

LEGISLATIVE BILL 10

Approved by the Governor February 15, 1991

Introduced by Executive Board: Labeledz, 5, Chairperson

AN ACT relating to public health and welfare; to amend sections 71-121.01, 71-1,278, 71-1325, 71-1326, 71-1331, and 83-1010, Reissue Revised Statutes of Nebraska, 1943; to correct internal references; to eliminate certain obsolete sections relating to massage therapists, the Alzheimer's Disease Task Force, and funeral directors; to harmonize provisions; and to repeal the original sections, and also sections 71-1,284, 71-516 to 71-518, 71-1337, and 71-1338, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 71-121.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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

Sec. 2. That section 71-1,278, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,278. (1) For purposes of sections 71-1,278 to ~~71-1,284~~ 71-1,283, unless the context otherwise requires:

(a) An approved massage therapy school shall be (i) one which is approved by the department upon the

recommendation of the Board of Examiners in Massage Therapy, (ii) one which requires for admission a diploma from an accredited high school or its equivalent, (iii) one which has attached to its staff a regularly licensed physician and employs one or more competent massage therapists as instructors, and (iv) one which has a minimum requirement of a continuous course of study and training of not less than one thousand hours; distributed over a term of not less than nine months. Such study and training shall consist of one hundred hours of each of the following: Physiology; anatomy; massage; pathology; hydrotherapy; hygiene and practical demonstration; and health service management. The remaining three hundred hours shall be obtained in subject areas related to the clinical practice of massage therapy;

(b) Massage therapist shall mean a person licensed to practice massage therapy;

(c) Massage therapy shall mean the physical, mechanical, or electrical manipulation of soft tissue for the therapeutic purposes of enhancing muscle relaxation, reducing stress, improving circulation, or instilling a greater sense of well-being and may include the use of oil, salt glows, heat lamps, and hydrotherapy. Massage therapy shall not include diagnosis or treatment or use of procedures for which a license to practice medicine or surgery, chiropractic, or podiatry is required nor the use of microwave diathermy, shortwave diathermy, ultrasound, transcutaneous electrical nerve stimulation, electrical stimulation of over thirty-five volts, neurological hyperstimulation, or spinal and joint adjustments; and

(d) Massage therapy establishment shall mean any duly licensed place in which a massage therapist practices his or her profession of massage therapy.

(2) The department shall adopt and promulgate rules and regulations as it may deem necessary with reference to the conditions under which the practice of massage therapy shall be carried on and the precautions necessary to be employed to prevent the spread of infectious and contagious diseases. The department shall have the power to enforce sections 71-1,278 to ~~71-1,284~~ 71-1,283 and all necessary inspections in connection therewith.

Sec. 3. That section 71-1325, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1325. As used in For purposes of sections 71-1325 to ~~71-1338~~ 71-1336, unless the context otherwise

requires:

(1) Funeral directing shall mean: ~~the act of-~~
 (a) Counseling families or next of kin in regard to the conducting of a funeral service for dead human bodies for burial, disposition, or cremation; or directing or supervising burial, disposition, or cremation of dead human bodies. Cremation shall be considered as a final disposition of a dead human body the same as interment;
 (b) providing for or maintaining a funeral establishment; or (c) any person the act of representing himself or herself oneself as a or using in connection with his or her one's name the title of funeral director, or mortician, or any other title implying that such person he or she is engaged in the business of funeral directing;

(2) Funeral director or mortician shall mean a person engaged in the practice of funeral directing; and

(3) Funeral establishment or mortuary shall mean a place of business situated at a specific street address or location, devoted to the care and preparation for burial, disposition, or cremation of dead human bodies, and for the purpose of conducting funeral services therefrom, ~~and shall hereinafter be designated as funeral establishment-~~

Sec. 4. That section 71-1326, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1326. The Department of Health, upon recommendation of the Board of Examiners in Embalming and Funeral Directing, may adopt such rules and regulations as may be reasonable and proper for the purpose of carrying into effect the provisions of sections 71-1325 to ~~71-1338~~ 71-1336.

Sec. 5. That section 71-1331, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1331. (1) Every licensed funeral establishment shall pay biennially a fee for the renewal of its license. The renewal fee payable by a licensed funeral establishment shall be ten dollars. All renewal fees shall become due and payable on February 1 of each even-numbered year. Renewals shall be processed in accordance with section 71-110.

(2) Any person, partnership, firm, corporation, association, or other organization which (a) without having complied with sections 71-1325 to 71-1336 and without having first obtained a license (i) ~~(a)~~ engages directly or indirectly in the business of funeral directing, ~~(b)~~ (i) holds himself, herself, or

itself out to the public as a funeral director, ~~(e)~~ or (iii) performs or attempts to perform any of the services of a funeral establishment or of a funeral director relating to the disposition of dead human bodies, ~~without having complied with sections 71-1325 to 71-1338 and without having first obtained a license,~~ or ~~(d)~~ (b) continues to perform such services after the license has expired or has been revoked or suspended shall be guilty of a Class III misdemeanor and shall be dealt with in the same manner as outlined in section 71-167. Each day so engaged in such business shall constitute and be deemed a separate offense.

Sec. 6. That section 83-1010, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1010. Mental health professional shall mean a practicing physician licensed to practice medicine in this state under the provisions of section 71-102 or a practicing clinical psychologist licensed to practice psychology in this state under the provisions of section ~~71-3801~~ 71-1,206.

Sec. 7. That original sections 71-121.01, 71-1,278, 71-1325, 71-1326, 71-1331, and 83-1010, Reissue Revised Statutes of Nebraska, 1943, and also sections 71-1,284, 71-516 to 71-518, 71-1337, and 71-1338, Reissue Revised Statutes of Nebraska, 1943, are repealed.