to prescribe
16 controlled substances, the PA shall satisfy all requirements imposed by
17 such State in granting or renewing such authority.

18 SECTION 5. DESIGNATION OF THE STATE FROM WHICH THE LICENSEE IS
19 APPLYING FOR A COMPACT PRIVILEGE

20 A. Upon a Licensee's application for a Compact Privilege, the
21 Licensee shall identify to the Commission the Participating State from
22 which the Licensee is applying, in accordance with applicable Rules
23 adopted by the Commission, and subject to the following requirements:

24 1. When applying for a Compact Privilege, the Licensee shall provide
25 the Commission with the address of the Licensee's primary residence and
26 thereafter shall immediately report to the Commission any change in the
27 address of the Licensee's primary residence.

28 2. When applying for a Compact Privilege, the Licensee is required
29 to consent to accept service of process by mail at the Licensee's primary
30 residence on file with the Commission with respect to any action brought
31 against the Licensee by the Commission or a Participating State,

1 including a subpoena, with respect to any action brought or investigation
2 conducted by the Commission or a Participating State.

3 SECTION 6. ADVERSE ACTIONS

4 A. A Participating State in which a Licensee is licensed shall have
5 exclusive power to impose Adverse Action against the Qualifying License
6 issued by that Participating State.

7 B. In addition to the other powers conferred by State law, a Remote
8 State shall have the authority, in accordance with existing State due
9 process law, to do all of the following:

10 1. Take Adverse Action against a PA's Compact Privilege within that
11 State to remove a Licensee's Compact Privilege or take other action
12 necessary under applicable law to protect the health and safety of its
13 citizens.

14 2. Issue subpoenas for both hearings and investigations that require
15 the attendance and testimony of witnesses as well as the production of
16 evidence. Subpoenas issued by a Licensing Board in a Participating State
17 for the attendance and testimony of witnesses or the production of
18 evidence from another Participating State shall be enforced in the latter
19 State by any court of competent jurisdiction, according to the practice
20 and procedure of that court applicable to subpoenas issued in proceedings
21 pending before it. The issuing authority shall pay any witness fees,
22 travel expenses, mileage, and other fees required by the service statutes
23 of the State in which the witnesses or evidence are located.

24 3. Notwithstanding subsection 2, subpoenas may not be issued by a
25 Participating State to gather evidence of conduct in another State that
26 is lawful in that other State for the purpose of taking Adverse Action
27 against a Licensee's Compact Privilege or application for a Compact
28 Privilege in that Participating State.

29 4. Nothing in this Compact authorizes a Participating State to
30 impose discipline against a PA's Compact Privilege or to deny an
31 application for a Compact Privilege in that Participating State for the

1 individual's otherwise lawful practice in another State.

2 C. For purposes of taking Adverse Action, the Participating State
3 which issued the Qualifying License shall give the same priority and
4 effect to reported conduct received from any other Participating State as
5 it would if the conduct had occurred within the Participating State which
6 issued the Qualifying License. In so doing, that Participating State
7 shall apply its own State laws to determine appropriate action.

8 D. A Participating State, if otherwise permitted by State law, may
9 recover from the affected PA the costs of investigations and disposition
10 of cases resulting from any Adverse Action taken against that PA.

11 E. A Participating State may take Adverse Action based on the
12 factual findings of a Remote State, provided that the Participating State
13 follows its own procedures for taking the Adverse Action.

14 F. Joint Investigations

15 1. In addition to the authority granted to a Participating State by
16 its respective State PA laws and regulations or other applicable State
17 law, any Participating State may participate with other Participating
18 States in joint investigations of Licensees.

19 2. Participating States shall share any investigative, litigation,
20 or compliance materials in furtherance of any joint or individual
21 investigation initiated under this Compact.

22 G. If an Adverse Action is taken against a PA's Qualifying License,
23 the PA's Compact Privilege in all Remote States shall be deactivated
24 until two years have elapsed after all restrictions have been removed
25 from the Qualifying License. All disciplinary orders by the Participating
26 State which issued the Qualifying License that impose Adverse Action
27 against a PA's License shall include a Statement that the PA's Compact
28 Privilege is deactivated in all Participating States during the pendency
29 of the order.

30 H. If any Participating State takes Adverse Action, it promptly
31 shall notify the administrator of the Data System.

1 SECTION 7. ESTABLISHMENT OF THE PA LICENSURE COMPACT COMMISSION

2 A. The Participating States hereby create and establish a joint
3 government agency and national administrative body known as the PA
4 Licensure Compact Commission. The Commission is an instrumentality of the
5 Compact States acting jointly and not an instrumentality of any one
6 State. The Commission shall come into existence on or after the effective
7 date of the Compact as set forth in Section 11.A.

8 B. Membership, Voting, and Meetings

9 1. Each Participating State shall have and be limited to one
10 delegate selected by that Participating State's Licensing Board or, if
11 the State has more than one Licensing Board, selected collectively by the
12 Participating State's Licensing Boards.

13 2. The delegate shall be either:

14 a. A current PA, physician, or public member of a Licensing Board or
15 PA Council/Committee; or

16 b. An administrator of a Licensing Board.

17 3. Any delegate may be removed or suspended from office as provided
18 by the laws of the State from which the delegate is appointed.

19 4. The Participating State Licensing Board shall fill any vacancy
20 occurring in the Commission within sixty days.

21 5. Each delegate shall be entitled to one vote on all matters voted
22 on by the Commission and shall otherwise have an opportunity to
23 participate in the business and affairs of the Commission. A delegate
24 shall vote in person or by such other means as provided in the bylaws.
25 The bylaws may provide for delegates' participation in meetings by
26 telecommunications, videoconference, or other means of communication.

27 6. The Commission shall meet at least once during each calendar
28 year. Additional meetings shall be held as set forth in this Compact and
29 the bylaws.

30 7. The Commission shall establish by Rule a term of office for
31 delegates.

- 1 C. The Commission shall have the following powers and duties:
- 2 1. Establish a code of ethics for the Commission;
- 3 2. Establish the fiscal year of the Commission;
- 4 3. Establish fees;
- 5 4. Establish bylaws;
- 6 5. Maintain its financial records in accordance with the bylaws;
- 7 6. Meet and take such actions as are consistent with the provisions
8 of this Compact and the bylaws;
- 9 7. Promulgate Rules to facilitate and coordinate implementation and
10 administration of this Compact. The Rules shall have the force and effect
11 of law and shall be binding in all Participating States;
- 12 8. Bring and prosecute legal proceedings or actions in the name of
13 the Commission, provided that the standing of any State Licensing Board
14 to sue or be sued under applicable law shall not be affected;
- 15 9. Purchase and maintain insurance and bonds;
- 16 10. Borrow, accept, or contract for services of personnel,
17 including, but not limited to, employees of a Participating State;
- 18 11. Hire employees and engage contractors, elect or appoint
19 officers, fix compensation, define duties, grant such individuals
20 appropriate authority to carry out the purposes of this Compact, and
21 establish the Commission's personnel policies and programs relating to
22 conflicts of interest, qualifications of personnel, and other related
23 personnel matters;
- 24 12. Accept any and all appropriate donations and grants of money,
25 equipment, supplies, materials, and services, and receive, utilize, and
26 dispose of the same; provided that at all times the Commission shall
27 avoid any appearance of impropriety or conflict of interest;
- 28 13. Lease, purchase, accept appropriate gifts or donations of, or
29 otherwise own, hold, improve, or use, any property, real, personal, or
30 mixed; provided that at all times the Commission shall avoid any
31 appearance of impropriety;

1 14. Sell, convey, mortgage, pledge, lease, exchange, abandon, or
2 otherwise dispose of any property, real, personal, or mixed;

3 15. Establish a budget and make expenditures;

4 16. Borrow money;

5 17. Appoint committees, including standing committees composed of
6 members, State regulators, State legislators or their representatives,
7 and consumer representatives, and such other interested persons as may be
8 designated in this Compact and the bylaws;

9 18. Provide and receive information from, and cooperate with, law
10 enforcement agencies;

11 19. Elect a Chair, Vice Chair, Secretary, and Treasurer and such
12 other officers of the Commission as provided in the Commission's bylaws;

13 20. Reserve for itself, in addition to those reserved exclusively to
14 the Commission under the Compact, powers that the Executive Committee may
15 not exercise;

16 21. Approve or disapprove a State's participation in the Compact
17 based upon its determination as to whether the State's Compact
18 legislation departs in a material manner from the Model Compact language;

19 22. Prepare and provide to the Participating States an annual
20 report; and

21 23. Perform such other functions as may be necessary or appropriate
22 to achieve the purposes of this Compact consistent with the State
23 regulation of PA licensure and practice.

24 D. Meetings of the Commission

25 1. All meetings of the Commission that are not closed pursuant to
26 this subsection shall be open to the public. Notice of public meetings
27 shall be posted on the Commission's website at least thirty days prior to
28 the public meeting.

29 2. Notwithstanding subsection D.1 of this section, the Commission
30 may convene a public meeting by providing at least twenty-four hours
31 prior notice on the Commission's website, and any other means as provided

1 in the Commission's Rules, for any of the reasons it may dispense with
2 notice of proposed rulemaking under Section 9.L.

3 3. The Commission may convene in a closed, nonpublic meeting or
4 nonpublic part of a public meeting to receive legal advice or to discuss:

5 a. Noncompliance of a Participating State with its obligations under
6 this Compact;

7 b. The employment, compensation, discipline, or other matters,
8 practices, or procedures related to specific employees or other matters
9 related to the Commission's internal personnel practices and procedures;

10 c. Current, threatened, or reasonably anticipated litigation;

11 d. Negotiation of contracts for the purchase, lease, or sale of
12 goods, services, or real estate;

13 e. Accusing any person of a crime or formally censuring any person;

14 f. Disclosure of trade secrets or commercial or financial
15 information that is privileged or confidential;

16 g. Disclosure of information of a personal nature where disclosure
17 would constitute a clearly unwarranted invasion of personal privacy;

18 h. Disclosure of investigative records compiled for law enforcement
19 purposes;

20 i. Disclosure of information related to any investigative reports
21 prepared by or on behalf of or for use of the Commission or other
22 committee charged with responsibility of investigation or determination
23 of compliance issues pursuant to this Compact;

24 j. Legal advice; or

25 k. Matters specifically exempted from disclosure by federal or
26 Participating States' statutes.

27 4. If a meeting, or portion of a meeting, is closed pursuant to this
28 provision, the chair of the meeting or the chair's designee shall certify
29 that the meeting or portion of the meeting may be closed and shall
30 reference each relevant exempting provision.

31 5. The Commission shall keep minutes that fully and clearly describe

1 all matters discussed in a meeting and shall provide a full and accurate
2 summary of actions taken, including a description of the views expressed.
3 All documents considered in connection with an action shall be identified
4 in such minutes. All minutes and documents of a closed meeting shall
5 remain under seal, subject to release by a majority vote of the
6 Commission or order of a court of competent jurisdiction.

7 E. Financing of the Commission

8 1. The Commission shall pay, or provide for the payment of, the
9 reasonable expenses of its establishment, organization, and ongoing
10 activities.

11 2. The Commission may accept any and all appropriate revenue
12 sources, donations, and grants of money, equipment, supplies, materials,
13 and services.

14 3. The Commission may levy on and collect an annual assessment from
15 each Participating State and may impose Compact Privilege fees on
16 Licensees of Participating States to whom a Compact Privilege is granted
17 to cover the cost of the operations and activities of the Commission and
18 its staff, which must be in a total amount sufficient to cover its annual
19 budget as approved by the Commission each year for which revenue is not
20 provided by other sources. The aggregate annual assessment amount levied
21 on Participating States shall be allocated based upon a formula to be
22 determined by Commission Rule.

23 a. A Compact Privilege expires when the Licensee's Qualifying
24 License in the Participating State from which the Licensee applied for
25 the Compact Privilege expires.

26 b. If the Licensee terminates the Qualifying License through which
27 the Licensee applied for the Compact Privilege before its scheduled
28 expiration, and the Licensee has a Qualifying License in another
29 Participating State, the Licensee shall inform the Commission that it is
30 changing to that Participating State the Participating State through
31 which it applies for a Compact Privilege and pay to the Commission any

1 Compact Privilege fee required by Commission Rule.

2 4. The Commission shall not incur obligations of any kind prior to
3 securing the funds adequate to meet the same; nor shall the Commission
4 pledge the credit of any of the Participating States, except by and with
5 the authority of the Participating State.

6 5. The Commission shall keep accurate accounts of all receipts and
7 disbursements. The receipts and disbursements of the Commission shall be
8 subject to the financial review and accounting procedures established
9 under its bylaws. All receipts and disbursements of funds handled by the
10 Commission shall be subject to an annual financial review by a certified
11 or licensed public accountant, and the report of the financial review
12 shall be included in and become part of the annual report of the
13 Commission.

14 F. The Executive Committee

15 1. The Executive Committee shall have the power to act on behalf of
16 the Commission according to the terms of this Compact and Commission
17 Rules.

18 2. The Executive Committee shall be composed of nine members:

19 a. Seven voting members who are elected by the Commission from the
20 current membership of the Commission;

21 b. One ex officio, nonvoting member from a recognized national PA
22 professional association; and

23 c. One ex officio, nonvoting member from a recognized national PA
24 certification organization.

25 3. The ex officio members will be selected by their respective
26 organizations.

27 4. The Commission may remove any member of the Executive Committee
28 as provided in its bylaws.

29 5. The Executive Committee shall meet at least annually.

30 6. The Executive Committee shall have the following duties and
31 responsibilities:

1 a. Recommend to the Commission changes to the Commission's Rules or
2 bylaws, changes to this Compact legislation, fees to be paid by Compact
3 Participating States such as annual dues, and any Commission Compact fee
4 charged to Licensees for the Compact Privilege;

5 b. Ensure Compact administration services are appropriately
6 provided, contractual or otherwise;

7 c. Prepare and recommend the budget;

8 d. Maintain financial records on behalf of the Commission;

9 e. Monitor Compact compliance of Participating States and provide
10 compliance reports to the Commission;

11 f. Establish additional committees as necessary;

12 g. Exercise the powers and duties of the Commission during the
13 interim between Commission meetings, except for issuing proposed
14 rulemaking or adopting Commission Rules or bylaws, or exercising any
15 other powers and duties exclusively reserved to the Commission by the
16 Commission's Rules; and

17 h. Perform other duties as provided in the Commission's Rules or
18 bylaws.

19 7. All meetings of the Executive Committee at which it votes or
20 plans to vote on matters in exercising the powers and duties of the
21 Commission shall be open to the public, and public notice of such
22 meetings shall be given as public meetings of the Commission are given.

23 8. The Executive Committee may convene in a closed, nonpublic
24 meeting for the same reasons that the Commission may convene in a
25 nonpublic meeting as set forth in Section 7.D.3 and shall announce the
26 closed meeting as the Commission is required to under Section 7.D.4 and
27 keep minutes of the closed meeting as the Commission is required to under
28 Section 7.D.5.

29 G. Qualified Immunity, Defense, and Indemnification

30 1. The members, officers, executive director, employees, and
31 representatives of the Commission shall have no greater liability than a

1 state employee would have under the same or similar circumstances, either
2 personally or in their official capacity, for any claim for damage to or
3 loss of property or personal injury or other civil liability caused by or
4 arising out of any actual or alleged act, error, or omission that
5 occurred, or that the person against whom the claim is made had a
6 reasonable basis for believing occurred, within the scope of Commission
7 employment, duties, or responsibilities; provided that nothing in this
8 paragraph shall be construed to protect any such person from suit or
9 liability for any damage, loss, injury, or liability caused by the
10 intentional or willful or wanton misconduct of that person. The
11 procurement of insurance of any type by the Commission shall not in any
12 way compromise or limit the immunity granted hereunder.

13 2. The Commission shall defend any member, officer, executive
14 director, employee, or representative of the Commission in any civil
15 action seeking to impose liability arising out of any actual or alleged
16 act, error, or omission that occurred within the scope of Commission
17 employment, duties, or responsibilities, or as determined by the
18 Commission that the person against whom the claim is made had a
19 reasonable basis for believing occurred within the scope of Commission
20 employment, duties, or responsibilities; provided that nothing herein
21 shall be construed to prohibit that person from retaining their own
22 counsel at their own expense; and provided further, that the actual or
23 alleged act, error, or omission did not result from that person's
24 intentional or willful or wanton misconduct.

25 3. The Commission shall indemnify and hold harmless any member,
26 officer, executive director, employee, or representative of the
27 Commission for the amount of any settlement or judgment obtained against
28 that person arising out of any actual or alleged act, error, or omission
29 that occurred within the scope of Commission employment, duties, or
30 responsibilities, or that such person had a reasonable basis for
31 believing occurred within the scope of Commission employment, duties, or

1 responsibilities; provided that the actual or alleged act, error, or
2 omission did not result from the intentional or willful or wanton
3 misconduct of that person.

4 4. Venue is proper and judicial proceedings by or against the
5 Commission shall be brought solely and exclusively in a court of
6 competent jurisdiction where the principal office of the Commission is
7 located. The Commission may waive venue and jurisdictional defenses in
8 any proceedings as authorized by Commission Rules.

9 5. Nothing herein shall be construed as a limitation on the
10 liability of any Licensee for professional malpractice or misconduct,
11 which shall be governed solely by any other applicable State laws.

12 6. Nothing herein shall be construed to designate the venue or
13 jurisdiction to bring actions for alleged acts of malpractice,
14 professional misconduct, negligence, or other such civil action
15 pertaining to the practice of a PA. All such matters shall be determined
16 exclusively by State law other than this Compact.

17 7. Nothing in this Compact shall be interpreted to waive or
18 otherwise abrogate a Participating State's state action immunity or state
19 action affirmative defense with respect to antitrust claims under the
20 Sherman Act, the Clayton Act, or any other State or federal antitrust or
21 anticompetitive law or regulation.

22 8. Nothing in this Compact shall be construed to be a waiver of
23 sovereign immunity by the Participating States or by the Commission.

24 SECTION 8. DATA SYSTEM

25 A. The Commission shall provide for the development, maintenance,
26 operation, and utilization of a coordinated data and reporting system
27 containing licensure, Adverse Action, and the reporting of the existence
28 of Significant Investigative Information on all licensed PAs and
29 applicants denied a License in Participating States.

30 B. Notwithstanding any other State law to the contrary, a
31 Participating State shall submit a uniform data set to the Data System on

1 all PAS to whom this Compact is applicable (utilizing a unique
2 identifier) as required by the Rules of the Commission, including:

3 1. Identifying information;

4 2. Licensure data;

5 3. Adverse Actions against a License or Compact Privilege;

6 4. Any denial of application for licensure, and the reason(s) for
7 such denial (excluding the reporting of any criminal history record
8 information where prohibited by law);

9 5. The existence of Significant Investigative Information; and

10 6. Other information that may facilitate the administration of this
11 Compact, as determined by the Rules of the Commission.

12 C. Significant Investigative Information pertaining to a Licensee in
13 any Participating State shall only be available to other Participating
14 States.

15 D. The Commission shall promptly notify all Participating States of
16 any Adverse Action taken against a Licensee or an individual applying for
17 a License that has been reported to it. This Adverse Action information
18 shall be available to any other Participating State.

19 E. Participating States contributing information to the Data System
20 may, in accordance with State or federal law, designate information that
21 may not be shared with the public without the express permission of the
22 contributing State. Notwithstanding any such designation, such
23 information shall be reported to the Commission through the Data System.

24 F. Any information submitted to the Data System that is subsequently
25 expunged pursuant to federal law or the laws of the Participating State
26 contributing the information shall be removed from the Data System upon
27 reporting of such by the Participating State to the Commission.

28 G. The records and information provided to a Participating State
29 pursuant to this Compact or through the Data System, when certified by
30 the Commission or an agent thereof, shall constitute the authenticated
31 business records of the Commission, and shall be entitled to any

1 associated hearsay exception in any relevant judicial, quasi-judicial, or
2 administrative proceedings in a Participating State.

3 SECTION 9. RULEMAKING

4 A. The Commission shall exercise its Rulemaking powers pursuant to
5 the criteria set forth in this Section and the Rules adopted thereunder.
6 Commission Rules shall become binding as of the date specified by the
7 Commission for each Rule.

8 B. The Commission shall promulgate reasonable Rules in order to
9 effectively and efficiently implement and administer this Compact and
10 achieve its purposes. A Commission Rule shall be invalid and have no
11 force or effect only if a court of competent jurisdiction holds that the
12 Rule is invalid because the Commission exercised its rulemaking authority
13 in a manner that is beyond the scope of the purposes of this Compact, or
14 the powers granted hereunder, or based upon another applicable standard
15 of review.

16 C. The Rules of the Commission shall have the force of law in each
17 Participating State, provided however that where the Rules of the
18 Commission conflict with the laws of the Participating State that
19 establish the medical services a PA may perform in the Participating
20 State, as held by a court of competent jurisdiction, the Rules of the
21 Commission shall be ineffective in that State to the extent of the
22 conflict.

23 D. If a majority of the legislatures of the Participating States
24 rejects a Commission Rule, by enactment of a statute or resolution in the
25 same manner used to adopt this Compact within four years of the date of
26 adoption of the Rule, then such Rule shall have no further force and
27 effect in any Participating State or to any State applying to participate
28 in the Compact.

29 E. Commission Rules shall be adopted at a regular or special meeting
30 of the Commission.

31 F. Prior to promulgation and adoption of a final Rule or Rules by

1 the Commission, and at least thirty days in advance of the meeting at
2 which the Rule will be considered and voted upon, the Commission shall
3 file a Notice of Proposed Rulemaking:

4 1. On the website of the Commission or other publicly accessible
5 platform;

6 2. To persons who have requested notice of the Commission's notices
7 of proposed rulemaking; and

8 3. In such other way(s) as the Commission may by Rule specify.

9 G. The Notice of Proposed Rulemaking shall include:

10 1. The time, date, and location of the public hearing on the
11 proposed Rule and the proposed time, date, and location of the meeting in
12 which the proposed Rule will be considered and voted upon;

13 2. The text of the proposed Rule and the reason for the proposed
14 Rule;

15 3. A request for comments on the proposed Rule from any interested
16 person and the date by which written comments must be received; and

17 4. The manner in which interested persons may submit notice to the
18 Commission of their intention to attend the public hearing or provide any
19 written comments.

20 H. Prior to adoption of a proposed Rule, the Commission shall allow
21 persons to submit written data, facts, opinions, and arguments, which
22 shall be made available to the public.

23 I. If the hearing is to be held via electronic means, the Commission
24 shall publish the mechanism for access to the electronic hearing.

25 1. All persons wishing to be heard at the hearing shall as directed
26 in the Notice of Proposed Rulemaking, not less than five business days
27 before the scheduled date of the hearing, notify the Commission of their
28 desire to appear and testify at the hearing.

29 2. Hearings shall be conducted in a manner providing each person who
30 wishes to comment a fair and reasonable opportunity to comment orally or
31 in writing.

1 3. All hearings shall be recorded. A copy of the recording and the
2 written comments, data, facts, opinions, and arguments received in
3 response to the proposed rulemaking shall be made available to a person
4 upon request.

5 4. Nothing in this section shall be construed as requiring a
6 separate hearing on each proposed Rule. Proposed Rules may be grouped for
7 the convenience of the Commission at hearings required by this section.

8 J. Following the public hearing the Commission shall consider all
9 written and oral comments timely received.

10 K. The Commission shall, by majority vote of all delegates, take
11 final action on the proposed Rule and shall determine the effective date
12 of the Rule, if adopted, based on the Rulemaking record and the full text
13 of the Rule.

14 1. If adopted, the Rule shall be posted on the Commission's website.

15 2. The Commission may adopt changes to the proposed Rule provided
16 the changes do not enlarge the original purpose of the proposed Rule.

17 3. The Commission shall provide on its website an explanation of the
18 reasons for substantive changes made to the proposed Rule as well as
19 reasons for substantive changes not made that were recommended by
20 commenters.

21 4. The Commission shall determine a reasonable effective date for
22 the Rule. Except for an emergency as provided in subsection L, the
23 effective date of the Rule shall be no sooner than thirty days after the
24 Commission issued the notice that it adopted the Rule.

25 L. Upon determination that an emergency exists, the Commission may
26 consider and adopt an emergency Rule with twenty-four hours' prior
27 notice, without the opportunity for comment or hearing, provided that the
28 usual rulemaking procedures provided in this Compact and in this section
29 shall be retroactively applied to the Rule as soon as reasonably
30 possible, in no event later than ninety days after the effective date of
31 the Rule. For the purposes of this provision, an emergency Rule is one

1 that must be adopted immediately by the Commission in order to:

2 1. Meet an imminent threat to public health, safety, or welfare;

3 2. Prevent a loss of Commission or Participating State funds;

4 3. Meet a deadline for the promulgation of a Commission Rule that is

5 established by federal law or Rule; or

6 4. Protect public health and safety.

7 M. The Commission or an authorized committee of the Commission may
8 direct revisions to a previously adopted Commission Rule for purposes of
9 correcting typographical errors, errors in format, errors in consistency,
10 or grammatical errors. Public notice of any revisions shall be posted on
11 the website of the Commission. The revision shall be subject to challenge
12 by any person for a period of thirty days after posting. The revision may
13 be challenged only on grounds that the revision results in a material
14 change to a Rule. A challenge shall be made as set forth in the notice of
15 revisions and delivered to the Commission prior to the end of the notice
16 period. If no challenge is made, the revision will take effect without
17 further action. If the revision is challenged, the revision may not take
18 effect without the approval of the Commission.

19 N. No Participating State's rulemaking requirements shall apply
20 under this Compact.

21 SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

22 A. Oversight

23 1. The executive and judicial branches of State government in each
24 Participating State shall enforce this Compact and take all actions
25 necessary and appropriate to implement the Compact.

26 2. Venue is proper and judicial proceedings by or against the
27 Commission shall be brought solely and exclusively in a court of
28 competent jurisdiction where the principal office of the Commission is
29 located. The Commission may waive venue and jurisdictional defenses to
30 the extent it adopts or consents to participate in alternative dispute
31 resolution proceedings. Nothing herein shall affect or limit the

1 selection or propriety of venue in any action against a licensee for
2 professional malpractice, misconduct, or any such similar matter.

3 3. The Commission shall be entitled to receive service of process in
4 any proceeding regarding the enforcement or interpretation of the Compact
5 or the Commission's Rules and shall have standing to intervene in such a
6 proceeding for all purposes. Failure to provide the Commission with
7 service of process shall render a judgment or order in such proceeding
8 void as to the Commission, this Compact, or Commission Rules.

9 B. Default, Technical Assistance, and Termination

10 1. If the Commission determines that a Participating State has
11 defaulted in the performance of its obligations or responsibilities under
12 this Compact or the Commission Rules, the Commission shall provide
13 written notice to the defaulting State and other Participating States.
14 The notice shall describe the default, the proposed means of curing the
15 default, and any other action that the Commission may take and shall
16 offer remedial training and specific technical assistance regarding the
17 default.

18 2. If a State in default fails to cure the default, the defaulting
19 State may be terminated from this Compact upon an affirmative vote of a
20 majority of the delegates of the Participating States, and all rights,
21 privileges, and benefits conferred by this Compact upon such State may be
22 terminated on the effective date of termination. A cure of the default
23 does not relieve the offending State of obligations or liabilities
24 incurred during the period of default.

25 3. Termination of participation in this Compact shall be imposed
26 only after all other means of securing compliance have been exhausted.
27 Notice of intent to suspend or terminate shall be given by the Commission
28 to the governor, the majority and minority leaders of the defaulting
29 State's legislature, and to the Licensing Board of each Participating
30 State.

31 4. A State that has been terminated is responsible for all

1 assessments, obligations, and liabilities incurred through the effective
2 date of termination, including obligations that extend beyond the
3 effective date of termination.

4 5. The Commission shall not bear any costs related to a State that
5 is found to be in default or that has been terminated from this Compact,
6 unless agreed upon in writing between the Commission and the defaulting
7 State.

8 6. The defaulting State may appeal its termination from the Compact
9 by the Commission by petitioning the United States District Court for the
10 District of Columbia or the federal district where the Commission has its
11 principal offices. The prevailing member shall be awarded all costs of
12 such litigation, including reasonable attorney's fees.

13 7. Upon the termination of a State's participation in the Compact,
14 the State shall immediately provide notice to all Licensees within that
15 State of such termination.

16 a. Licensees who have been granted a Compact Privilege in that State
17 shall retain the Compact Privilege for one hundred eighty days following
18 the effective date of such termination.

19 b. Licensees who are licensed in that State who have been granted a
20 Compact Privilege in a Participating State shall retain the Compact
21 Privilege for one hundred eighty days unless the Licensee also has a
22 Qualifying License in a Participating State or obtains a Qualifying
23 License in a Participating State before the one-hundred-eighty-day period
24 ends, in which case the Compact Privilege shall continue.

25 C. Dispute Resolution

26 1. Upon request by a Participating State, the Commission shall
27 attempt to resolve disputes related to this Compact that arise among
28 Participating States and between Participating and non-Participating
29 States.

30 2. The Commission shall promulgate a Rule providing for both
31 mediation and binding dispute resolution for disputes as appropriate.

1 D. Enforcement

2 1. The Commission, in the reasonable exercise of its discretion,
3 shall enforce the provisions of this Compact and Rules of the Commission.

4 2. If compliance is not secured after all means to secure compliance
5 have been exhausted, by majority vote, the Commission may initiate legal
6 action in the United States District Court for the District of Columbia
7 or the federal district where the Commission has its principal offices,
8 against a Participating State in default to enforce compliance with the
9 provisions of this Compact and the Commission's promulgated Rules and
10 bylaws. The relief sought may include both injunctive relief and damages.
11 In the event judicial enforcement is necessary, the prevailing party
12 shall be awarded all costs of such litigation, including reasonable
13 attorney's fees.

14 3. The remedies herein shall not be the exclusive remedies of the
15 Commission. The Commission may pursue any other remedies available under
16 federal or State law.

17 E. Legal Action Against the Commission

18 1. A Participating State may initiate legal action against the
19 Commission in the United States District Court for the District of
20 Columbia or the federal district where the Commission has its principal
21 offices to enforce compliance with the provisions of the Compact and its
22 Rules. The relief sought may include both injunctive relief and damages.
23 In the event judicial enforcement is necessary, the prevailing party
24 shall be awarded all costs of such litigation, including reasonable
25 attorney's fees.

26 2. No person other than a Participating State shall enforce this
27 Compact against the Commission.

28 SECTION 11. DATE OF IMPLEMENTATION OF THE PA LICENSURE COMPACT

29 A. This Compact shall come into effect on the date on which this
30 Compact statute is enacted into law in the seventh Participating State.

31 1. On or after the effective date of the Compact, the Commission

1 shall convene and review the enactment of each of the States that enacted
2 the Compact prior to the Commission convening ("Charter Participating
3 States") to determine if the statute enacted by each such Charter
4 Participating State is materially different than the Model Compact.

5 a. A Charter Participating State whose enactment is found to be
6 materially different from the Model Compact shall be entitled to the
7 default process set forth in Section 10.B.

8 b. If any Participating State later withdraws from the Compact or
9 its participation is terminated, the Commission shall remain in existence
10 and the Compact shall remain in effect even if the number of
11 Participating States should be less than seven. Participating States
12 enacting the Compact subsequent to the Commission convening shall be
13 subject to the process set forth in Section 7.C.21 to determine if their
14 enactments are materially different from the Model Compact and whether
15 they qualify for participation in the Compact.

16 2. Participating States enacting the Compact subsequent to the seven
17 initial Charter Participating States shall be subject to the process set
18 forth in Section 7.C.21 to determine if their enactments are materially
19 different from the Model Compact and whether they qualify for
20 participation in the Compact.

21 3. All actions taken for the benefit of the Commission or in
22 furtherance of the purposes of the administration of the Compact prior to
23 the effective date of the Compact or the Commission coming into existence
24 shall be considered to be actions of the Commission unless specifically
25 repudiated by the Commission.

26 B. Any State that joins this Compact shall be subject to the
27 Commission's Rules and bylaws as they exist on the date on which this
28 Compact becomes law in that State. Any Rule that has been previously
29 adopted by the Commission shall have the full force and effect of law on
30 the day this Compact becomes law in that State.

31 C. Any Participating State may withdraw from this Compact by

1 enacting a statute repealing the same.

2 1. A Participating State's withdrawal shall not take effect until
3 one hundred eighty days after enactment of the repealing statute. During
4 this period of one hundred eighty days, all Compact Privileges that were
5 in effect in the withdrawing State and were granted to Licensees licensed
6 in the withdrawing State shall remain in effect. If any Licensee licensed
7 in the withdrawing State is also licensed in another Participating State
8 or obtains a license in another Participating State within the one
9 hundred eighty days, the Licensee's Compact Privileges in other
10 Participating States shall not be affected by the passage of the one
11 hundred eighty days.

12 2. Withdrawal shall not affect the continuing requirement of the
13 State Licensing Board of the withdrawing State to comply with the
14 investigative and Adverse Action reporting requirements of this Compact
15 prior to the effective date of withdrawal.

16 3. Upon the enactment of a statute withdrawing a State from this
17 Compact, the State shall immediately provide notice of such withdrawal to
18 all Licensees within that State. Such withdrawing State shall continue to
19 recognize all Licenses and Compact Privileges to practice within that
20 State granted pursuant to this Compact for a minimum of one hundred
21 eighty days after the date of such notice of withdrawal.

22 D. Nothing contained in this Compact shall be construed to
23 invalidate or prevent any PA licensure agreement or other cooperative
24 arrangement between Participating States and between a Participating
25 State and non-Participating State that does not conflict with the
26 provisions of this Compact.

27 E. This Compact may be amended by the Participating States. No
28 amendment to this Compact shall become effective and binding upon any
29 Participating State until it is enacted materially in the same manner
30 into the laws of all Participating States as determined by the
31 Commission.

1 SECTION 12. CONSTRUCTION AND SEVERABILITY

2 A. This Compact and the Commission's rulemaking authority shall be
3 liberally construed so as to effectuate the purposes, implementation, and
4 administration of the Compact. Provisions of the Compact expressly
5 authorizing or requiring the promulgation of Rules shall not be construed
6 to limit the Commission's rulemaking authority solely for those purposes.

7 B. The provisions of this Compact shall be severable and if any
8 phrase, clause, sentence, or provision of this Compact is held by a court
9 of competent jurisdiction to be contrary to the constitution of any
10 Participating State, of a State seeking participation in the Compact, or
11 of the United States, or the applicability thereof to any government,
12 agency, person, or circumstance is held to be unconstitutional by a court
13 of competent jurisdiction, the validity of the remainder of this Compact
14 and the applicability thereof to any other government, agency, person, or
15 circumstance shall not be affected thereby.

16 C. Notwithstanding subsection B of this section, the Commission may
17 deny a State's participation in the Compact or, in accordance with the
18 requirements of Section 10.B, terminate a Participating State's
19 participation in the Compact, if it determines that a constitutional
20 requirement of a Participating State is, or would be with respect to a
21 State seeking to participate in the Compact, a material departure from
22 the Compact. Otherwise, if this Compact shall be held to be contrary to
23 the constitution of any Participating State, the Compact shall remain in
24 full force and effect as to the remaining Participating States and in
25 full force and effect as to the Participating State affected as to all
26 severable matters.

27 SECTION 13. BINDING EFFECT OF COMPACT

28 A. Nothing herein prevents the enforcement of any other law of a
29 Participating State that is not inconsistent with this Compact.

30 B. Any laws in a Participating State in conflict with this Compact
31 are superseded to the extent of the conflict.

1 C. All agreements between the Commission and the Participating
2 States are binding in accordance with their terms.

3 Sec. 2. This section shall be known and may be cited as the
4 Dietitian Licensure Compact. The State of Nebraska adopts the Dietitian
5 Licensure Compact in the form substantially as follows:

6 SECTION 1. PURPOSE

7 The purpose of this Compact is to facilitate interstate Practice of
8 Dietetics with the goal of improving public access to dietetics services.
9 This Compact preserves the regulatory authority of States to protect
10 public health and safety through the current system of State licensure,
11 while also providing for licensure portability through a Compact
12 Privilege granted to qualifying professionals.

13 This Compact is designed to achieve the following objectives:

14 A. Increase public access to dietetics services;

15 B. Provide opportunities for interstate practice by Licensed
16 Dietitians who meet uniform requirements;

17 C. Eliminate the necessity for Licenses in multiple States;

18 D. Reduce administrative burdens on Member States and Licensees;

19 E. Enhance the States' ability to protect the public's health and
20 safety;

21 F. Encourage the cooperation of Member States in regulating
22 multistate practice of Licensed Dietitians;

23 G. Support relocating Active Military Members and their spouses;

24 H. Enhance the exchange of licensure, investigative, and
25 disciplinary information among Member States; and

26 I. Vest all Member States with the authority to hold a Licensed
27 Dietitian accountable for meeting all State practice laws in the State in
28 which the patient is located at the time care is rendered.

29 SECTION 2. DEFINITIONS

30 As used in this Compact, and except as otherwise provided, the
31 following definitions shall apply:

1 A. "ACEND" means the Accreditation Council for Education in
2 Nutrition and Dietetics or its successor organization.

3 B. "Active Military Member" means any individual with full-time duty
4 status in the active armed forces of the United States, including members
5 of the National Guard and Reserve.

6 C. "Adverse Action" means any administrative, civil, equitable, or
7 criminal action permitted by a State's laws which is imposed by a
8 Licensing Authority or other authority against a Licensee, including
9 actions against an individual's License or Compact Privilege such as
10 revocation, suspension, probation, monitoring of the Licensee, limitation
11 on the Licensee's practice, or any other Encumbrance on licensure
12 affecting a Licensee's authorization to practice, including issuance of a
13 cease and desist action.

14 D. "Alternative Program" means a non-disciplinary monitoring or
15 practice remediation process approved by a Licensing Authority.

16 E. "Charter Member State" means any Member State which enacted this
17 Compact by law before the Effective Date specified in Section 12.

18 F. "Continuing Education" means a requirement, as a condition of
19 License renewal, to provide evidence of participation in, and completion
20 of, educational and professional activities relevant to practice or area
21 of work.

22 G. "CDR" means the Commission on Dietetic Registration or its
23 successor organization.

24 H. "Compact Commission" means the government agency whose membership
25 consists of all States that have enacted this Compact, which is known as
26 the Dietitian Licensure Compact Commission, as described in Section 8 of
27 this Compact, and which shall operate as an instrumentality of the Member
28 States.

29 I. "Compact Privilege" means a legal authorization, which is
30 equivalent to a License, permitting the Practice of Dietetics in a Remote
31 State.

1 J. "Current Significant Investigative Information" means:

2 1. Investigative Information that a Licensing Authority, after a
3 preliminary inquiry that includes notification and an opportunity for the
4 subject Licensee to respond, if required by State law, has reason to
5 believe is not groundless and, if proved true, would indicate more than a
6 minor infraction; or

7 2. Investigative Information that indicates that the subject
8 Licensee represents an immediate threat to public health and safety
9 regardless of whether the subject Licensee has been notified and had an
10 opportunity to respond.

11 K. "Data System" means a repository of information about Licensees,
12 including, but not limited to, Continuing Education, examination,
13 licensure, investigative, Compact Privilege, and Adverse Action
14 information.

15 L. "Encumbered License" means a License in which an Adverse Action
16 restricts a Licensee's ability to practice dietetics.

17 M. "Encumbrance" means a revocation or suspension of, or any
18 limitation on a Licensee's full and unrestricted Practice of Dietetics by
19 a Licensing Authority.

20 N. "Executive Committee" means a group of delegates elected or
21 appointed to act on behalf of, and within the powers granted to them by,
22 this Compact, and the Compact Commission.

23 O. "Home State" means the Member State that is the Licensee's
24 primary State of residence or that has been designated pursuant to
25 Section 6 of this Compact.

26 P. "Investigative Information" means information, records, and
27 documents received or generated by a Licensing Authority pursuant to an
28 investigation.

29 Q. "Jurisprudence Requirement" means an assessment of an
30 individual's knowledge of the State laws and regulations governing the
31 Practice of Dietetics in such State.

1 R. "License" means an authorization from a Member State to either:

2 1. Engage in the Practice of Dietetics (including medical nutrition
3 therapy); or

4 2. Use the title "dietitian," "licensed dietitian," "licensed
5 dietitian nutritionist," "certified dietitian," or other title describing
6 a substantially similar practitioner as the Compact Commission may
7 further define by Rule.

8 S. "Licensee" or "Licensed Dietitian" means an individual who
9 currently holds a License and who meets all of the requirements outlined
10 in Section 4 of this Compact.

11 T. "Licensing Authority" means the board or agency of a State, or
12 equivalent, that is responsible for the licensing and regulation of the
13 Practice of Dietetics.

14 U. "Member State" means a State that has enacted the Compact.

15 V. "Practice of Dietetics" means the synthesis and application of
16 dietetics, primarily for the provision of nutrition care services,
17 including medical nutrition therapy, in person or via telehealth, to
18 prevent, manage, or treat diseases or medical conditions and promote
19 wellness.

20 W. "Registered Dietitian" means a person who:

21 1. Has completed applicable education, experience, examination, and
22 recertification requirements approved by CDR;

23 2. Is credentialed by CDR as a registered dietitian or a registered
24 dietitian nutritionist; and

25 3. Is legally authorized to use the title registered dietitian or
26 registered dietitian nutritionist and the corresponding abbreviations
27 "RD" or "RDN."

28 X. "Remote State" means a Member State other than the Home State,
29 where a Licensee is exercising or seeking to exercise a Compact
30 Privilege.

31 Y. "Rule" means a regulation promulgated by the Compact Commission

1 that has the force of law.

2 Z. "Single State License" means a License issued by a Member State
3 within the issuing State and does not include a Compact Privilege in any
4 other Member State.

5 AA. "State" means any state, commonwealth, district, or territory of
6 the United States of America.

7 BB. "Unencumbered License" means a License that authorizes a
8 Licensee to engage in the full and unrestricted Practice of Dietetics.

9 SECTION 3. STATE PARTICIPATION IN THE COMPACT

10 A. To participate in the Compact, a State must currently:

11 1. License and regulate the Practice of Dietetics; and

12 2. Have a mechanism in place for receiving and investigating
13 complaints about Licensees.

14 B. A Member State shall:

15 1. Participate fully in the Compact Commission's Data System,
16 including using the unique identifier as defined in Rules;

17 2. Notify the Compact Commission, in compliance with the terms of
18 the Compact and Rules, of any Adverse Action or the availability of
19 Current Significant Investigative Information regarding a Licensee;

20 3. Implement or utilize procedures for considering the criminal
21 history record information of applicants for an initial Compact
22 Privilege. These procedures shall include the submission of fingerprints
23 or other biometric-based information by applicants for the purpose of
24 obtaining an applicant's criminal history record information from the
25 Federal Bureau of Investigation and the agency responsible for retaining
26 that State's criminal records;

27 a. A Member State must fully implement a criminal history record
28 information requirement, within a time frame established by Rule, which
29 includes receiving the results of the Federal Bureau of Investigation
30 record search and shall use those results in determining Compact
31 Privilege eligibility.

1 b. Communication between a Member State and the Compact Commission
2 or among Member States regarding the verification of eligibility for a
3 Compact Privilege shall not include any information received from the
4 Federal Bureau of Investigation relating to a federal criminal history
5 record information check performed by a Member State.

6 4. Comply with and enforce the Rules of the Compact Commission;

7 5. Require an applicant for a Compact Privilege to obtain or retain
8 a License in the Licensee's Home State and meet the Home State's
9 qualifications for licensure or renewal of licensure, as well as all
10 other applicable State laws; and

11 6. Recognize a Compact Privilege granted to a Licensee who meets all
12 of the requirements outlined in Section 4 of this Compact in accordance
13 with the terms of the Compact and Rules.

14 C. Member States may set and collect a fee for granting a Compact
15 Privilege.

16 D. Individuals not residing in a Member State shall continue to be
17 able to apply for a Member State's Single State License as provided under
18 the laws of each Member State. However, the Single State License granted
19 to these individuals shall not be recognized as granting a Compact
20 Privilege to engage in the Practice of Dietetics in any other Member
21 State.

22 E. Nothing in this Compact shall affect the requirements established
23 by a Member State for the issuance of a Single State License.

24 F. At no point shall the Compact Commission have the power to define
25 the requirements for the issuance of a Single State License to practice
26 dietetics. The Member States shall retain sole jurisdiction over the
27 provision of these requirements.

28 SECTION 4. COMPACT PRIVILEGE

29 A. To exercise the Compact Privilege under the terms and provisions
30 of the Compact, the Licensee shall:

31 1. Satisfy one of the following:

1 a. Hold a valid current registration that gives the applicant the
2 right to use the term Registered Dietitian; or

3 b. Complete all of the following:

4 i. An education program which is either:

5 a) A master's degree or doctoral degree that is programmatically
6 accredited by (i) ACEND; or (ii) a dietetics accrediting agency
7 recognized by the United States Department of Education, which the
8 Compact Commission may by Rule determine, and from a college or
9 university accredited at the time of graduation by the appropriate
10 regional accrediting agency recognized by the Council on Higher Education
11 Accreditation and the United States Department of Education.

12 b) An academic degree from a college or university in a foreign
13 country equivalent to the degree described in subparagraph (a) that is
14 programmatically accredited by (i) ACEND; or (ii) a dietetics accrediting
15 agency recognized by the United States Department of Education, which the
16 Compact Commission may by Rule determine.

17 ii. A planned, documented, supervised practice experience in
18 dietetics that is programmatically accredited by (i) ACEND, or (ii) a
19 dietetics accrediting agency recognized by the United States Department
20 of Education which the Compact Commission may by Rule determine and which
21 involves at least one thousand hours of practice experience under the
22 supervision of a Registered Dietitian or a Licensed Dietitian.

23 iii. Successful completion of either: (i) the Registration
24 Examination for Dietitians administered by CDR, or (ii) a national
25 credentialing examination for dietitians approved by the Compact
26 Commission by Rule; such completion being no more than five years prior
27 to the date of the Licensee's application for initial licensure and
28 accompanied by a period of continuous licensure thereafter, all of which
29 may be further governed by the Rules of the Compact Commission.

30 2. Hold an Unencumbered License in the Home State;

31 3. Notify the Compact Commission that the Licensee is seeking a

1 Compact Privilege within a Remote State(s);

2 4. Pay any applicable fees, including any State fee, for the Compact
3 Privilege;

4 5. Meet any Jurisprudence Requirements established by the Remote
5 State(s) in which the Licensee is seeking a Compact Privilege; and

6 6. Report to the Compact Commission any Adverse Action, Encumbrance,
7 or restriction on a License taken by any non-Member State within thirty
8 days from the date the action is taken.

9 B. The Compact Privilege is valid until the expiration date of the
10 Home State License. To maintain a Compact Privilege, renewal of the
11 Compact Privilege shall be congruent with the renewal of the Home State
12 License as the Compact Commission may define by Rule. The Licensee must
13 comply with the requirements of subsection 4(A) to maintain the Compact
14 Privilege in the Remote State(s).

15 C. A Licensee exercising a Compact Privilege shall adhere to the
16 laws and regulations of the Remote State. Licensees shall be responsible
17 for educating themselves on, and complying with, any and all State laws
18 relating to the Practice of Dietetics in such Remote State.

19 D. Notwithstanding anything to the contrary provided in this Compact
20 or State law, a Licensee exercising a Compact Privilege shall not be
21 required to complete Continuing Education Requirements required by a
22 Remote State. A Licensee exercising a Compact Privilege is only required
23 to meet any Continuing Education Requirements as required by the Home
24 State.

25 SECTION 5. OBTAINING A NEW HOME STATE LICENSE BASED ON A COMPACT
26 PRIVILEGE

27 A. A Licensee may hold a Home State License, which allows for a
28 Compact Privilege in other Member States, in only one Member State at a
29 time.

30 B. If a Licensee changes Home State by moving between two Member
31 States:

1 1. The Licensee shall file an application for obtaining a new Home
2 State License based on a Compact Privilege, pay all applicable fees, and
3 notify the current and new Home State in accordance with the Rules of the
4 Compact Commission.

5 2. Upon receipt of an application for obtaining a new Home State
6 License by virtue of a Compact Privilege, the new Home State shall verify
7 that the Licensee meets the criteria in Section 4 of this Compact via the
8 Data System, and require that the Licensee complete the following:

9 a. Federal Bureau of Investigation fingerprint based criminal
10 history record information check;

11 b. Any other criminal history record information required by the new
12 Home State; and

13 c. Any Jurisprudence Requirements of the new Home State.

14 3. The former Home State shall convert the former Home State License
15 into a Compact Privilege once the new Home State has activated the new
16 Home State License in accordance with applicable Rules adopted by the
17 Compact Commission.

18 4. Notwithstanding any other provision of this Compact, if the
19 Licensee cannot meet the criteria in Section 4 of this Compact, the new
20 Home State may apply its requirements for issuing a new Single State
21 License.

22 5. The Licensee shall pay all applicable fees to the new Home State
23 in order to be issued a new Home State License.

24 C. If a Licensee changes their State of residence by moving from a
25 Member State to a non-Member State, or from a non-Member State to a
26 Member State, the State criteria shall apply for issuance of a Single
27 State License in the new State.

28 D. Nothing in this Compact shall interfere with a Licensee's ability
29 to hold a Single State License in multiple States; however, for the
30 purposes of this Compact, a Licensee shall have only one Home State
31 License.

1 E. Nothing in this Compact shall affect the requirements established
2 by a Member State for the issuance of a Single State License.

3 SECTION 6. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

4 An Active Military Member, or their spouse, shall designate a Home
5 State where the individual has a current License in good standing. The
6 individual may retain the Home State designation during the period the
7 service member is on active duty.

8 SECTION 7. ADVERSE ACTIONS

9 A. In addition to the other powers conferred by State law, a Remote
10 State shall have the authority, in accordance with existing State due
11 process law, to:

12 1. Take Adverse Action against a Licensee's Compact Privilege within
13 that Member State; and

14 2. Issue subpoenas for both hearings and investigations that require
15 the attendance and testimony of witnesses as well as the production of
16 evidence. Subpoenas issued by a Licensing Authority in a Member State for
17 the attendance and testimony of witnesses or the production of evidence
18 from another Member State shall be enforced in the latter State by any
19 court of competent jurisdiction, according to the practice and procedure
20 applicable to subpoenas issued in proceedings pending before that court.
21 The issuing authority shall pay any witness fees, travel expenses,
22 mileage, and other fees required by the service statutes of the State in
23 which the witnesses or evidence are located.

24 B. Only the Home State shall have the power to take Adverse Action
25 against a Licensee's Home State License.

26 C. For purposes of taking Adverse Action, the Home State shall give
27 the same priority and effect to reported conduct received from a Member
28 State as it would if the conduct had occurred within the Home State. In
29 so doing, the Home State shall apply its own State laws to determine
30 appropriate action.

31 D. The Home State shall complete any pending investigations of a

1 Licensee who changes Home States during the course of the investigations.
2 The Home State shall also have authority to take appropriate action(s)
3 and shall promptly report the conclusions of the investigations to the
4 administrator of the Data System. The administrator of the Data System
5 shall promptly notify the new Home State of any Adverse Actions.

6 E. A Member State, if otherwise permitted by State law, may recover
7 from the affected Licensee the costs of investigations and dispositions
8 of cases resulting from any Adverse Action taken against that Licensee.

9 F. A Member State may take Adverse Action based on the factual
10 findings of another Remote State, provided that the Member State follows
11 its own procedures for taking the Adverse Action.

12 G. Joint Investigations:

13 1. In addition to the authority granted to a Member State by its
14 respective State law, any Member State may participate with other Member
15 States in joint investigations of Licensees.

16 2. Member States shall share any investigative, litigation, or
17 compliance materials in furtherance of any joint investigation initiated
18 under the Compact.

19 H. If Adverse Action is taken by the Home State against a Licensee's
20 Home State License resulting in an Encumbrance on the Home State License,
21 the Licensee's Compact Privilege(s) in all other Member States shall be
22 revoked until all Encumbrances have been removed from the Home State
23 License. All Home State disciplinary orders that impose Adverse Action
24 against a Licensee shall include a statement that the Licensee's Compact
25 Privileges are revoked in all Member States during the pendency of the
26 order.

27 I. Once an Encumbered License in the Home State is restored to an
28 Unencumbered License (as certified by the Home State's Licensing
29 Authority), the Licensee must meet the requirements of Section 4(A) of
30 this Compact and follow the administrative requirements to reapply to
31 obtain a Compact Privilege in any Remote State.

1 J. If a Member State takes Adverse Action, it shall promptly notify
2 the administrator of the Data System. The administrator of the Data
3 System shall promptly notify the other Member States State of any Adverse
4 Actions.

5 K. Nothing in this Compact shall override a Member State's decision
6 that participation in an Alternative Program may be used in lieu of
7 Adverse Action.

8 SECTION 8. ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT
9 COMMISSION

10 A. The Compact Member States hereby create and establish a joint
11 government agency whose membership consists of all Member States that
12 have enacted the Compact known as the Dietitian Licensure Compact
13 Commission. The Compact Commission is an instrumentality of the Compact
14 States acting jointly and not an instrumentality of any one State. The
15 Compact Commission shall come into existence on or after the effective
16 date of the Compact as set forth in Section 12 of this Compact.

17 B. Membership, Voting, and Meetings

18 1. Each Member State shall have and be limited to one delegate
19 selected by that Member State's Licensing Authority.

20 2. The delegate shall be the primary administrator of the Licensing
21 Authority or their designee.

22 3. The Compact Commission shall by Rule or bylaw establish a term of
23 office for delegates and may by Rule or bylaw establish term limits.

24 4. The Compact Commission may recommend removal or suspension of any
25 delegate from office.

26 5. A Member State's Licensing Authority shall fill any vacancy of
27 its delegate occurring on the Compact Commission within sixty days of the
28 vacancy.

29 6. Each delegate shall be entitled to one vote on all matters before
30 the Compact Commission requiring a vote by the delegates.

31 7. Delegates shall meet and vote by such means as set forth in the

1 bylaws. The bylaws may provide for delegates to meet and vote in-person
2 or by telecommunication, video conference, or other means of
3 communication.

4 8. The Compact Commission shall meet at least once during each
5 calendar year. Additional meetings may be held as set forth in the
6 bylaws. The Compact Commission may meet in person or by
7 telecommunication, video conference, or other means of communication.

8 C. The Compact Commission shall have the following powers:

9 1. Establish the fiscal year of the Compact Commission;

10 2. Establish code of conduct and conflict of interest policies;

11 3. Establish and amend Rules and bylaws;

12 4. Maintain its financial records in accordance with the bylaws;

13 5. Meet and take such actions as are consistent with the provisions
14 of this Compact, the Compact Commission's Rules, and the bylaws;

15 6. Initiate and conclude legal proceedings or actions in the name of
16 the Compact Commission, provided that the standing of any Licensing
17 Authority to sue or be sued under applicable law shall not be affected;

18 7. Maintain and certify records and information provided to a Member
19 State as the authenticated business records of the Compact Commission,
20 and designate an agent to do so on the Compact Commission's behalf;

21 8. Purchase and maintain insurance and bonds;

22 9. Borrow, accept, or contract for services of personnel, including,
23 but not limited to, employees of a Member State;

24 10. Conduct an annual financial review;

25 11. Hire employees, elect or appoint officers, fix compensation,
26 define duties, grant such individuals appropriate authority to carry out
27 the purposes of the Compact, and establish the Compact Commission's
28 personnel policies and programs relating to conflicts of interest,
29 qualifications of personnel, and other related personnel matters;

30 12. Assess and collect fees;

31 13. Accept any and all appropriate donations, grants of money, other

1 sources of revenue, equipment, supplies, materials, services, and gifts,
2 and receive, utilize, and dispose of the same; provided that at all times
3 the Compact Commission shall avoid any actual or appearance of
4 impropriety or conflict of interest;

5 14. Lease, purchase, retain, own, hold, improve, or use any
6 property, real, personal, or mixed, or any undivided interest therein;

7 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or
8 otherwise dispose of any property real, personal, or mixed;

9 16. Establish a budget and make expenditures;

10 17. Borrow money;

11 18. Appoint committees, including standing committees, composed of
12 members, State regulators, State legislators or their representatives,
13 and consumer representatives, and such other interested persons as may be
14 designated in this Compact or the bylaws;

15 19. Provide and receive information from, and cooperate with, law
16 enforcement agencies;

17 20. Establish and elect an Executive Committee, including a chair
18 and a vice chair;

19 21. Determine whether a State's adopted language is materially
20 different from the model compact language such that the State would not
21 qualify for participation in the Compact; and

22 22. Perform such other functions as may be necessary or appropriate
23 to achieve the purposes of this Compact.

24 D. The Executive Committee

25 1. The Executive Committee shall have the power to act on behalf of
26 the Compact Commission according to the terms of this Compact. The
27 powers, duties, and responsibilities of the Executive Committee shall
28 include:

29 a. Oversee the day-to-day activities of the administration of the
30 Compact including enforcement and compliance with the provisions of the
31 Compact, its Rules and bylaws, and other such duties as deemed necessary;

1 b. Recommend to the Compact Commission changes to the Rules or
2 bylaws, changes to this Compact legislation, fees charged to Compact
3 Member States, fees charged to Licensees, and other fees;

4 c. Ensure Compact administration services are appropriately
5 provided, including by contract;

6 d. Prepare and recommend the budget;

7 e. Maintain financial records on behalf of the Compact Commission;

8 f. Monitor Compact compliance of Member States and provide
9 compliance reports to the Compact Commission;

10 g. Establish additional committees as necessary;

11 h. Exercise the powers and duties of the Compact Commission during
12 the interim between Compact Commission meetings, except for adopting or
13 amending Rules, adopting or amending bylaws, and exercising any other
14 powers and duties expressly reserved to the Compact Commission by Rule or
15 bylaw; and

16 i. Other duties as provided in the Rules or bylaws of the Compact
17 Commission.

18 2. The Executive Committee shall be composed of nine members:

19 a. The chair and vice chair of the Compact Commission shall be
20 voting members of the Executive Committee;

21 b. Five voting members from the current membership of the Compact
22 Commission, elected by the Compact Commission;

23 c. One ex officio, nonvoting member from a recognized professional
24 association representing dietitians; and

25 d. One ex officio, nonvoting member from a recognized national
26 credentialing organization for dietitians.

27 3. The Compact Commission may remove any member of the Executive
28 Committee as provided in the Compact Commission's bylaws.

29 4. The Executive Committee shall meet at least annually.

30 a. Executive Committee meetings shall be open to the public, except
31 that the Executive Committee may meet in a closed, nonpublic meeting as

1 provided in subsection (F)(2).

2 b. The Executive Committee shall give thirty days' notice of its
3 meetings, posted on the website of the Compact Commission and as
4 determined to provide notice to persons with an interest in the business
5 of the Compact Commission.

6 c. The Executive Committee may hold a special meeting in accordance
7 with subsection (F)(1)(b).

8 E. The Compact Commission shall adopt and provide to the Member
9 States an annual report.

10 F. Meetings of the Compact Commission

11 1. All meetings shall be open to the public, except that the Compact
12 Commission may meet in a closed, nonpublic meeting as provided in
13 subsection (F)(2).

14 a. Public notice for all meetings of the full Compact Commission
15 shall be given in the same manner as required under the rulemaking
16 provisions in Section 10, except that the Compact Commission may hold a
17 special meeting as provided in subsection (F)(1)(b).

18 b. The Compact Commission may hold a special meeting when it must
19 meet to conduct emergency business by giving twenty-four hours' notice to
20 all Member States, on the Compact Commission's website, and by other
21 means as provided in the Compact Commission's Rules. The Compact
22 Commission's legal counsel shall certify that the Compact Commission's
23 need to meet qualifies as an emergency.

24 2. The Compact Commission or the Executive Committee or other
25 committees of the Compact Commission may convene in a closed, nonpublic
26 meeting for the Compact Commission or Executive Committee or other
27 committees of the Compact Commission to receive legal advice or to
28 discuss:

29 a. Non-compliance of a Member State with its obligations under the
30 Compact;

31 b. The employment, compensation, discipline, or other matters,

1 practices, or procedures related to specific employees;

2 c. Current or threatened discipline of a Licensee by the Compact
3 Commission or by a Member State's Licensing Authority;

4 d. Current, threatened, or reasonably anticipated litigation;

5 e. Negotiation of contracts for the purchase, lease, or sale of
6 goods, services, or real estate;

7 f. Accusing any person of a crime or formally censuring any person;

8 g. Trade secrets or commercial or financial information that is
9 privileged or confidential;

10 h. Information of a personal nature where disclosure would
11 constitute a clearly unwarranted invasion of personal privacy;

12 i. Investigative records compiled for law enforcement purposes;

13 j. Information related to any investigative reports prepared by or
14 on behalf of or for use of the Compact Commission or other committee
15 charged with responsibility of investigation or determination of
16 compliance issues pursuant to the Compact;

17 k. Matters specifically exempted from disclosure by federal or
18 Member State law; or

19 l. Other matters as specified in the Rules of the Compact
20 Commission.

21 3. If a meeting, or portion of a meeting, is closed, the presiding
22 officer shall state that the meeting will be closed and reference each
23 relevant exempting provision, and such reference shall be recorded in the
24 minutes.

25 4. The Compact Commission shall keep minutes that fully and clearly
26 describe all matters discussed in a meeting and shall provide a full and
27 accurate summary of actions taken, and the reasons therefore, including a
28 description of the views expressed. All documents considered in
29 connection with an action shall be identified in such minutes. All
30 minutes and documents of a closed meeting shall remain under seal,
31 subject to release only by a majority vote of the Compact Commission or

1 order of a court of competent jurisdiction.

2 G. Financing of the Compact Commission

3 1. The Compact Commission shall pay, or provide for the payment of,
4 the reasonable expenses of its establishment, organization, and ongoing
5 activities.

6 2. The Compact Commission may accept any and all appropriate revenue
7 sources as provided in subsection (C)(13).

8 3. The Compact Commission may levy on and collect an annual
9 assessment from each Member State and impose fees on Licensees of Member
10 States to whom it grants a Compact Privilege to cover the cost of the
11 operations and activities of the Compact Commission and its staff, which
12 must, in a total amount, be sufficient to cover its annual budget as
13 approved each year for which revenue is not provided by other sources.
14 The aggregate annual assessment amount for Member States shall be
15 allocated based upon a formula that the Compact Commission shall
16 promulgate by Rule.

17 4. The Compact Commission shall not incur obligations of any kind
18 prior to securing the funds adequate to meet the same; nor shall the
19 Compact Commission pledge the credit of any of the Member States, except
20 by and with the authority of the Member State.

21 5. The Compact Commission shall keep accurate accounts of all
22 receipts and disbursements. The receipts and disbursements of the Compact
23 Commission shall be subject to the financial review and accounting
24 procedures established under its bylaws. However, all receipts and
25 disbursements of funds handled by the Compact Commission shall be subject
26 to an annual financial review by a certified or licensed public
27 accountant, and the report of the financial review shall be included in
28 and become part of the annual report of the Compact Commission.

29 H. Qualified Immunity, Defense, and Indemnification

30 1. The members, officers, executive director, employees and
31 representatives of the Compact Commission shall have no greater liability

1 than a state employee would have under the same or similar circumstances,
2 either personally or in their official capacity, for any claim for damage
3 to or loss of property or personal injury or other civil liability caused
4 by or arising out of any actual or alleged act, error, or omission that
5 occurred, or that the person against whom the claim is made had a
6 reasonable basis for believing occurred within the scope of Compact
7 Commission employment, duties, or responsibilities; provided that nothing
8 in this paragraph shall be construed to protect any such person from suit
9 or liability for any damage, loss, injury, or liability caused by the
10 intentional or willful or wanton misconduct of that person. The
11 procurement of insurance of any type by the Compact Commission shall not
12 in any way compromise or limit the immunity granted hereunder.

13 2. The Compact Commission shall defend any member, officer,
14 executive director, employee, and representative of the Compact
15 Commission in any civil action seeking to impose liability arising out of
16 any actual or alleged act, error, or omission that occurred within the
17 scope of Compact Commission employment, duties, or responsibilities, or
18 as determined by the Compact Commission that the person against whom the
19 claim is made had a reasonable basis for believing occurred within the
20 scope of Compact Commission employment, duties, or responsibilities;
21 provided that nothing herein shall be construed to prohibit that person
22 from retaining their own counsel at their own expense; and provided
23 further, that the actual or alleged act, error, or omission did not
24 result from that person's intentional or willful or wanton misconduct.

25 3. The Compact Commission shall indemnify and hold harmless any
26 member, officer, executive director, employee, and representative of the
27 Compact Commission for the amount of any settlement or judgment obtained
28 against that person arising out of any actual or alleged act, error, or
29 omission that occurred within the scope of Compact Commission employment,
30 duties, or responsibilities, or that such person had a reasonable basis
31 for believing occurred within the scope of Compact Commission employment,

1 duties, or responsibilities, provided that the actual or alleged act,
2 error, or omission did not result from the intentional or willful or
3 wanton misconduct of that person.

4 4. Nothing herein shall be construed as a limitation on the
5 liability of any Licensee for professional malpractice or misconduct,
6 which shall be governed solely by any other applicable State laws.

7 5. Nothing in this Compact shall be interpreted to waive or
8 otherwise abrogate a Member State's state action immunity or state action
9 affirmative defense with respect to antitrust claims under the Sherman
10 Act, Clayton Act, or any other State or federal antitrust or
11 anticompetitive law or regulation.

12 6. Nothing in this Compact shall be construed to be a waiver of
13 sovereign immunity by the Member States or by the Compact Commission.

14 SECTION 9. DATA SYSTEM

15 A. The Compact Commission shall provide for the development,
16 maintenance, operation, and utilization of a coordinated Data System.

17 B. The Compact Commission shall assign each applicant for a Compact
18 Privilege a unique identifier, as determined by the Rules.

19 C. Notwithstanding any other provision of State law to the contrary,
20 a Member State shall submit a uniform data set to the Data System on all
21 individuals to whom this Compact is applicable as required by the Rules
22 of the Compact Commission, including:

23 1. Identifying information;

24 2. Licensure data;

25 3. Adverse Actions against a License or Compact Privilege and
26 information related thereto;

27 4. Nonconfidential information related to Alternative Program
28 participation, the beginning and ending dates of such participation, and
29 other information related to such participation not made confidential
30 under Member State law;

31 5. Any denial of application for licensure, and the reason(s) for

1 such denial;

2 6. The presence of Current Significant Investigative Information;
3 and

4 7. Other information that may facilitate the administration of this
5 Compact or the protection of the public, as determined by the Rules of
6 the Compact Commission.

7 D. The records and information provided to a Member State pursuant
8 to this Compact or through the Data System, when certified by the Compact
9 Commission or an agent thereof, shall constitute the authenticated
10 business records of the Compact Commission, and shall be entitled to any
11 associated hearsay exception in any relevant judicial, quasi-judicial, or
12 administrative proceedings in a Member State.

13 E. Current Significant Investigative Information pertaining to a
14 Licensee in any Member State will only be available to other Member
15 States.

16 F. It is the responsibility of the Member States to report any
17 Adverse Action against a Licensee and to monitor the Data System to
18 determine whether any Adverse Action has been taken against a Licensee.
19 Adverse Action information pertaining to a Licensee in any Member State
20 will be available to any other Member State.

21 G. Member States contributing information to the Data System may
22 designate information that may not be shared with the public without the
23 express permission of the contributing State.

24 H. Any information submitted to the Data System that is subsequently
25 expunged pursuant to federal law or the laws of the Member State
26 contributing the information shall be removed from the Data System.

27 SECTION 10. RULEMAKING

28 A. The Compact Commission shall promulgate reasonable Rules in order
29 to effectively and efficiently implement and administer the purposes and
30 provisions of the Compact. A Rule shall be invalid and have no force or
31 effect only if a court of competent jurisdiction holds that the Rule is

1 invalid because the Compact Commission exercised its rulemaking authority
2 in a manner that is beyond the scope and purposes of the Compact, or the
3 powers granted hereunder, or based upon another applicable standard of
4 review.

5 B. The Rules of the Compact Commission shall have the force of law
6 in each Member State, provided however that where the Rules conflict with
7 the laws or regulations of a Member State that relate to the procedures,
8 actions, and processes a Licensed Dietitian is permitted to undertake in
9 that State and the circumstances under which they may do so, as held by a
10 court of competent jurisdiction, the Rules of the Compact Commission
11 shall be ineffective in that State to the extent of the conflict.

12 C. The Compact Commission shall exercise its rulemaking powers
13 pursuant to the criteria set forth in this Section and the Rules adopted
14 thereunder. Rules shall become binding on the day following adoption or
15 as of the date specified in the Rule or amendment, whichever is later.

16 D. If a majority of the legislatures of the Member States rejects a
17 Rule or portion of a Rule, by enactment of a statute or resolution in the
18 same manner used to adopt the Compact within four years of the date of
19 adoption of the Rule, then such Rule shall have no further force and
20 effect in any Member State.

21 E. Rules shall be adopted at a regular or special meeting of the
22 Compact Commission.

23 F. Prior to adoption of a proposed Rule, the Compact Commission
24 shall hold a public hearing and allow persons to provide oral and written
25 comments, data, facts, opinions, and arguments.

26 G. Prior to adoption of a proposed Rule by the Compact Commission,
27 and at least thirty days in advance of the meeting at which the Compact
28 Commission will hold a public hearing on the proposed Rule, the Compact
29 Commission shall provide a Notice of Proposed rulemaking:

30 1. On the website of the Compact Commission or other publicly
31 accessible platform;

1 2. To persons who have requested notice of the Compact Commission's
2 notices of proposed rulemaking; and

3 3. In such other way(s) as the Compact Commission may by Rule
4 specify.

5 H. The Notice of Proposed rulemaking shall include:

6 1. The time, date, and location of the public hearing at which the
7 Compact Commission will hear public comments on the proposed Rule and, if
8 different, the time, date, and location of the meeting where the Compact
9 Commission will consider and vote on the proposed Rule;

10 2. If the hearing is held via telecommunication, video conference,
11 or other means of communication, the Compact Commission shall include the
12 mechanism for access to the hearing in the Notice of Proposed rulemaking;

13 3. The text of the proposed Rule and the reason therefore;

14 4. A request for comments on the proposed Rule from any interested
15 person; and

16 5. The manner in which interested persons may submit written
17 comments.

18 I. All hearings will be recorded. A copy of the recording and all
19 written comments and documents received by the Compact Commission in
20 response to the proposed Rule shall be available to the public.

21 J. Nothing in this Section shall be construed as requiring a
22 separate hearing on each Rule. Rules may be grouped for the convenience
23 of the Compact Commission at hearings required by this Section.

24 K. The Compact Commission shall, by majority vote of all members,
25 take final action on the proposed Rule based on the rulemaking record and
26 the full text of the Rule.

27 1. The Compact Commission may adopt changes to the proposed Rule
28 provided the changes do not enlarge the original purpose of the proposed
29 Rule.

30 2. The Compact Commission shall provide an explanation of the
31 reasons for substantive changes made to the proposed Rule as well as

1 reasons for substantive changes not made that were recommended by
2 commenters.

3 3. The Compact Commission shall determine a reasonable effective
4 date for the Rule. Except for an emergency as provided in subsection
5 10(L), the effective date of the Rule shall be no sooner than thirty days
6 after issuing the notice that it adopted or amended the Rule.

7 L. Upon determination that an emergency exists, the Compact
8 Commission may consider and adopt an emergency Rule with twenty-four
9 hours' notice, with opportunity to comment, provided that the usual
10 rulemaking procedures provided in the Compact and in this Section shall
11 be retroactively applied to the Rule as soon as reasonably possible, in
12 no event later than ninety days after the effective date of the Rule. For
13 the purposes of this provision, an emergency Rule is one that must be
14 adopted immediately in order to:

- 15 1. Meet an imminent threat to public health, safety, or welfare;
16 2. Prevent a loss of Compact Commission or Member State funds;
17 3. Meet a deadline for the promulgation of a Rule that is
18 established by federal law or rule; or
19 4. Protect public health and safety.

20 M. The Compact Commission or an authorized committee of the Compact
21 Commission may direct revision to a previously adopted Rule for purposes
22 of correcting typographical errors, errors in format, errors in
23 consistency, or grammatical errors. Public notice of any revision shall
24 be posted on the website of the Compact Commission. The revision shall be
25 subject to challenge by any person for a period of thirty days after
26 posting. The revision may be challenged only on grounds that the revision
27 results in a material change to a Rule. A challenge shall be made in
28 writing and delivered to the Compact Commission prior to the end of the
29 notice period. If no challenge is made, the revision will take effect
30 without further action. If the revision is challenged, the revision may
31 not take effect without the approval of the Compact Commission.

1 N. No Member State's rulemaking requirements shall apply under this
2 Compact.

3 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

4 A. Oversight

5 1. The executive and judicial branches of State government in each
6 Member State shall enforce this Compact and take all actions necessary
7 and appropriate to implement this Compact.

8 2. Except as otherwise provided in this Compact, venue is proper and
9 judicial proceedings by or against the Compact Commission shall be
10 brought solely and exclusively in a court of competent jurisdiction where
11 the principal office of the Compact Commission is located. The Compact
12 Commission may waive venue and jurisdictional defenses to the extent it
13 adopts or consents to participate in alternative dispute resolution
14 proceedings. Nothing herein shall affect or limit the selection or
15 propriety of venue in any action against a Licensee for professional
16 malpractice, misconduct, or any such similar matter.

17 3. The Compact Commission shall be entitled to receive service of
18 process in any proceeding regarding the enforcement or interpretation of
19 the Compact and shall have standing to intervene in such a proceeding for
20 all purposes. Failure to provide the Compact Commission service of
21 process shall render a judgment or order void as to the Compact
22 Commission, this Compact, or promulgated Rules.

23 B. Default, Technical Assistance, and Termination

24 1. If the Compact Commission determines that a Member State has
25 defaulted in the performance of its obligations or responsibilities under
26 this Compact or the promulgated Rules, the Compact Commission shall
27 provide written notice to the defaulting State. The notice of default
28 shall describe the default, the proposed means of curing the default, and
29 any other action that the Compact Commission may take and shall offer
30 training and specific technical assistance regarding the default.

31 2. The Compact Commission shall provide a copy of the notice of

1 default to the other Member States.

2 C. If a State in default fails to cure the default, the defaulting
3 State may be terminated from the Compact upon an affirmative vote of a
4 majority of the delegates of the Member States, and all rights,
5 privileges, and benefits conferred on that State by this Compact may be
6 terminated on the effective date of termination. A cure of the default
7 does not relieve the offending State of obligations or liabilities
8 incurred during the period of default.

9 D. Termination of membership in the Compact shall be imposed only
10 after all other means of securing compliance have been exhausted. Notice
11 of intent to suspend or terminate shall be given by the Compact
12 Commission to the governor, the majority and minority leaders of the
13 defaulting State's legislature, the defaulting State's Licensing
14 Authority, and each of the Member States' Licensing Authority.

15 E. A State that has been terminated is responsible for all
16 assessments, obligations, and liabilities incurred through the effective
17 date of termination, including obligations that extend beyond the
18 effective date of termination.

19 F. Upon the termination of a State's membership from this Compact,
20 that State shall immediately provide notice to all Licensees within that
21 State of such termination. The terminated State shall continue to
22 recognize all Compact Privileges granted pursuant to this Compact for a
23 minimum of six months after the date of said notice of termination.

24 G. The Compact Commission shall not bear any costs related to a
25 State that is found to be in default or that has been terminated from the
26 Compact, unless agreed upon in writing between the Compact Commission and
27 the defaulting State.

28 H. The defaulting State may appeal the action of the Compact
29 Commission by petitioning the United States District Court for the
30 District of Columbia or the federal district where the Compact Commission
31 has its principal offices. The prevailing party shall be awarded all

1 costs of such litigation, including reasonable attorney's fees.

2 I. Dispute Resolution

3 1. Upon request by a Member State, the Compact Commission shall
4 attempt to resolve disputes related to the Compact that arise among
5 Member States and between Member and non-Member States.

6 2. The Compact Commission shall promulgate a Rule providing for both
7 mediation and binding dispute resolution for disputes as appropriate.

8 J. Enforcement

9 1. By supermajority vote, the Compact Commission may initiate legal
10 action against a Member State in default in the United States District
11 Court for the District of Columbia or the federal district where the
12 Compact Commission has its principal offices to enforce compliance with
13 the provisions of the Compact and its promulgated Rules. The relief
14 sought may include both injunctive relief and damages. In the event
15 judicial enforcement is necessary, the prevailing party shall be awarded
16 all costs of such litigation, including reasonable attorney's fees. The
17 remedies herein shall not be the exclusive remedies of the Compact
18 Commission. The Compact Commission may pursue any other remedies
19 available under federal or the defaulting Member State's law.

20 2. A Member State may initiate legal action against the Compact
21 Commission in the United States District Court for the District of
22 Columbia or the federal district where the Compact Commission has its
23 principal offices to enforce compliance with the provisions of the
24 Compact and its promulgated Rules. The relief sought may include both
25 injunctive relief and damages. In the event judicial enforcement is
26 necessary, the prevailing party shall be awarded all costs of such
27 litigation, including reasonable attorney's fees.

28 3. No party other than a Member State shall enforce this Compact
29 against the Compact Commission.

30 SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

31 A. The Compact shall come into effect on the date on which the

1 Compact statute is enacted into law in the seventh Member State.

2 1. On or after the effective date of the Compact, the Compact
3 Commission shall convene and review the enactment of each of the first
4 seven Member States ("Charter Member States") to determine if the statute
5 enacted by each such Charter Member State is materially different than
6 the model Compact statute.

7 a. A Charter Member State whose enactment is found to be materially
8 different from the model Compact statute shall be entitled to the default
9 process set forth in Section 11 of this Compact.

10 b. If any Member State is later found to be in default, or is
11 terminated, or withdraws from the Compact, the Compact Commission shall
12 remain in existence and the Compact shall remain in effect even if the
13 number of Member States should be less than seven.

14 2. Member States enacting the Compact subsequent to the seven
15 initial Charter Member States shall be subject to the process set forth
16 in Section 8(C)(21) of this Compact to determine if their enactments are
17 materially different from the model Compact statute and whether they
18 qualify for participation in the Compact.

19 3. All actions taken for the benefit of the Compact Commission or in
20 furtherance of the purposes of the administration of the Compact prior to
21 the effective date of the Compact or the Compact Commission coming into
22 existence shall be considered to be actions of the Compact Commission
23 unless specifically repudiated by the Compact Commission.

24 4. Any State that joins the Compact subsequent to the Compact
25 Commission's initial adoption of the Rules and bylaws shall be subject to
26 the Rules and bylaws as they exist on the date on which the Compact
27 becomes law in that State. Any Rule that has been previously adopted by
28 the Compact Commission shall have the full force and effect of law on the
29 day the Compact becomes law in that State.

30 B. Any Member State may withdraw from this Compact by enacting a
31 statute repealing the same.

1 1. A Member State's withdrawal shall not take effect until one
2 hundred eighty days after enactment of the repealing statute.

3 2. Withdrawal shall not affect the continuing requirement of the
4 withdrawing State's Licensing Authority to comply with the investigative
5 and Adverse Action reporting requirements of this Compact prior to the
6 effective date of withdrawal.

7 3. Upon the enactment of a statute withdrawing from this Compact, a
8 State shall immediately provide notice of such withdrawal to all
9 Licensees within that State. Notwithstanding any subsequent statutory
10 enactment to the contrary, such withdrawing State shall continue to
11 recognize all Compact Privileges granted pursuant to this Compact for a
12 minimum of one hundred eighty days after the date of such notice of
13 withdrawal.

14 C. Nothing contained in this Compact shall be construed to
15 invalidate or prevent any licensure agreement or other cooperative
16 arrangement between a Member State and a non-Member State that does not
17 conflict with the provisions of this Compact.

18 D. This Compact may be amended by the Member States. No amendment to
19 this Compact shall become effective and binding upon any Member State
20 until it is enacted into the laws of all Member States.

21 SECTION 13. CONSTRUCTION AND SEVERABILITY

22 A. This Compact and the Compact Commission's rulemaking authority
23 shall be liberally construed so as to effectuate the purposes and the
24 implementation and administration of the Compact. Provisions of the
25 Compact expressly authorizing or requiring the promulgation of Rules
26 shall not be construed to limit the Compact Commission's rulemaking
27 authority solely for those purposes.

28 B. The provisions of this Compact shall be severable and if any
29 phrase, clause, sentence, or provision of this Compact is held by a court
30 of competent jurisdiction to be contrary to the constitution of any
31 Member State, a State seeking participation in the Compact, or of the

1 United States, or the applicability thereof to any government, agency,
2 person, or circumstance is held to be unconstitutional by a court of
3 competent jurisdiction, the validity of the remainder of this Compact and
4 the applicability thereof to any other government, agency, person, or
5 circumstance shall not be affected thereby.

6 C. Notwithstanding subsection 13(B), the Compact Commission may deny
7 a State's participation in the Compact or, in accordance with the
8 requirements of Section 11(B) of this Compact, terminate a Member State's
9 participation in the Compact, if it determines that a constitutional
10 requirement of a Member State is a material departure from the Compact.
11 Otherwise, if this Compact shall be held to be contrary to the
12 constitution of any Member State, the Compact shall remain in full force
13 and effect as to the remaining Member States and in full force and effect
14 as to the Member State affected as to all severable matters.

15 SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

16 A. Nothing herein shall prevent or inhibit the enforcement of any
17 other law of a Member State that is not inconsistent with the Compact.

18 B. Any laws, statutes, regulations, or other legal requirements in a
19 Member State in conflict with the Compact are superseded to the extent of
20 the conflict.

21 C. All permissible agreements between the Compact Commission and the
22 Member States are binding in accordance with their terms.

23 Sec. 3. Section 28-410, Revised Statutes Cumulative Supplement,
24 2022, is amended to read:

25 28-410 (1) Each registrant manufacturing, distributing, or
26 dispensing controlled substances in Schedule I, II, III, IV, or V of
27 section 28-405 shall keep and maintain a complete and accurate record of
28 all stocks of such controlled substances on hand. Such records shall be
29 maintained for five years.

30 (2) Each registrant manufacturing, distributing, storing, or
31 dispensing such controlled substances shall prepare a biennial ~~an annual~~

1 inventory of each controlled substance in the registrant's his or her
2 possession in accordance with 21 C.F.R. 1304.11, as such regulation
3 existed on January 1, 2024. Such inventory shall (a) be taken within two
4 years one year after the previous annual inventory date, (b) contain such
5 information as shall be required by the Board of Pharmacy, (c) be copied
6 and such copy forwarded to the department within thirty days after
7 completion, (d) be maintained at the location listed on the registration
8 for a period of five years, (e) contain the name, address, and Drug
9 Enforcement Administration number of the registrant, the date and time of
10 day the inventory was completed, and the signature of the person
11 responsible for taking the inventory, (f) list the exact count or measure
12 of all controlled substances listed in Schedules I, II, III, IV, and V of
13 section 28-405, and (g) be maintained in permanent, read-only format
14 separating the inventory for controlled substances listed in Schedules I
15 and II of section 28-405 from the inventory for controlled substances
16 listed in Schedules III, IV, and V of section 28-405. A registrant whose
17 inventory fails to comply with this subsection shall be guilty of a Class
18 IV misdemeanor.

19 (3) This section shall not apply to practitioners who prescribe or
20 administer, as a part of their practice, controlled substances listed in
21 Schedule II, III, IV, or V of section 28-405 unless such practitioner
22 regularly engages in dispensing any such drug or drugs to his or her
23 patients.

24 (4) Controlled substances shall be stored in accordance with the
25 following:

26 (a) All controlled substances listed in Schedule I of section 28-405
27 must be stored in a locked cabinet; and

28 (b) All controlled substances listed in Schedule II, III, IV, or V
29 of section 28-405 must be stored in a locked cabinet or distributed
30 throughout the inventory of noncontrolled substances in a manner which
31 will obstruct theft or diversion of the controlled substances or both.

1 (5) Each pharmacy which is registered with the administration and in
2 which controlled substances are stored or dispensed shall complete a
3 controlled-substances inventory when there is a change in the pharmacist-
4 in-charge. The inventory shall contain the information required in the
5 annual inventory, and the original copy shall be maintained in the
6 pharmacy for five years after the date it is completed.

7 Sec. 4. Section 28-414, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 28-414 (1) Except as otherwise provided in this section or section
10 28-412 or when administered directly by a practitioner to an ultimate
11 user, a controlled substance listed in Schedule II of section 28-405
12 shall not be dispensed without a prescription from a practitioner
13 authorized to prescribe. ~~All Beginning January 1, 2022, all such~~
14 ~~prescriptions shall be subject to section 38-1,146, except that all such~~
15 ~~prescriptions issued by a practitioner who is a dentist shall be subject~~
16 ~~to section 38-1,146 beginning January 1, 2024.~~ No prescription for a
17 controlled substance listed in Schedule II of section 28-405 shall be
18 filled more than six months from the date of issuance. A prescription for
19 a controlled substance listed in Schedule II of section 28-405 shall not
20 be refilled.

21 (2)(a) Except as provided in subdivision (2)(b) of this section, a
22 ~~(2)~~ A prescription for controlled substances listed in Schedule II of
23 section 28-405 must contain the following information prior to being
24 filled by a pharmacist or dispensing practitioner: (i) ~~(a)~~ Patient's name
25 and address, (ii) ~~(b)~~ name of the drug, device, or biological, (iii) ~~(c)~~
26 strength of the drug or biological, if applicable, (iv) ~~(d)~~ dosage form
27 of the drug or biological, (v) ~~(e)~~ quantity of the drug, device, or
28 biological prescribed, (vi) ~~(f)~~ directions for use, (vii) ~~(g)~~ date of
29 issuance, (viii) ~~(h)~~ prescribing practitioner's name and address, and
30 (ix) ~~(i)~~ Drug Enforcement Administration number of the prescribing
31 practitioner.

1 (b) After consultation with the prescribing practitioner, a
2 pharmacist may add or change the dosage form, drug strength, drug
3 quantity, directions for use, and issue date for a prescription for a
4 controlled substance listed in Schedule II of section 28-405.

5 (c) If the prescription is a written paper prescription, the paper
6 prescription must contain the prescribing practitioner's manual
7 signature. If the prescription is an electronic prescription, the
8 electronic prescription must contain all of the elements in subdivision
9 (2)(a) of this section subdivisions (a) through (i) of this subsection,
10 must be digitally signed, and must be transmitted to and received by the
11 pharmacy electronically to meet all of the requirements of the Controlled
12 Substances Act, 21 U.S.C. 801 et seq., as it existed on January 1, 2014,
13 pertaining to electronic prescribing of controlled substances.

14 (3)(a) In emergency situations, a controlled substance listed in
15 Schedule II of section 28-405 may be dispensed pursuant to an oral
16 prescription reduced to writing in accordance with subsection (2) of this
17 section, except for the prescribing practitioner's signature, and bearing
18 the word "emergency".

19 (b) For purposes of this section, emergency situation means a
20 situation in which a prescribing practitioner determines that (i)
21 immediate administration of the controlled substance is necessary for
22 proper treatment of the patient, (ii) no appropriate alternative
23 treatment is available, including administration of a drug which is not a
24 controlled substance listed in Schedule II of section 28-405, and (iii)
25 it is not reasonably possible for the prescribing practitioner to provide
26 a signed, written or electronic prescription to be presented to the
27 person dispensing the controlled substance prior to dispensing.

28 (4)(a) In nonemergency situations:

29 (i) A controlled substance listed in Schedule II of section 28-405
30 may be dispensed pursuant to a facsimile of a written, signed paper
31 prescription if the original written, signed paper prescription is

1 presented to the pharmacist for review before the controlled substance is
2 dispensed, except as provided in subdivision (a)(ii) or (iii) of this
3 subsection;

4 (ii) A narcotic drug listed in Schedule II of section 28-405 may be
5 dispensed pursuant to a facsimile of a written, signed paper prescription
6 (A) to be compounded for direct parenteral administration to a patient
7 for the purpose of home infusion therapy or (B) for administration to a
8 patient enrolled in a hospice care program and bearing the words "hospice
9 patient"; and

10 (iii) A controlled substance listed in Schedule II of section 28-405
11 may be dispensed pursuant to a facsimile of a written, signed paper
12 prescription for administration to a resident of a long-term care
13 facility.

14 (b) For purposes of subdivisions (a)(ii) and (iii) of this
15 subsection, a facsimile of a written, signed paper prescription shall
16 serve as the original written prescription and shall be maintained in
17 accordance with subsection (1) of section 28-414.03.

18 (5)(a) A prescription for a controlled substance listed in Schedule
19 II of section 28-405 may be partially filled if the pharmacist does not
20 supply the full quantity prescribed and he or she makes a notation of the
21 quantity supplied on the face of the prescription or in the electronic
22 record. The remaining portion of the prescription may be filled no later
23 than thirty days after the date on which the prescription is written. The
24 pharmacist shall notify the prescribing practitioner if the remaining
25 portion of the prescription is not or cannot be filled within such
26 period. No further quantity may be supplied after such period without a
27 new written, signed paper prescription or electronic prescription.

28 (b) A prescription for a controlled substance listed in Schedule II
29 of section 28-405 written for a patient in a long-term care facility or
30 for a patient with a medical diagnosis documenting a terminal illness may
31 be partially filled. Such prescription shall bear the words "terminally

1 ill" or "long-term care facility patient" on its face or in the
2 electronic record. If there is any question whether a patient may be
3 classified as having a terminal illness, the pharmacist shall contact the
4 prescribing practitioner prior to partially filling the prescription.
5 Both the pharmacist and the prescribing practitioner have a corresponding
6 responsibility to assure that the controlled substance is for a
7 terminally ill patient. For each partial filling, the dispensing
8 pharmacist shall record on the back of the prescription or on another
9 appropriate record, uniformly maintained and readily retrievable, the
10 date of the partial filling, quantity dispensed, remaining quantity
11 authorized to be dispensed, and the identification of the dispensing
12 pharmacist. The total quantity of controlled substances listed in
13 Schedule II which is dispensed in all partial fillings shall not exceed
14 the total quantity prescribed. A prescription for a Schedule II
15 controlled substance for a patient in a long-term care facility or a
16 patient with a medical diagnosis documenting a terminal illness is valid
17 for sixty days from the date of issuance or until discontinuance of the
18 prescription, whichever occurs first.

19 Sec. 5. Section 38-131, Revised Statutes Supplement, 2023, is
20 amended to read:

21 38-131 (1) An applicant for an initial license to practice as a
22 physician assistant, a registered nurse, a licensed practical nurse, a
23 physical therapist, a physical therapy assistant, a psychologist, an
24 advanced emergency medical technician, an emergency medical technician,
25 an audiologist, a speech-language pathologist, a licensed independent
26 mental health practitioner, an occupational therapist, an occupational
27 therapy assistant, a dietitian, or a paramedic or to practice a
28 profession which is authorized to prescribe controlled substances shall
29 be subject to a criminal background check. Except as provided in
30 subsection (4) of this section, such an applicant for an initial license
31 shall submit a full set of fingerprints to the Nebraska State Patrol for

1 a criminal history record information check. The applicant shall
2 authorize release of the results of the national criminal history record
3 information check by the Federal Bureau of Investigation to the
4 department. The applicant shall pay the actual cost of the fingerprinting
5 and criminal background check.

6 (2) The Nebraska State Patrol is authorized to submit the
7 fingerprints of such applicants to the Federal Bureau of Investigation
8 and to issue a report to the department that includes the criminal
9 history record information concerning the applicant. The Nebraska State
10 Patrol shall forward submitted fingerprints to the Federal Bureau of
11 Investigation for a national criminal history record information check.
12 The Nebraska State Patrol shall issue a report to the department that
13 includes the criminal history record information concerning the
14 applicant.

15 (3) This section shall not apply to a dentist who is an applicant
16 for a dental locum tenens under section 38-1122, to a physician or
17 osteopathic physician who is an applicant for a physician locum tenens
18 under section 38-2036, or to a veterinarian who is an applicant for a
19 veterinarian locum tenens under section 38-3335.

20 (4) An applicant for a temporary educational permit as defined in
21 section 38-2019 shall have ninety days from the issuance of the permit to
22 comply with subsection (1) of this section and shall have such permit
23 suspended after such ninety-day period if the criminal background check
24 is not complete or revoked if the criminal background check reveals that
25 the applicant was not qualified for the permit.

26 (5) The department and the Nebraska State Patrol may adopt and
27 promulgate rules and regulations concerning costs associated with the
28 fingerprinting and the national criminal history record information
29 check.

30 (6) For purposes of interpretation by the Federal Bureau of
31 Investigation, the term department in this section means the Division of

1 Public Health of the Department of Health and Human Services.

2 Sec. 6. Section 38-142, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 38-142 (1) The credential to practice a profession shall be renewed
5 biennially upon request of the credentialed person and upon documentation
6 of continuing competency pursuant to sections 38-145 and 38-146. The
7 renewals provided for in this section shall be accomplished in such
8 manner and on such date as the department, with the recommendation of the
9 appropriate board, may establish.

10 The request for renewal shall be accompanied by the renewal fee and
11 include all information required by the department~~and shall be~~
12 ~~accompanied by the renewal fee.~~ Requests to renew licenses for licensed
13 practical nurses, registered nurses, and advanced practice registered
14 nurses shall include evidence that the licensee has registered with the
15 electronic database utilized by the department for the purpose of
16 providing the licensee with current license status and nursing workforce
17 data collection. ~~Such~~ fee shall be paid not later than the
18 date of the expiration of such credential, except that persons actively
19 engaged in the military service of the United States, as defined in the
20 Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., as the act
21 existed on January 1, 2007, shall not be required to pay the renewal fee.

22 (2) At least thirty days before the expiration of a credential, the
23 department shall notify each credentialed person at his or her last
24 address of record. If a credentialed person fails to notify the
25 department of his or her desire to have his or her credential placed on
26 inactive status upon its expiration, fails to meet the requirements for
27 renewal on or before the date of expiration of his or her credential, or
28 otherwise fails to renew his or her credential, it shall expire. When a
29 person's credential expires, the right to represent himself or herself as
30 a credentialed person and to practice the profession in which a
31 credential is required shall terminate. Any credentialed person who fails

1 to renew the credential by the expiration date and desires to resume
2 practice of the profession shall apply to the department for
3 reinstatement of the credential.

4 (3) When a person credentialed pursuant to the Uniform Credentialing
5 Act desires to have his or her credential placed on inactive status, he
6 or she shall notify the department of such desire in writing. The
7 department shall notify the credentialed person in writing of the
8 acceptance or denial of the request to allow the credential to be placed
9 on inactive status. When the credential is placed on inactive status, the
10 credentialed person shall not engage in the practice of such profession,
11 but he or she may represent himself or herself as having an inactive
12 credential. A credential may remain on inactive status for an indefinite
13 period of time.

14 Sec. 7. Section 38-1,146, Revised Statutes Cumulative Supplement,
15 2022, is amended to read:

16 38-1,146 (1) For purposes of this section, prescriber means a health
17 care practitioner authorized to prescribe controlled substances in the
18 practice for which credentialed under the Uniform Credentialing Act.

19 (2) Except as otherwise provided in subsection (3) or (6) of this
20 section, no prescriber shall, in this state, issue any prescription as
21 defined in section 38-2840 for a controlled substance as defined in
22 section 28-401 unless such prescription is issued (a) using electronic
23 prescription technology, (b) from the prescriber issuing the prescription
24 to a pharmacy, and (c) in accordance with all requirements of state law
25 and the rules and regulations adopted and promulgated pursuant to such
26 state law.

27 (3) The requirements of subsection (2) of this section shall not
28 apply to prescriptions:

29 (a) Issued by veterinarians;

30 (b) Issued in circumstances where electronic prescribing is not
31 available due to temporary technological or electrical failure;

1 (c) Issued when the prescriber and the dispenser are the same
2 entity;

3 (d) Issued that include elements that are not supported by the
4 Prescriber/Pharmacist Interface SCRIPT Standard of the National Council
5 for Prescription Drug Programs as such standard existed on January 1,
6 2021;

7 (e) Issued for a drug for which the federal Food and Drug
8 Administration requires the prescription to contain certain elements that
9 are not able to be accomplished with electronic prescribing;

10 (f) Issued for dispensing a non-patient-specific prescription which
11 is (i) an approved protocol for drug therapy or (ii) in response to a
12 public health emergency;

13 (g) Issued for a drug for purposes of a research protocol;

14 (h) Issued under circumstances in which, notwithstanding the
15 prescriber's ability to make an electronic prescription as required by
16 this section, such prescriber reasonably determines (i) that it would be
17 impractical for the patient to obtain substances prescribed by electronic
18 prescription in a timely manner and (ii) that such delay would adversely
19 impact the patient's medical condition;~~or~~

20 (i) Issued for drugs requiring compounding; or ~~or~~

21 (j) Issued by a prescriber who issues fewer than fifty prescriptions
22 in one calendar year otherwise subject to subsection (2) of this section.

23 (4) A pharmacist who receives a written, oral, or faxed prescription
24 is not required to verify that the prescription falls under one of the
25 exceptions listed in subsection (3) of this section. A pharmacist may
26 continue to dispense medication from any otherwise valid written, oral,
27 or faxed prescription consistent with the law and rules and regulations
28 as they existed prior to January 1, 2022.

29 (5) A violation of this section shall not be grounds for
30 disciplinary action under the Uniform Credentialing Act.

31 (6) A dentist shall not be subject to this section until January 1,

1 2024.

2 Sec. 8. Section 38-1801, Revised Statutes Supplement, 2023, is
3 amended to read:

4 38-1801 Sections 38-1801 to 38-1822 and section 9 of this act shall
5 be known and may be cited as the Medical Nutrition Therapy Practice Act.

6 Sec. 9. (1) A person holding a Compact Privilege under the
7 Dietitian Licensure Compact may engage in the Practice of Dietetics in
8 Nebraska as authorized pursuant to such compact.

9 (2) The board may approve, and the department may adopt and
10 promulgate, rules and regulations as necessary to carry out this section.

11 Sec. 10. Section 38-1812, Revised Statutes Supplement, 2023, is
12 amended to read:

13 38-1812 No person shall practice medical nutrition therapy unless
14 such person is licensed for such purpose pursuant to the Uniform
15 Credentialing Act or holds a Compact Privilege under the Dietitian
16 Licensure Compact. The practice of medical nutrition therapy shall be
17 provided with the consultation of a physician licensed pursuant to
18 section 38-2026 or sections 38-2029 to 38-2033, a nurse practitioner
19 licensed pursuant to section 38-2317, or a physician assistant licensed
20 pursuant to section 38-2049. The Medical Nutrition Therapy Practice Act
21 shall not be construed to require a license under the act in order to:

22 (1) Practice medical nutrition therapy within the scope of the
23 official duties of an employee of the state or federal government or
24 while serving in the armed forces of the United States;

25 (2) Engage in practice within the scope of a credential issued under
26 the Uniform Credentialing Act;

27 (3) Practice medical nutrition therapy as a student while pursuing a
28 course of study leading to a degree in dietetics, nutrition, or an
29 equivalent major course of study from an accredited school or program as
30 part of a supervised course of study, if all of the following apply: (a)
31 The person is not engaged in the unrestricted practice of medical

1 nutrition therapy; (b) the person uses a title clearly indicating the
2 person's status as a student or trainee; and (c) the person is in
3 compliance with appropriate supervision requirements developed by the
4 board, including the requirement that the supervised practice experience
5 must be under the order, control, and full professional responsibility of
6 such supervisor. Nothing in this subdivision shall be construed to permit
7 students, trainees, or supervisees to practice medical nutrition therapy
8 other than as specifically allowed in this subdivision and as provided in
9 section 38-1822;

10 (4) Be employed as a nutrition or dietetic technician or other food
11 service professional who is working in a hospital setting or other
12 regulated health care facility or program and who has been trained and is
13 supervised while engaged in the provision of medical nutrition therapy by
14 an individual licensed pursuant to the Medical Nutrition Therapy Practice
15 Act whose services are retained by that facility or program on a full-
16 time or regular, part-time, or consultant basis;

17 (5) Provide individualized nutrition information, guidance,
18 motivation, nutrition recommendations, behavior change management, health
19 coaching, holistic and wellness education, or other nutrition-care
20 services that do not constitute medical nutrition therapy as long as such
21 activity is being performed by a person who is not licensed under the
22 Medical Nutrition Therapy Practice Act and who is not acting in the
23 capacity of or claiming to be a licensed dietitian nutritionist or
24 licensed nutritionist;

25 (6) Accept or transmit written, verbal, delegated, or
26 electromagnetically transmitted orders for medical nutrition therapy from
27 a referring provider by a registered nurse or licensed practical nurse;

28 (7) Provide medical nutrition therapy without remuneration to family
29 members;

30 (8) Aide in the provision of medical nutrition therapy if:

31 (a) The person performs nutrition-care services at the direction of

1 an individual licensed under the Uniform Credentialing Act whose scope of
2 practice includes provision of medical nutrition therapy; and

3 (b) The person performs only support activities of medical nutrition
4 therapy that do not require the exercise of independent judgment for
5 which a license under the Medical Nutrition Therapy Practice Act is
6 required;

7 (9) Practice medical nutrition therapy if the practitioner is
8 licensed in another state, United States territory, or country, has
9 received at least a baccalaureate degree, and is in this state for the
10 purpose of:

11 (a) Consultation, if the practice in this state is limited to
12 consultation; or

13 (b) Conducting a teaching clinical demonstration in connection with
14 a program of basic clinical education, graduate education, or
15 postgraduate education which is sponsored by a dietetic education program
16 or a major course of study in human nutrition, food and nutrition, or
17 dietetics, or an equivalent major course of study approved by the board;

18 (10) Perform individualized general nutrition-care services, not
19 constituting medical nutrition therapy, incidental to the practice of the
20 profession insofar as it does not exceed the scope of the person's
21 education and training;

22 (11) Market or distribute food, food materials, or dietary
23 supplements, advise regarding the use of those products or the
24 preparation of those products, or counsel individuals or groups in the
25 selection of products to meet general nutrition needs;

26 (12) Conduct classes or disseminate general nonmedical nutrition
27 information;

28 (13) Provide care for the sick in accordance with the tenets and
29 practices of any bona fide church or religious denomination;

30 (14) Practice medical nutrition therapy for the limited purpose of
31 education and research by any person with a master's or doctoral degree

1 from a United States accredited college or university with a major course
2 of study in nutrition or an equivalent course of study as approved by the
3 department;

4 (15) Provide information and instructions regarding food intake or
5 exercise as a part of a weight control program;

6 (16) Participate in academic teaching or research with an advanced
7 postgraduate degree; and

8 (17) Present a general program of instruction for medical weight
9 control for an individual with prediabetes or obesity if the program has
10 been approved in writing by, consultation is available from, and no
11 program change is initiated without prior approval from, any one of the
12 following:

13 (a) A licensed dietitian nutritionist or a licensed nutritionist;

14 (b) A registered dietitian or registered dietitian nutritionist;

15 (c) A certified nutritionist specialist; or

16 (d) A licensed health care practitioner acting within the scope of
17 such practitioner's license as part of a plan of care.

18 Sec. 11. Section 38-2001, Revised Statutes Cumulative Supplement,
19 2022, is amended to read:

20 38-2001 Sections 38-2001 to 38-2064 and section 12 of this act shall
21 be known and may be cited as the Medicine and Surgery Practice Act.

22 Sec. 12. A person holding a compact privilege to practice in
23 Nebraska under the Physician Assistant (PA) Licensure Compact may act as
24 a physician assistant as authorized pursuant to such compact.

25 Sec. 13. Section 38-2801, Revised Statutes Supplement, 2023, is
26 amended to read:

27 38-2801 Sections 38-2801 to 38-28,107 and section 14 of this act and
28 the Nebraska Drug Product Selection Act shall be known and may be cited
29 as the Pharmacy Practice Act.

30 Sec. 14. Effective January 1, 2025, any self-inspection of a
31 pharmacy or a hospital pharmacy shall be made using a form authorized by

1 the board. The board shall authorize the form for use beginning January
2 1, 2025, on or before November 1, 2024, and such form shall remain in
3 effect for a period of at least one year. Any updates to the form for
4 subsequent years shall be authorized on or before November 1 of that
5 year. If the board fails to authorize the form on or before November 1 of
6 any year, any inspection of a pharmacy or hospital pharmacy for the
7 following calendar year shall be conducted by the board or department, as
8 applicable.

9 Sec. 15. Section 38-2847, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 38-2847 (1) Verification means the confirmation by a supervising
12 pharmacist of the accuracy and completeness of the acts, tasks, or
13 functions undertaken by a pharmacy technician to assist the pharmacist in
14 the practice of pharmacy.

15 (2) Verification shall occur by a pharmacist on duty in the
16 facility, except that verification may occur by means of a real-time
17 audiovisual communication system if (a) a pharmacy technician performs
18 authorized activities or functions to assist a pharmacist and the
19 prescribed drugs or devices will be administered to persons who are
20 patients or residents of a facility by a credentialed individual
21 authorized to administer medications, ~~or~~ (b) a pharmacy technician is
22 engaged in remote dispensing in compliance with section 71-436.02, or (c)
23 all of the following conditions are met: (i) The pharmacist performing
24 the verification is located in Nebraska, (ii) the physical product
25 verification occurs in person at the location where the prescription is
26 prepared, and (iii) the pharmacy maintains manual or electronic records
27 that identify, individually for each order processed, the name, initials,
28 or identification code of each pharmacist, pharmacist intern, or pharmacy
29 technician who took part in all acts, tasks, or functions undertaken to
30 fulfill a prescription.

31 Sec. 16. Section 38-2854, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 38-2854 (1) A pharmacist intern shall be (a) at least eighteen years
3 of age and (b)(i) ~~(a)~~ a student currently enrolled in an accredited
4 pharmacy program, (ii) ~~(b)~~ a graduate of an accredited pharmacy program
5 serving his or her internship, or (iii) ~~(c)~~ a graduate of a pharmacy
6 program located outside the United States which is not accredited and who
7 has successfully passed equivalency examinations approved by the board.
8 Intern registration based on enrollment in or graduation from an
9 accredited pharmacy program shall expire not later than fifteen months
10 after the date of graduation or at the time of professional licensure,
11 whichever comes first. Intern registration based on graduation from a
12 pharmacy program located outside of the United States which is not
13 accredited shall expire not later than fifteen months after the date of
14 issuance of the registration or at the time of professional licensure,
15 whichever comes first.

16 (2) A pharmacist intern may compound and dispense drugs or devices
17 and fill prescriptions only in the presence of and under the immediate
18 personal supervision of a licensed pharmacist. Such licensed pharmacist
19 shall either be (a) the person to whom the pharmacy license is issued or
20 a person in the actual employ of the pharmacy licensee or (b) the
21 delegating pharmacist designated in a delegated dispensing agreement by a
22 hospital with a delegated dispensing permit.

23 (3) Performance as a pharmacist intern under the supervision of a
24 licensed pharmacist shall be predominantly related to the practice of
25 pharmacy and shall include the keeping of records and the making of
26 reports required under state and federal statutes. The department, with
27 the recommendation of the board, shall adopt and promulgate rules and
28 regulations as may be required to establish standards for internship.

29 Sec. 17. Section 38-2890, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 38-2890 (1) All pharmacy technicians employed by a health care

1 facility licensed under the Health Care Facility Licensure Act shall be
2 registered with the Pharmacy Technician Registry created in section
3 38-2893. In order to be employed as a pharmacy technician in such a
4 health care facility, a pharmacy technician (a) shall be certified by a
5 state or national certifying body which is approved by the board (i) by
6 January 1, 2017, if the pharmacy technician ~~he or she~~ was registered with
7 the Pharmacy Technician Registry on January 1, 2016, or (ii) within one
8 year after being registered with the Pharmacy Technician Registry, if the
9 pharmacy technician ~~he or she~~ was so registered after January 1, 2016,
10 and (b) upon being so certified, shall maintain current certification
11 during the time the pharmacy technician ~~he or she~~ is so registered.

12 (2) To register as a pharmacy technician, an individual shall (a) be
13 at least eighteen years of age, (b) be a high school graduate or be
14 officially recognized by the State Department of Education as possessing
15 the equivalent degree of education, (c) not have ~~never~~ been convicted of
16 any nonalcohol, drug-related ~~misdemeanor or~~ felony, (d) not have been
17 convicted of any nonalcohol, drug-related misdemeanor within five years
18 prior to application, (e) ~~(d)~~ file an application with the Division of
19 Public Health of the Department of Health and Human Services, and (f) ~~(e)~~
20 pay the applicable fee.

21 Sec. 18. Section 38-28,104, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 38-28,104 A prescription for a legend drug which is not a controlled
24 substance must contain the following information prior to being filled by
25 a pharmacist or a practitioner who holds a pharmacy license under
26 subdivision (1) of section 38-2850: Patient's name, or if not issued for
27 a specific patient, the words "for emergency use" or "for use in
28 immunizations"; name of the drug, device, or biological; strength of the
29 drug or biological, if applicable; dosage form of the drug or biological;
30 quantity of drug, device, or biological prescribed; number of authorized
31 refills; directions for use; date of issuance; prescribing practitioner's

1 name; and if the prescription is written, prescribing practitioner's
2 signature. Prescriptions for controlled substances must meet the
3 requirements of sections 28-414 and 28-414.01.

4 Sec. 19. Section 42-371.01, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 42-371.01 (1) An obligor's duty to pay child support for a child
7 terminates when (a) the child reaches nineteen years of age, (b) the
8 child marries, (c) the child dies, or (d) the child is emancipated by a
9 court of competent jurisdiction, unless the court order for child support
10 specifically extends child support after such circumstances.

11 (2) The termination of child support does not relieve the obligor
12 from the duty to pay any unpaid child support obligations owed or in
13 arrears.

14 (3) The obligor may provide written application for termination of a
15 child support order when the child being supported reaches nineteen years
16 of age, marries, dies, or is otherwise emancipated. The application shall
17 be filed with the clerk of the district court where child support was
18 ordered. A certified copy of the birth certificate, marriage license,
19 death certificate, or court order of emancipation or an abstract of
20 marriage or abstract of death as defined in section 71-601.01 shall
21 accompany the application for termination of the child support. The clerk
22 of the district court shall send notice of the filing of the child
23 support termination application to the last-known address of the obligee.
24 The notice shall inform the obligee that if he or she does not file a
25 written objection within thirty days after the date the notice was
26 mailed, child support may be terminated without further notice. The court
27 shall terminate child support if no written objection has been filed
28 within thirty days after the date the clerk's notice to the obligee was
29 mailed, the forms and procedures have been complied with, and the court
30 believes that a hearing on the matter is not required.

31 (4) The State Court Administrator shall develop uniform procedures

1 and forms to be used to terminate child support.

2 Sec. 20. Section 68-911, Revised Statutes Supplement, 2023, is
3 amended to read:

4 68-911 (1) Medical assistance shall include coverage for health care
5 and related services as required under Title XIX of the federal Social
6 Security Act, including, but not limited to:

- 7 (a) Inpatient and outpatient hospital services;
- 8 (b) Laboratory and X-ray services;
- 9 (c) Nursing facility services;
- 10 (d) Home health services;
- 11 (e) Nursing services;
- 12 (f) Clinic services;
- 13 (g) Physician services;
- 14 (h) Medical and surgical services of a dentist;
- 15 (i) Nurse practitioner services;
- 16 (j) Nurse midwife services;
- 17 (k) Pregnancy-related services;
- 18 (l) Medical supplies;
- 19 (m) Mental health and substance abuse services;
- 20 (n) Early and periodic screening and diagnosis and treatment
21 services for children which shall include both physical and behavioral
22 health screening, diagnosis, and treatment services;
- 23 (o) Rural health clinic services; and
- 24 (p) Federally qualified health center services.

25 (2) In addition to coverage otherwise required under this section,
26 medical assistance may include coverage for health care and related
27 services as permitted but not required under Title XIX of the federal
28 Social Security Act, including, but not limited to:

- 29 (a) Prescribed drugs;
- 30 (b) Intermediate care facilities for persons with developmental
31 disabilities;

1 (c) Home and community-based services for aged persons and persons
2 with disabilities;

3 (d) Dental services;

4 (e) Rehabilitation services;

5 (f) Personal care services;

6 (g) Durable medical equipment;

7 (h) Medical transportation services;

8 (i) Vision-related services;

9 (j) Speech therapy services;

10 (k) Physical therapy services;

11 (l) Chiropractic services;

12 (m) Occupational therapy services;

13 (n) Optometric services;

14 (o) Podiatric services;

15 (p) Hospice services;

16 (q) Mental health and substance abuse services;

17 (r) Hearing screening services for newborn and infant children; and

18 (s) Administrative expenses related to administrative activities,
19 including outreach services, provided by school districts and educational
20 service units to students who are eligible or potentially eligible for
21 medical assistance.

22 (3) No later than July 1, 2009, the department shall submit a state
23 plan amendment or waiver to the federal Centers for Medicare and Medicaid
24 Services to provide coverage under the medical assistance program for
25 community-based secure residential and subacute behavioral health
26 services for all eligible recipients, without regard to whether the
27 recipient has been ordered by a mental health board under the Nebraska
28 Mental Health Commitment Act to receive such services.

29 (4) On or before October 1, 2014, the department, after consultation
30 with the State Department of Education, shall submit a state plan
31 amendment to the federal Centers for Medicare and Medicaid Services, as

1 necessary, to provide that the following are direct reimbursable services
2 when provided by school districts as part of an individualized education
3 program or an individualized family service plan: Early and periodic
4 screening, diagnosis, and treatment services for children; medical
5 transportation services; mental health services; nursing services;
6 occupational therapy services; personal care services; physical therapy
7 services; rehabilitation services; speech therapy and other services for
8 individuals with speech, hearing, or language disorders; and vision-
9 related services.

10 (5) No later than January 1, 2023, the department shall provide
11 coverage for continuous glucose monitors under the medical assistance
12 program for all eligible recipients who have a prescription for such
13 device.

14 (6) On or before October 1, 2023, the department shall seek federal
15 approval for federal matching funds from the federal Centers for Medicare
16 and Medicaid Services through a state plan amendment or waiver to extend
17 postpartum coverage for beneficiaries from sixty days to at least six
18 months. Nothing in this subsection shall preclude the department from
19 submitting a state plan amendment for twelve months.

20 (7)(a) No later than January 1, 2025, the department shall provide
21 coverage for an electric personal-use breast pump for every pregnant
22 woman covered under the medical assistance program, or child covered
23 under the medical assistance program if the pregnant woman is not
24 covered, beginning at thirty-six weeks gestation or the child's date of
25 birth, whichever is earlier. The electric personal-use breast pump shall
26 be capable of (i) sufficiently supporting milk supply, (ii) double and
27 single side pumping, and (iii) suction power ranging from zero mmHg to
28 two hundred fifty mmHg. No later than January 1, 2025, the department
29 shall provide coverage for a minimum of ten lactation consultation visits
30 for every mother covered under the medical assistance program or child
31 covered under the medical assistance program, if the mother is not

1 covered under such program.

2 (b) It is the intent of the Legislature that the appropriation for
3 lactation consultation visits shall be equal to an amount that is a one
4 hundred forty-five percent rate increase over the current lactation
5 consultation rate paid by the department.

6 Sec. 21. Section 71-211, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 71-211 Whenever the provisions of the Barber Act ~~sections 71-201 to~~
9 ~~71-224~~ have been complied with, the Board of Barber Examiners shall issue
10 a certificate of registration as a registered barber instructor or
11 registered barber, or a certificate of approval of a barber school.

12 Sec. 22. Section 71-212, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 71-212 A person who (1) is of good moral character and temperate
15 habits, (2) has a diploma showing graduation from high school or its
16 equivalent as determined by successfully passing a general educational
17 development test, and (3) has a license and certificate of registration
18 as a practicing barber from another state or country which has
19 substantially the same requirements for licensing or registering barbers
20 as required by the Barber Act, shall upon payment of the required fee be
21 given an examination by the board at the next regular examination to
22 determine his or her fitness to receive a certificate of registration to
23 practice barbering. If any person fails to pass a required examination,
24 he or she shall be entitled to submit himself or herself for examination
25 by the board at the next examination given by the board. ~~If he or she~~
26 ~~fails at the third examination, no further examination shall be granted.~~
27 If an applicant fails to appear when requested for an examination, he or
28 she shall be notified by the board as to the time of the next regular
29 examination, at which he or she shall appear.

30 Sec. 23. Section 71-217, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 71-217 The board may either refuse to issue or renew or may suspend
2 or revoke any certificate of registration or approval for any one or a
3 combination of the following causes: (1) Conviction of a felony shown by
4 a certified copy of the record of the court of conviction; (2) gross
5 malpractice or gross incompetency; (3) continued practice by a person
6 knowingly having an infectious or contagious disease; (4) advertising by
7 means of knowingly false or deceptive statements or in violation of
8 section 71-223.02; (5) advertising, practicing, or attempting to practice
9 under a trade name or any name other than one's own; (6) habitual
10 drunkenness or habitual addiction to the use of morphine, cocaine, or
11 other habit-forming drugs; (7) immoral or unprofessional conduct; (8)
12 violation of any of the provisions of the Barber Act ~~sections 71-201 to~~
13 ~~71-237~~ or of any valid regulation promulgated by the board pertaining to
14 service charges, sanitation, and the elimination of unfair practices; and
15 (9) any check presented to the board as a fee for either an original
16 license or renewal license or for examination for license or any other
17 fee authorized in the Barber Act ~~sections 71-201 to 71-237~~ which is
18 returned to the State Treasurer unpaid.

19 Sec. 24. Section 71-220, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 71-220 Any person, firm, ~~or~~ corporation, or their agents that ~~or~~
22 ~~servants, who shall~~ violate any provision ~~of the provisions~~ of the Barber
23 Act ~~sections 71-201 to 71-237~~ shall be deemed guilty of a Class III
24 misdemeanor.

25 Sec. 25. Section 71-222.01, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 71-222.01 The director, under the supervision of the Board of Barber
28 Examiners, shall administer the Barber Act ~~provisions of sections 71-201~~
29 ~~to 71-237,~~ and shall serve at the pleasure of the board. His or her
30 salary shall be fixed by the board. The director shall devote full time
31 to the duties of the ~~his~~ office. No person shall be eligible to the

1 office of director who has not been engaged in the active practice of
2 barbering as a registered barber in the state for at least five years
3 immediately preceding ~~his~~ appointment. No member of the Board of Barber
4 Examiners shall be eligible to the office of director during the member's
5 ~~his or her~~ term. The director shall be bonded or insured as required by
6 section 11-201. The premium shall be paid as an expense of the board.

7 Sec. 26. Section 71-223, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 71-223 The board shall have authority to adopt and promulgate
10 reasonable rules and regulations for the administration of the Barber Act
11 ~~provisions of sections 71-201 to 71-224~~. Any member of the board, its
12 agents, or its assistants shall have authority to enter upon and to
13 inspect any barber shop or barber school at any time during business
14 hours. A copy of the rules and regulations adopted by the board shall be
15 furnished to the owner or manager of each barber shop and barber school,
16 and it shall be posted in a conspicuous place in such barber shop or
17 barber school. The board shall keep a record of proceedings relating to
18 the issuance, refusal, renewal, suspension, and revocation of
19 registrations and licenses and inspections. Such record shall also
20 contain the name, place of business, and residence of each registered
21 barber instructor and licensed barber and the date and number of his or
22 her registration or license.

23 Sec. 27. Section 71-434, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 71-434 (1) Licensure activities under the Health Care Facility
26 Licensure Act shall be funded by license fees. An applicant for an
27 initial or renewal license under section 71-433 shall pay a license fee
28 as provided in this section.

29 (2) License fees shall include a base fee of fifty dollars and an
30 additional fee based on:

31 (a) Variable costs to the department of inspections, architectural

1 plan reviews, and receiving and investigating complaints, including staff
2 salaries, travel, and other similar direct and indirect costs;

3 (b) The number of beds available to persons residing at the health
4 care facility;

5 (c) The program capacity of the health care facility or health care
6 service; or

7 (d) Other relevant factors as determined by the department.

8 Such additional fee shall be no more than two thousand six hundred
9 dollars for a hospital or a health clinic operating as an ambulatory
10 surgical center, no more than two thousand dollars for an assisted-living
11 facility, a health clinic providing hemodialysis or labor and delivery
12 services, an intermediate care facility, an intermediate care facility
13 for persons with developmental disabilities, a nursing facility, or a
14 skilled nursing facility, no more than one thousand dollars for home
15 health agencies, hospice services, and centers for the developmentally
16 disabled, and no more than seven hundred dollars for all other health
17 care facilities and health care services.

18 (3) If the licensure application is denied, the license fee shall be
19 returned to the applicant, except that the department may retain up to
20 twenty-five dollars as an administrative fee and may retain the entire
21 license fee if an inspection has been completed prior to such denial.

22 (4) The department shall also collect the fee provided in subsection
23 (1) of this section for reinstatement of a license that has lapsed or has
24 been suspended or revoked. The department shall collect a fee of ten
25 dollars for a duplicate original license.

26 ~~(5) The department shall collect a fee from any applicant or~~
27 ~~licensee requesting an informal conference with a representative peer~~
28 ~~review organization under section 71-452 to cover all costs and expenses~~
29 ~~associated with such conference.~~

30 (5) ~~(6)~~ The department shall adopt and promulgate rules and
31 regulations for the establishment of license fees under this section.

1 ~~(6)~~ ~~(7)~~ The department shall remit all license fees collected under
2 this section to the State Treasurer for credit to the Health and Human
3 Services Cash Fund. License fees collected under this section shall only
4 be used for activities related to the licensure of health care facilities
5 and health care services.

6 Sec. 28. Section 71-601.01, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 71-601.01 For purposes of the Vital Statistics Act:

9 (1) Abstract of death means a certified document that summarizes the
10 facts of death, including, but not limited to, the name of the decedent,
11 the date of the death, and the place of the death. An abstract of death
12 does not include signatures;

13 ~~(2)~~ ~~(1)~~ Abstract of marriage means a certified document that
14 summarizes the facts of marriage, including, but not limited to, the name
15 of the bride and groom, the date of the marriage, the place of the
16 marriage, and the name of the office filing the original marriage
17 license. An abstract of marriage does not include signatures;

18 ~~(3)~~ ~~(2)~~ Certificate means the record of a vital event. Certificate
19 does not include a commemorative certificate;

20 ~~(4)~~ ~~(3)~~ Certification means the process of recording, filing,
21 amending, or preserving a certificate, which process may be by any means,
22 including, but not limited to, microfilm, electronic, imaging,
23 photographic, typewritten, or other means designated by the department;

24 ~~(5)~~ ~~(4)~~ Commemorative certificate means a document commemorating a
25 nonviable birth;

26 ~~(6)~~ ~~(5)~~ Department means the Department of Health and Human
27 Services; and

28 ~~(7)~~ ~~(6)~~ Nonviable birth means an unintentional, spontaneous fetal
29 demise occurring prior to the twentieth week of gestation during a
30 pregnancy that has been verified by a health care practitioner.

31 Sec. 29. Section 71-605, Revised Statutes Cumulative Supplement,

1 2022, is amended to read:

2 71-605 (1) The funeral director and embalmer in charge of the
3 funeral of any person dying in the State of Nebraska shall cause a
4 certificate of death to be filled out with all the particulars contained
5 in the standard form adopted and promulgated by the department. Such
6 standard form shall include a space for veteran status ~~and the period of~~
7 ~~service~~ in the armed forces of the United States and a statement of the
8 cause of death made by a person holding a valid license as a physician,
9 physician assistant, or nurse practitioner who last attended the
10 deceased. The standard form shall also include the deceased's social
11 security number and a notice that, pursuant to section 30-2413, demands
12 for notice which may affect the estate of the deceased are filed with the
13 county court in the county where the decedent resided at the time of
14 death. Death and fetal death certificates shall be completed by the
15 funeral directors and embalmers and physicians, physician assistants, or
16 nurse practitioners for the purpose of filing with the department and
17 providing child support enforcement information pursuant to section
18 43-3340.

19 (2) The physician, physician assistant, or nurse practitioner shall
20 have the responsibility and duty to complete and sign by electronic means
21 pursuant to section 71-603.01, within twenty-four hours from the time of
22 death, that part of the certificate of death entitled medical certificate
23 of death. In the case of a death when no person licensed as a physician,
24 physician assistant, or nurse practitioner was in attendance, the funeral
25 director and embalmer shall refer the case to the county attorney who
26 shall have the responsibility and duty to complete and sign the death
27 certificate by electronic means pursuant to section 71-603.01.

28 No cause of death shall be certified in the case of the sudden and
29 unexpected death of a child between the ages of one week and three years
30 until an autopsy is performed at county expense by a qualified
31 pathologist pursuant to section 23-1824. The parents or guardian shall be

1 notified of the results of the autopsy by their physician, physician
2 assistant, nurse practitioner, community health official, or county
3 coroner within forty-eight hours. The term sudden infant death syndrome
4 shall be entered on the death certificate as the principal cause of death
5 when the term is appropriately descriptive of the pathology findings and
6 circumstances surrounding the death of a child.

7 If the circumstances show it possible that death was caused by
8 neglect, violence, or any unlawful means, the case shall be referred to
9 the county attorney for investigation and certification. The county
10 attorney shall, within twenty-four hours after taking charge of the case,
11 state the cause of death as ascertained, giving as far as possible the
12 means or instrument which produced the death. All death certificates
13 shall show clearly the cause, disease, or sequence of causes ending in
14 death. If the cause of death cannot be determined within the period of
15 time stated above, the death certificate shall be filed to establish the
16 fact of death. As soon as possible thereafter, and not more than six
17 weeks later, supplemental information as to the cause, disease, or
18 sequence of causes ending in death shall be filed with the department to
19 complete the record. For all certificates stated in terms that are
20 indefinite, insufficient, or unsatisfactory for classification, inquiry
21 shall be made to the person completing the certificate to secure the
22 necessary information to correct or complete the record.

23 (3) A completed death certificate shall be filed with the department
24 within five business days after the date of death. If it is impossible to
25 complete the certificate of death within five business days, the funeral
26 director and embalmer shall notify the department of the reason for the
27 delay and file the certificate as soon as possible.

28 (4) Before any dead human body may be cremated, a cremation permit
29 shall first be signed electronically by the county attorney, or by his or
30 her authorized representative as designated by the county attorney in
31 writing, of the county in which the death occurred on an electronic form

1 prescribed and furnished by the department.

2 (5) A permit for disinterment shall be required prior to
3 disinterment of a dead human body. The permit shall be issued by the
4 department to a licensed funeral director and embalmer upon proper
5 application. The request for disinterment shall be made by the person
6 listed in section 30-2223 or a county attorney on a form furnished by the
7 department. The application shall be signed by the funeral director and
8 embalmer who will be directly supervising the disinterment. When the
9 disinterment occurs, the funeral director and embalmer shall sign the
10 permit giving the date of disinterment and file the permit with the
11 department within ten days of the disinterment.

12 (6) When a request is made under subsection (5) of this section for
13 the disinterment of more than one dead human body, an order from a court
14 of competent jurisdiction shall be submitted to the department prior to
15 the issuance of a permit for disinterment. The order shall include, but
16 not be limited to, the number of bodies to be disinterred if that number
17 can be ascertained, the method and details of transportation of the
18 disinterred bodies, the place of reinterment, and the reason for
19 disinterment. No sexton or other person in charge of a cemetery shall
20 allow the disinterment of a body without first receiving from the
21 department a disinterment permit properly completed.

22 (7) No dead human body shall be removed from the state for final
23 disposition without a transit permit issued by the funeral director and
24 embalmer having charge of the body in Nebraska, except that when the
25 death is subject to investigation, the transit permit shall not be issued
26 by the funeral director and embalmer without authorization of the county
27 attorney of the county in which the death occurred. No agent of any
28 transportation company shall allow the shipment of any body without the
29 properly completed transit permit prepared in duplicate.

30 (8) The interment, disinterment, or reinterment of a dead human body
31 shall be performed under the direct supervision of a licensed funeral

1 director and embalmer, except that hospital disposition may be made of
2 the remains of a child born dead pursuant to section 71-20,121.

3 (9) All transit permits issued in accordance with the law of the
4 place where the death occurred in a state other than Nebraska shall be
5 signed by the funeral director and embalmer in charge of burial and
6 forwarded to the department within five business days after the interment
7 takes place.

8 (10) The changes made to this section by Laws 2019, LB593, shall
9 apply retroactively to August 24, 2017.

10 Sec. 30. Section 71-612, Revised Statutes Supplement, 2023, is
11 amended to read:

12 71-612 (1) The department, as the State Registrar, shall preserve
13 permanently and index all certificates received. The department shall
14 supply to any applicant for any proper purpose, as defined by rules and
15 regulations of the department, a certified copy of the record of any
16 birth, death, marriage, annulment, or dissolution of marriage or an
17 abstract of marriage or abstract of death. The department shall supply a
18 copy of a public vital record for viewing purposes at its office upon an
19 application signed by the applicant and upon proof of the identity of the
20 applicant. The application may include the name, address, and telephone
21 number of the applicant, purpose for viewing each record, and other
22 information as may be prescribed by the department by rules and
23 regulations to protect the integrity of vital records and prevent their
24 fraudulent use. Except as provided in subsections (2), (3), (5), (6),
25 (7), and (9) of this section, the department shall be entitled to charge
26 and collect in advance a fee of sixteen dollars to be paid by the
27 applicant for each certified copy, ~~or~~ abstract of marriage, or abstract
28 of death supplied to the applicant or for any search made at the
29 applicant's request for access to or a certified copy of any record, ~~or~~
30 abstract of marriage, or abstract of death whether or not the record or
31 abstract is found on file with the department.

1 (2) The department shall, free of charge, search for and furnish a
2 certified copy of any record, ~~or~~ abstract of marriage, or abstract of
3 death on file with the department upon the request of (a) the United
4 States Department of Veterans Affairs or any lawful service organization
5 empowered to represent veterans if the copy of the record or abstract of
6 marriage is to be issued, for the welfare of any member or veteran of the
7 armed forces of the United States or in the interests of any member of
8 his or her family, in connection with a claim growing out of service in
9 the armed forces of the nation or (b) the Military Department.

10 (3) The department may, free of charge, search for and furnish a
11 certified copy of any record or an abstract of marriage or abstract of
12 death on file with the department when in the opinion of the department
13 it would be a hardship for the claimant of old age, survivors, or
14 disability benefits under the federal Social Security Act to pay the fee
15 provided in this section.

16 (4) A strict account shall be kept of all funds received by the
17 department. Funds received pursuant to subsections (1), (5), (6), and (8)
18 of this section shall be remitted to the State Treasurer for credit to
19 the Health and Human Services Cash Fund. Money credited to the fund
20 pursuant to this section shall be used for the purpose of administering
21 the laws relating to vital statistics and may be used to create a petty
22 cash fund administered by the department to facilitate the payment of
23 refunds to individuals who apply for copies or abstracts of records. The
24 petty cash fund shall be subject to section 81-104.01, except that the
25 amount in the petty cash fund shall not be less than twenty-five dollars
26 nor more than one thousand dollars.

27 (5) The department shall, upon request, conduct a search of death
28 certificates or abstracts of death for stated individuals for the
29 Nebraska Medical Association or any of its allied medical societies or
30 any inhospital staff committee pursuant to sections 71-3401 to 71-3403.
31 If such death certificate is found, the department shall provide a

1 noncertified copy. The department shall charge a fee for each search or
2 copy sufficient to cover its actual direct costs, except that the fee
3 shall not exceed three dollars per individual search or copy requested.

4 (6) The department may permit use of data from vital records for
5 statistical or research purposes under section 71-602 or disclose data
6 from certificates or records to federal, state, county, or municipal
7 agencies of government for use in administration of their official duties
8 and charge and collect a fee that will recover the department's cost of
9 production of the data. The department may provide access to public vital
10 records for viewing purposes by electronic means, if available, under
11 security provisions which shall assure the integrity and security of the
12 records and database and shall charge and collect a fee that shall
13 recover the department's costs.

14 (7) In addition to the fees charged under subsection (1) of this
15 section, the department shall charge and collect an additional fee of one
16 dollar for any certified copy of the record of any birth or for any
17 search made at the applicant's request for access to or a certified copy
18 of any such record, whether or not the record is found on file with the
19 department. Any county containing a city of the metropolitan class which
20 has an established city-county or county health department pursuant to
21 sections 71-1626 to 71-1636 which has an established system of
22 registering births and deaths shall charge and collect in advance a fee
23 of one dollar for any certified copy of the record of any birth or for
24 any search made at the applicant's request for such record, whether or
25 not the record is found on file with the county. All fees collected under
26 this subsection shall be remitted to the State Treasurer for credit to
27 the Nebraska Child Abuse Prevention Fund.

28 (8) The department shall not charge other state agencies the fees
29 authorized under subsections (1) and (7) of this section for automated
30 review of any certificates, ~~or~~ abstracts of marriage, or abstracts of
31 death. The department shall charge and collect a fee from other state

1 agencies for such automated review that will recover the department's
2 cost.

3 (9) The department shall not charge any fee for a certified copy of
4 a birth record if the applicant does not have a current Nebraska driver's
5 license or state identification card and indicates in the application
6 that the applicant needs a certified copy of the birth record to apply
7 for a state identification card for voting purposes.

8 Sec. 31. Section 71-2454, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:

10 71-2454 (1) An entity described in section 71-2455 shall establish a
11 system of prescription drug monitoring for the purposes of (a) preventing
12 the misuse of controlled substances that are prescribed, (b) allowing
13 prescribers and dispensers to monitor the care and treatment of patients
14 for whom such a prescription drug is prescribed to ensure that such
15 prescription drugs are used for medically appropriate purposes, (c)
16 providing information to improve the health and safety of patients, and
17 (d) ensuring that the State of Nebraska remains on the cutting edge of
18 medical information technology.

19 (2) Such system of prescription drug monitoring shall be implemented
20 as follows: Except as provided in subsection (4) of this section, all
21 prescription drug information shall be reported to the prescription drug
22 monitoring system. The prescription drug monitoring system shall include,
23 but not be limited to, provisions that:

24 (a) Prohibit any patient from opting out of the prescription drug
25 monitoring system;

26 (b) Require any prescription drug that is dispensed in this state or
27 to an address in this state to be entered into the system by the
28 dispenser or his or her delegate no less frequently than daily after such
29 prescription drug is sold, including prescription drugs for patients
30 paying cash or otherwise not relying on a third-party payor for payment,
31 except that prescriptions labeled "for emergency use" or "for use in

1 immunizations" are not required to be reported;

2 (c) Allow all prescribers or dispensers of prescription drugs to
3 access the system at no cost to such prescriber or dispenser;

4 (d) Ensure that such system includes information relating to all
5 payors, including, but not limited to, the medical assistance program
6 established pursuant to the Medical Assistance Act; and

7 (e) Make the prescription drug information available to the
8 statewide health information exchange described in section 71-2455 for
9 access by its participants if such access is in compliance with the
10 privacy and security protections set forth in the provisions of the
11 federal Health Insurance Portability and Accountability Act of 1996,
12 Public Law 104-191, and regulations promulgated thereunder, except that
13 if a patient opts out of the statewide health information exchange, the
14 prescription drug information regarding that patient shall not be
15 accessible by the participants in the statewide health information
16 exchange.

17 (3) Except as provided in subsection (4) of this section,
18 prescription drug information that shall be submitted electronically to
19 the prescription drug monitoring system shall be determined by the entity
20 described in section 71-2455 and shall include, but not be limited to:

21 (a) The patient's name, address, telephone number, if a telephone
22 number is available, gender, and date of birth;

23 (b) A patient identifier such as a military identification number,
24 driver's license number, state identification card number, or other valid
25 government-issued identification number, insurance identification number,
26 pharmacy software-generated patient-specific identifier, or other
27 identifier associated specifically with the patient;

28 (c) The name and address of the pharmacy dispensing the prescription
29 drug;

30 (d) The date the prescription is issued;

31 (e) The date the prescription is filled;

1 (f) The date the prescription is sold to the patient;

2 (g) The number of refills authorized;

3 (h) The prescription number of the prescription drug;

4 (i) The National Drug Code number as published by the federal Food
5 and Drug Administration of the prescription drug;

6 (j) The strength of the prescription drug prescribed;

7 (k) The quantity of the prescription drug prescribed and the number
8 of days' supply;

9 (l) The prescriber's name and National Provider Identifier number or
10 Drug Enforcement Administration number when reporting a controlled
11 substance; and

12 (m) Additional information as determined by the Health Information
13 Technology Board and as published in the submitter guide for the
14 prescription drug monitoring system.

15 (4) Beginning July 1, 2018, a veterinarian licensed under the
16 Veterinary Medicine and Surgery Practice Act shall be required to report
17 the dispensing of prescription drugs which are controlled substances
18 listed on Schedule II, Schedule III, Schedule IV, or Schedule V pursuant
19 to section 28-405. Each such veterinarian shall indicate that the
20 prescription is an animal prescription and shall include the following
21 information in such report:

22 (a) The first and last name and address, including city, state, and
23 zip code, of the individual to whom the prescription drug is dispensed in
24 accordance with a valid veterinarian-client-patient relationship;

25 (b) Reporting status;

26 (c) The first and last name of the prescribing veterinarian and his
27 or her federal Drug Enforcement Administration number;

28 (d) The National Drug Code number as published by the federal Food
29 and Drug Administration of the prescription drug and the prescription
30 number;

31 (e) The date the prescription is written and the date the

1 prescription is filled;

2 (f) The number of refills authorized, if any; and

3 (g) The quantity of the prescription drug and the number of days'
4 supply.

5 (5)(a) All prescription drug information submitted pursuant to this
6 section, all data contained in the prescription drug monitoring system,
7 and any report obtained from data contained in the prescription drug
8 monitoring system are confidential, are privileged, are not public
9 records, and may be withheld pursuant to section 84-712.05 except for
10 information released as provided in subsection (9) or (10) of this
11 section.

12 (b) No patient-identifying data as defined in section 81-664,
13 including the data collected under subsection (3) of this section, shall
14 be disclosed, made public, or released to any public or private person or
15 entity except to the statewide health information exchange described in
16 section 71-2455 and its participants, to prescribers and dispensers as
17 provided in subsection (2) of this section, or as provided in subsection
18 (7), (9), or (10) of this section.

19 (c) All other data is for the confidential use of the department and
20 the statewide health information exchange described in section 71-2455
21 and its participants. The department, or the statewide health information
22 exchange in accordance with policies adopted by the Health Information
23 Technology Board and in collaboration with the department, may release
24 such information in accordance with the privacy and security provisions
25 set forth in the federal Health Insurance Portability and Accountability
26 Act of 1996, Public Law 104-191, and regulations promulgated thereunder,
27 as Class I, Class II, or Class IV data in accordance with section 81-667,
28 except for purposes in accordance with subsection (9) or (10) of this
29 section, to the private or public persons or entities that the department
30 or the statewide health information exchange, in accordance with policies
31 adopted by the Health Information Technology Board, determines may view

1 such records as provided in sections 81-663 to 81-675. In addition, the
2 department, or the statewide health information exchange in accordance
3 with policies adopted by the Health Information Technology Board and in
4 collaboration with the department, may release such information as
5 provided in subsection (9) or (10) of this section.

6 (6) The statewide health information exchange described in section
7 71-2455, in accordance with policies adopted by the Health Information
8 Technology Board and in collaboration with the department, shall
9 establish the minimum administrative, physical, and technical safeguards
10 necessary to protect the confidentiality, integrity, and availability of
11 prescription drug information.

12 (7) If the entity receiving the prescription drug information has
13 privacy protections at least as restrictive as those set forth in this
14 section and has implemented and maintains the minimum safeguards required
15 by subsection (6) of this section, the statewide health information
16 exchange described in section 71-2455, in accordance with policies
17 adopted by the Health Information Technology Board and in collaboration
18 with the department, may release the prescription drug information and
19 any other data collected pursuant to this section to:

20 (a) Other state prescription drug monitoring programs;

21 (b) State and regional health information exchanges;

22 (c) The medical director and pharmacy director of the Division of
23 Medicaid and Long-Term Care of the department, or their designees;

24 (d) The medical directors and pharmacy directors of medicaid-managed
25 care entities, the state's medicaid drug utilization review board, and
26 any other state-administered health insurance program or its designee if
27 any such entities have a current data-sharing agreement with the
28 statewide health information exchange described in section 71-2455, and
29 if such release is in accordance with the privacy and security provisions
30 of the federal Health Insurance Portability and Accountability Act of
31 1996, Public Law 104-191, and all regulations promulgated thereunder;

1 (e) Organizations which facilitate the interoperability and mutual
2 exchange of information among state prescription drug monitoring programs
3 or state or regional health information exchanges; or

4 (f) Electronic health record systems or pharmacy-dispensing software
5 systems for the purpose of integrating prescription drug information into
6 a patient's medical record.

7 (8) The department, or the statewide health information exchange
8 described in section 71-2455, in accordance with policies adopted by the
9 Health Information Technology Board and in collaboration with the
10 department, may release to patients their prescription drug information
11 collected pursuant to this section. Upon request of the patient, such
12 information may be released directly to the patient or a personal health
13 record system designated by the patient which has privacy protections at
14 least as restrictive as those set forth in this section and that has
15 implemented and maintains the minimum safeguards required by subsection
16 (6) of this section.

17 (9) In accordance with the privacy and security provisions set forth
18 in the federal Health Insurance Portability and Accountability Act of
19 1996, Public Law 104-191, and regulations promulgated thereunder, the
20 department, or the statewide health information exchange described in
21 section 71-2455 under policies adopted by the Health Information
22 Technology Board, may release data collected pursuant to this section for
23 statistical, public policy, or educational purposes after removing
24 information which identifies or could reasonably be used to identify the
25 patient, prescriber, dispenser, or other person who is the subject of the
26 information, except as otherwise provided in subsection (10) of this
27 section.

28 (10) In accordance with the privacy and security provisions set
29 forth in the federal Health Insurance Portability and Accountability Act
30 of 1996, Public Law 104-191, and regulations promulgated thereunder, the
31 department, or statewide health information exchange described in section

1 71-2455 under policies adopted by the Health Information Technology
2 Board, may release data collected pursuant to this section for quality
3 measures as approved or regulated by state or federal agencies or for
4 patient quality improvement or research initiatives approved by the
5 Health Information Technology Board.

6 (11) The statewide health information exchange described in section
7 71-2455, entities described in subsection (7) of this section, or the
8 department may request and receive program information from other
9 prescription drug monitoring programs for use in the prescription drug
10 monitoring system in this state in accordance with the privacy and
11 security provisions set forth in the federal Health Insurance Portability
12 and Accountability Act of 1996, Public Law 104-191, and regulations
13 promulgated thereunder.

14 (12) The statewide health information exchange described in section
15 71-2455, in collaboration with the department, shall implement
16 technological improvements to facilitate the secure collection of, and
17 access to, prescription drug information in accordance with this section.

18 (13) Before accessing the prescription drug monitoring system, any
19 user shall undergo training on the purpose of the system, access to and
20 proper usage of the system, and the law relating to the system, including
21 confidentiality and security of the prescription drug monitoring system.
22 Such training shall be administered by the statewide health information
23 exchange described in section 71-2455 or the department. The statewide
24 health information exchange described in section 71-2455 shall have
25 access to the prescription drug monitoring system for training
26 operations, maintenance, and administrative purposes. Users who have been
27 trained prior to May 10, 2017, or who are granted access by an entity
28 receiving prescription drug information pursuant to subsection (7) of
29 this section, are deemed to be in compliance with the training
30 requirement of this subsection.

31 (14) For purposes of this section:

1 (a) Deliver or delivery means to actually, constructively, or
2 attempt to transfer a drug or device from one person to another, whether
3 or not for consideration;

4 (b) Department means the Department of Health and Human Services;

5 (c) Delegate means any licensed or registered health care
6 professional credentialed under the Uniform Credentialing Act designated
7 by a prescriber or dispenser to act as an agent of the prescriber or
8 dispenser for purposes of submitting or accessing data in the
9 prescription drug monitoring system and who is supervised by such
10 prescriber or dispenser;

11 (d) Prescription drug or drugs means a prescription drug or drugs
12 dispensed by delivery to the ultimate user or caregiver by or pursuant to
13 the lawful order of a prescriber but does not include (i) the delivery of
14 such prescription drug for immediate use for purposes of inpatient
15 hospital care or emergency department care, (ii) the administration of a
16 prescription drug by an authorized person upon the lawful order of a
17 prescriber, (iii) a wholesale distributor of a prescription drug
18 monitored by the prescription drug monitoring system, or (iv) the
19 dispensing to a nonhuman patient of a prescription drug which is not a
20 controlled substance listed in Schedule II, Schedule III, Schedule IV, or
21 Schedule V of section 28-405;

22 (e) Dispenser means a person authorized in the jurisdiction in which
23 he or she is practicing to deliver a prescription drug to the ultimate
24 user or caregiver by or pursuant to the lawful order of a prescriber;

25 (f) Participant means an individual or entity that has entered into
26 a participation agreement with the statewide health information exchange
27 described in section 71-2455 which requires the individual or entity to
28 comply with the privacy and security protections set forth in the
29 provisions of the federal Health Insurance Portability and Accountability
30 Act of 1996, Public Law 104-191, and regulations promulgated thereunder;
31 and

1 (g) Prescriber means a health care professional authorized to
2 prescribe in the profession which he or she practices.

3 Sec. 32. Section 71-2478, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 71-2478 (1) Except as otherwise provided in this section or the
6 Uniform Controlled Substances Act or except when administered directly by
7 a practitioner to an ultimate user, a legend drug which is not a
8 controlled substance shall not be dispensed without a written, oral, or
9 electronic prescription. Such prescription shall be valid for twelve
10 months after the date of issuance.

11 (2) A prescription for a legend drug which is not a controlled
12 substance shall contain the following information prior to being filled
13 by a pharmacist or practitioner who holds a pharmacy license under
14 subdivision (1) of section 38-2850: (a) Patient's name, or if not issued
15 for a specific patient, the words, "for emergency use" or "for use in
16 immunizations", (b) name of the drug, device, or biological, (c) strength
17 of the drug or biological, if applicable, (d) dosage form of the drug or
18 biological, (e) quantity of the drug, device, or biological prescribed,
19 (f) directions for use, (g) date of issuance, (h) number of authorized
20 refills, including pro re nata or PRN refills, (i) prescribing
21 practitioner's name, and (j) if the prescription is written, prescribing
22 practitioner's signature. Prescriptions for controlled substances must
23 meet the requirements of sections 28-414 and 28-414.01.

24 (3)(a) A pharmacist who is exercising reasonable care and who has
25 obtained patient consent may do the following:

26 (i) Change the quantity of a drug prescribed if:

27 (A) The prescribed quantity or package size is not commercially
28 available; or

29 (B) The change in quantity is related to a change in dosage form;

30 (ii) Change the dosage form of the prescription if it is in the best
31 interest of the patient and if the directions for use are also modified

1 to equate to an equivalent amount of drug dispensed as prescribed;

2 (iii) Dispense multiple months' supply of a drug if a prescription
3 is written with sufficient refills; and

4 (iv) Substitute any chemically equivalent drug product for a
5 prescribed drug to comply with a drug formulary which is covered by the
6 patient's health insurance plan unless the prescribing practitioner
7 specifies "no substitution", "dispense as written", or "D.A.W." to
8 indicate that substitution is not permitted. If a pharmacist substitutes
9 any chemically equivalent drug product as permitted under this
10 subdivision, the pharmacist shall provide notice to the prescribing
11 practitioner or the prescribing practitioner's designee. If drug product
12 selection occurs involving a generic substitution, the drug product
13 selection shall comply with section 38-28,111.

14 (b) A pharmacist who adapts a prescription in accordance with this
15 subsection shall document the adaptation in the patient's pharmacy
16 record.

17 (4) A written, signed paper prescription may be transmitted to the
18 pharmacy via facsimile which shall serve as the original written
19 prescription. An electronic prescription may be electronically or
20 digitally signed and transmitted to the pharmacy and may serve as the
21 original prescription.

22 (5) It shall be unlawful for any person knowingly or intentionally
23 to possess or to acquire or obtain or to attempt to acquire or obtain, by
24 means of misrepresentation, fraud, forgery, deception, or subterfuge,
25 possession of any drug substance not classified as a controlled substance
26 under the Uniform Controlled Substances Act which can only be lawfully
27 dispensed, under federal statutes in effect on January 1, 2015, upon the
28 written or oral prescription of a practitioner authorized to prescribe
29 such substances.

30 Sec. 33. Section 71-2479, Revised Statutes Supplement, 2023, is
31 amended to read:

1 71-2479 (1) Any prescription for a legend drug which is not a
2 controlled substance shall be kept by the pharmacy or the practitioner
3 who holds a pharmacy license in a readily retrievable format and shall be
4 maintained for a minimum of five years. The pharmacy or practitioner
5 shall make all such files readily available to the department and law
6 enforcement for inspection without a search warrant.

7 (2) Before dispensing a legend drug which is not a controlled
8 substance pursuant to a written, oral, or electronic prescription, a
9 label shall be affixed to the container in which the drug is dispensed.
10 Such label shall bear (a) the name, address, and telephone number of the
11 pharmacy or practitioner and the name and address of the central fill
12 pharmacy if central fill is used, (b) the name of the patient, or if not
13 issued for a specific patient, the words "for emergency use" or "for use
14 in immunizations", (c) the date of filling, (d) the serial number of the
15 prescription under which it is recorded in the practitioner's
16 prescription records, (e) the name of the prescribing practitioner, (f)
17 the directions for use, (g) the name of the drug, device, or biological
18 unless instructed to omit by the prescribing practitioner, (h) the
19 strength of the drug or biological, if applicable, (i) the quantity of
20 the drug, device, or biological in the container, except unit-dose
21 containers, (j) the dosage form of the drug or biological, and (k) any
22 cautionary statements contained in the prescription.

23 (3) For multidrug containers, more than one drug, device, or
24 biological may be dispensed in the same container when (a) such container
25 is prepackaged by the manufacturer, packager, or distributor and shipped
26 directly to the pharmacy in this manner or (b) the container does not
27 accommodate greater than a thirty-one-day supply of compatible dosage
28 units and is labeled to identify each drug or biological in the container
29 in addition to all other information required by law.

30 Sec. 34. Section 71-3608, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 71-3608 No person having communicable tuberculosis who in his or her
2 home or elsewhere obeys the rules, regulations, and orders of the
3 department for the control of tuberculosis or who voluntarily accepts
4 hospitalization or treatment in a health care facility which is licensed
5 and approved for such use under the Health Care Facility Licensure Act by
6 the department, or other location as approved by the Governor, and obeys
7 the rules, regulations, and orders of the department for the control of
8 communicable tuberculosis shall be committed under the Tuberculosis
9 Detection and Prevention Act.

10 Sec. 35. Section 71-3610, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 71-3610 The expenses incurred in the care, maintenance, and
13 treatment of patients committed under the Tuberculosis Detection and
14 Prevention Act shall be paid from state funds appropriated to the
15 department for the purpose of entering into agreements ~~with qualified~~
16 ~~health care facilities so as~~ to provide for the care, maintenance, and
17 treatment of such patients and those other persons having communicable
18 tuberculosis who voluntarily agree to and accept care and treatment.

19 Sec. 36. Section 71-3613, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 71-3613 The department shall have and may exercise the following
22 powers and duties in its administration of the Tuberculosis Detection and
23 Prevention Act:

24 (1) To adopt and promulgate rules and regulations relating to the
25 care, maintenance, and treatment of contract with qualified hospitals or
26 ~~other health care facilities which are licensed and approved for such use~~
27 ~~under the Health Care Facility Licensure Act by the department for the~~
28 ~~purpose of caring for, maintaining, and treating~~ patients committed under
29 the Tuberculosis Detection and Prevention Act, ~~and for those other~~
30 persons having communicable tuberculosis who voluntarily agree to and
31 accept care and treatment ~~in such a health care facility~~ on either an

1 inpatient or an outpatient basis;

2 (2) To inspect and supervise to the extent necessary the facilities,
3 operations, and administration of those health care facilities ~~under~~
4 ~~contract to or otherwise~~ receiving support from the department for the
5 purpose of providing care, treatment, or maintenance for persons infected
6 with communicable tuberculosis;

7 (3) To provide visiting nursing services to those persons having
8 communicable tuberculosis who are being treated on an outpatient basis;

9 (4) To adopt rules and regulations, and issue orders based thereon,
10 relative to reports and statistics on tuberculosis from counties and the
11 care, treatment, and maintenance of persons having tuberculosis,
12 especially of those in the communicable or contagious stage thereof; and

13 (5) To set standards by rule and regulation for the types and level
14 of medical care and treatment to be used by those health care facilities
15 caring for tuberculous persons and to set standards by rule and
16 regulation ~~governing contracts mentioned in subdivision (1) of this~~
17 ~~section~~ dealing with such matters as program standards, maximum and
18 minimum costs and rates, administrative procedures to be followed and
19 reports to be made, and arbitration by third parties.

20 ~~Rules, regulations, and orders in effect under this section prior to~~
21 ~~July 16, 2004, shall continue to be effective until revised, amended,~~
22 ~~repealed, or nullified pursuant to law.~~

23 Sec. 37. Section 71-3614, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 71-3614 (1) When any person who has communicable tuberculosis and
26 who has relatives, friends, or a private or public agency or organization
27 willing to undertake the obligation to support him or her or to aid in
28 supporting him or her in any other state or country, the department may
29 furnish him or her with the cost of transportation to such other state or
30 country if it finds that the interest of the State of Nebraska and the
31 welfare of such person will be promoted thereby. The expense of such

1 transportation shall be paid by the department out of funds appropriated
2 to it for the purpose of carrying out the Tuberculosis Detection and
3 Prevention Act.

4 (2) No funds appropriated to the department for the purpose of
5 carrying out the act shall be used for meeting the cost of the care,
6 maintenance, or treatment of any person who has communicable tuberculosis
7 ~~in a health care facility on either an inpatient or an outpatient basis,~~
8 ~~or otherwise,~~ for directed health measures, or for transportation to
9 another state or country, to the extent that such cost is covered by an
10 insurer or other third-party payor or any other entity under obligation
11 to such person by contract, policy, certificate, or any other means
12 whatsoever. The department in no case shall expend any such funds to the
13 extent that any such person is able to bear the cost of such care,
14 maintenance, treatment, or transportation. To protect the health and
15 safety of the public, the department may pay, in part or in whole, the
16 cost of drugs and medical care used to treat any person for or to prevent
17 the spread of communicable tuberculosis and for evaluation and diagnosis
18 of persons who have been identified as contacts of a person with
19 communicable tuberculosis. The department shall determine the ability of
20 a person to pay by consideration of the following factors: (a) The
21 person's age, (b) the number of his or her dependents and their ages and
22 physical condition, (c) the person's length of care, maintenance, or
23 treatment, (d) his or her liabilities, (e) the extent that such cost is
24 covered by an insurer or other third-party payor, and (f) his or her
25 assets. Pursuant to the Administrative Procedure Act, the department
26 shall adopt and promulgate rules and regulations for making the
27 determinations required by this subsection.

28 ~~Rules, regulations, and orders in effect under this section prior to~~
29 ~~July 16, 2004, shall continue to be effective until revised, amended,~~
30 ~~repealed, or nullified pursuant to law.~~

31 Sec. 38. Section 71-8505, Revised Statutes Cumulative Supplement,

1 2022, is amended to read:

2 71-8505 (1) Prior to an initial telehealth consultation under
3 section 71-8506, a health care practitioner who delivers a health care
4 service to a patient through telehealth shall ensure that the following
5 written information is provided to the patient:

6 (a) A statement that the patient retains the option to refuse the
7 telehealth consultation at any time without affecting the patient's right
8 to future care or treatment and without risking the loss or withdrawal of
9 any program benefits to which the patient would otherwise be entitled;

10 (b) A statement that all existing confidentiality protections shall
11 apply to the telehealth consultation;

12 (c) A statement that the patient shall have access to all medical
13 information resulting from the telehealth consultation as provided by law
14 for patient access to his or her medical records; and

15 (d) A statement that dissemination of any patient identifiable
16 images or information from the telehealth consultation to researchers or
17 other entities shall not occur without the written consent of the
18 patient.

19 (2) The patient shall sign a statement prior to or during an initial
20 telehealth consultation, or give verbal consent during the telehealth
21 consultation, indicating that the patient understands the written
22 information provided pursuant to subsection (1) of this section and that
23 this information has been discussed with the health care practitioner or
24 the practitioner's designee. ~~The signed statement may be collected by
25 paper or electronic signature and shall become a part of the patient's
26 medical record. If the patient gives verbal consent during the initial
27 telehealth consultation, the signed statement shall be collected within
28 ten days after such telehealth consultation.~~

29 (3) If the patient is a minor or is incapacitated or mentally
30 incompetent such that he or she is unable to sign the statement or give
31 verbal consent as required by subsection (2) of this section, such

1 statement shall be signed, or such verbal consent given, by the patient's
2 legally authorized representative.

3 (4) This section shall not apply in an emergency situation in which
4 the patient is unable to sign the statement or give verbal consent as
5 required by subsection (2) of this section and the patient's legally
6 authorized representative is unavailable.

7 Sec. 39. Sections 1, 2, 5, 8, 9, 10, 11, 12, and 42 of this act
8 become operative on January 1, 2025. Sections 3, 4, 6, 7, 13, 14, 16, 17,
9 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35,
10 36, 37, 38, and 40 of this act become operative three calendar months
11 after the adjournment of this legislative session. The other sections of
12 this act become operative on their effective date.

13 Sec. 40. Original sections 38-142, 38-2854, 38-2890, 38-28,104,
14 42-371.01, 71-211, 71-212, 71-217, 71-220, 71-222.01, 71-223, 71-434,
15 71-601.01, 71-3608, 71-3610, 71-3613, and 71-3614, Reissue Revised
16 Statutes of Nebraska, sections 28-410, 28-414, 38-1,146, 71-605, 71-2454,
17 71-2478, and 71-8505, Revised Statutes Cumulative Supplement, 2022, and
18 sections 38-2801, 68-911, 71-612, and 71-2479, Revised Statutes
19 Supplement, 2023, are repealed.

20 Sec. 41. Original section 38-2847, Revised Statutes Cumulative
21 Supplement, 2022, is repealed.

22 Sec. 42. Original section 38-2001, Revised Statutes Cumulative
23 Supplement, 2022, and sections 38-131, 38-1801, and 38-1812, Revised
24 Statutes Supplement, 2023, are repealed.

25 Sec. 43. Since an emergency exists, this act takes effect when
26 passed and approved according to law.