

LEGISLATIVE BILL 1214

Approved by the Governor April 15, 2024

Introduced by Health and Human Services Committee: Hansen, 16, Chairperson; Ballard, 21; Cavanaugh, M., 6; Day, 49; Hardin, 48; Riepe, 12; Walz, 15.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-131, Revised Statutes Supplement, 2023; to change requirements relating to a criminal background check as prescribed; and to repeal the original section.

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

Section 1. Section 38-131, Revised Statutes Supplement, 2023, is amended to read:

38-131 (1) An applicant for an initial license to practice as a registered nurse, a licensed practical nurse, a physical therapist, a physical therapy assistant, a psychologist, an advanced emergency medical technician, an emergency medical technician, an audiologist, a speech-language pathologist, a licensed independent mental health practitioner, an occupational therapist, an occupational therapy assistant, ~~or a paramedic, a physician, an osteopathic physician, a physician or osteopathic physician who is an applicant for a temporary educational permit, a physician or osteopathic physician who is an applicant for a temporary visiting faculty permit, a physician assistant, a dentist, an optometrist, a podiatrist, a veterinarian, an advanced practice registered nurse-nurse practitioner, an advanced practice registered nurse-certified nurse midwife, or an advanced practice registered nurse-certified registered nurse anesthetist~~ or to practice a profession which is authorized to prescribe controlled substances shall be subject to a criminal background check. Except as provided in subsection (4) of this section, such an applicant for an initial license shall submit a full set of fingerprints to the Nebraska State Patrol for a criminal history record information check. The applicant shall authorize release of the results of the national criminal history record information check by the Federal Bureau of Investigation to the department. The applicant shall pay the actual cost of the fingerprinting and criminal background check.

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

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

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

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

(6) For purposes of interpretation by the Federal Bureau of Investigation, the term department in this section means the Division of Public Health of the Department of Health and Human Services.

Sec. 2. Original section 38-131, Revised Statutes Supplement, 2023, is repealed.